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Teacher and Friend

SARA NICHOLS†
BILL MAGAVERN††

SARA

We were going to wear our rumpled khaki shorts and shirts in honor of Alan, but at the last minute we chickened out. I vividly remember walking into one of my first classes in law school and seeing Alan in his rumpled khaki shorts and shirt and feeling very much relieved and very welcomed. I have talked with many of Alan's students since his death. All mentioned the shorts and shirt. All mentioned how happy they were to see him bouncing around up at the front of the class filling them with energy and waking them up and making them interested in class even if they had been up too late the night before and hadn't had enough coffee. One student reminded me of how when we walked into class that first day, Alan said to us "If you came here looking for answers or truth, forget it. It's all bullshit." That, I think, shook a number of people up. But it continued to be the case, that there were no answers. I don't think it was all bullshit, but there was a lot of bullshit that we learned to spot because Alan helped open the way.

Fortunately, I didn't want answers. What I wanted was to have my three years at law school be something that was worthwhile, that I could carry with me and that would teach me something about the world before I got that piece of paper that we were all there for. I got what I wanted and so much more than that. What I didn't count on, what Alan and Betty were so much a part of, was the sense of fun and stimulation that could come from the law and the creativity, the endless possibilities, the endless things that we could explore through law.

Alan, of course, was always shaking us up and shaking our perspective by bringing in other perspectives. I remember a constitutional law case having something to do with states and borders. The states were fighting over the right to kill elk, I think. In class we were talking about one state, and learning about the other state and going through the facts and the issues and all those things. Then Alan pointed out that no one really had bothered to talk about this case or think about it from the elks' per-

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spective. Of course, I wrote down "elks' perspective" on my notes, and I underlined it and highlighted it and everything else. It didn't come up on the exam, but the point is that the elks' perspective was something that I hadn't considered at all, and as absurd as I thought it was, I later discovered that the elks' perspective was a very interesting perspective and that there were all kinds of interesting perspectives that I had yet to think about that Alan stimulated me to consider.

I took a few courses from Alan. I was also his research assistant and worked with him and Betty on an article or two or three. I can't remember how many articles it was because they were all so exciting and interesting and it always seemed that no matter what article we were working on at the time, Alan and Betty were thinking two or three steps ahead to the next article. Watching them work was a great gift for it taught me always to be thinking several steps ahead.

Still, the most wonderful thing about having Alan as a teacher and as a mentor was seeing him work with Betty and seeing them be a family in front of us and so giving this family feeling to Section II. They were truly the father and mother of Section II when we were in it. We heard all kinds of stories about Jimbo and somehow these stories were woven into the Constitutional Law class and seemed very pertinent. That year there was another baby on the way that we watched develop in Betty and so the section held a contest to come up with names that started with "J". I don't think any of our names were used, but Jeremy was the wonderful addition. Being part of this family I learned something else really important: a married couple could work together and could be an energizing, exciting force for each other's work. Their example was an inspiration to me as I worked with my husband, Bill, for the past four years at Public Citizen which has been a tremendous experience. I don't know if we would have attempted it if I hadn't seen the example before me. I'll miss Alan very much.

BILL

Like Sara, I first met Alan in the Fall of 1985 when I was lucky to be randomly cast into Section II. I had been out of school for a few years and was in the back of the classroom trying to get back into being a student. All of us in Section II were trying to figure out what Al Katz was all about, and we were benefiting from Betty's wonderful teaching, but for me Alan's Constitutional Law class was the first one that made me feel that I was going to like law school. Alan's colorful and provoca-

tive way really made that course come alive as it really should come alive.

Alan and Betty added so much to our law school experience because they didn't just talk about community, they tried to create it. For example, they invited everyone in Section II over to their house for dinner in shifts, which is something that they certainly didn't have to do. That was just a wonderful way to help people get to know each other outside of the classroom. And Alan and Betty also served as an inspiration to those of us who hoped that we could get something more out of law school than memorizing a lot of black letter rules and applying them to the bar exam in order to get a license to go out and make money. Alan, in particular, held out the hope that one could actually use the law to improve society. That was a vision that I was looking for and so I was very lucky to have had Alan point the way.

Alan also had a great sense of humor; I think that he once told us that he had been described as a cross between Fidel Castro and a clown. And he loved sports. I found it very amusing to see him try to reconcile what Tom Headrick called the Marxist critique of industrial capitalism with his love of professional sports teams. This resulted in, for example, his making the claim that the New York Mets represented socialism and the Yankees represented capitalism. The exact terms of the analogy were never clear to me but I could generally understand it. Just as I, from my upbringing, am doomed forever to be a Buffalo Bills fan, Alan's fate was to be a Mets' fan. And Alan's love of sports seemed to have benefitted us in Section II. I remember when we returned in January that he reported that the grades on the exams had been pretty good because he graded them while watching the Super Bowl and the Bears were winning.

Alan was the kind of person who, when you were within his field of vision, could focus on you very intensely and become a major force in your life. But then, when he moved on to something else you wouldn't see him as much for a while. I reentered Alan's field of vision in my last semester in law school when he needed some research help on a law review article in the Harvard Civil Rights-Civil Liberties Law Review. One day I found that Alan had left three different messages for me in two different places and was suddenly very frantic to reach me. When I got in touch with him, he told me about his article. It sounded very interesting, so I agreed to help him with it. It was an excellent, very intense, unbelievably rewarding academic experience working with Alan. Alan referred me to so many great books and he knew so much about the history of civil rights. He

called all the time. Alan would bounce ideas off of me and let me know how he was coming with the actual work of the article before he would ask me how I was coming with the research support.

Alan was the kind of person who would become physically animated by the power of ideas. It was really a wonderful thing to know someone very visually, physically possessed in this way. The questions at issue in this article obviously meant much to Alan. I think that at times he worked so hard and was so possessed by his struggle with these ideas that Betty was worried about his health. But, Alan did finish the piece. Part of the deal when he had hired me was that, since Sara had also provided research assistance for Alan and Betty,—and for longer than I had—that at the end of the school year Alan and Betty would have us over for dinner. And indeed they did and I'll never forget that.

SARA

We had a wonderful, wonderful meal with many courses, unforgettable, wonderful, tasty treats and a great deal of alcohol including wine and a lot of brandy. At the end of it, Alan was very emotional and misty eyed, perhaps partly due to the alcohol. He said to us that he couldn't imagine Buffalo Law School without us. Of course, we left and Buffalo Law School went on. But now, when I think of Buffalo Law School, I literally can't imagine it without Alan.