

## ***Festschrift* in Honor of Deborah Jones Merritt: An Introduction**

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Almost forty-five years ago, I knew that I had come across someone truly exceptional, and she has done nothing in the intervening period to prove me wrong. In 1977, I was a teaching fellow at Columbia University Law School, teaching Legal Research and assisting with the Legal Methods course. I had 72 students, and one of my tasks was to create and then grade a series of problems culminating in a lengthy legal memo on a research problem. I intentionally created a rather difficult problem to hopefully give me both a significant distribution and plenty to discuss in my individual sessions with each of the 72 students. In this, I was largely successful—with one notable exception: the memo from one Deborah Merritt. Many of the memos were good (it was Columbia after all), but Debby's was astonishingly good for a first-semester, first-year law student. I spent literally hours on Debby's memo trying to find ways that it could be improved, and after going over it a half-dozen times, I found some marginally useful items on which to comment. In our meeting, Debby, of course, was gracious and grateful for what thoughts I had to offer, and I was thoroughly convinced that she was going to have a noteworthy legal career, whatever path she chose.

Thus, it was not at all surprising when Debby went on to clerk on the U.S. Supreme Court and later enter academia. Because legal academics are a rather insular group, I followed the dramatic upward trajectory of her career path from afar, and read some of her scholarly writings, even though they were not in my subject areas. They were everything good scholarship should be—erudite, thoughtful, balanced, thoroughly researched, and exceptionally well-written.

Thus, when Moritz had the incredible fortune to convince Debby to join the faculty in an endowed chair, I was elated; I knew we had just hired someone very special. She quickly became a leader on the faculty and within the University. She was admired by everyone for her thoughtfulness, civility, hard work, and—of course—her extraordinary intelligence. She continued to be a nationally recognized scholar and a terrific teacher as well. Then, Debby did something that was—to me anyway—completely unexpected; she became a clinical professor. Not only that, she became a clinical professor in criminal law—an area in which she had no practice experience and where she had not focused her scholarship. But at the time I was Director of Clinical Programs, and I never had a doubt that she would succeed. To say that she was successful in “remaking” herself, however, would be a monumental understatement. After all, this is Debby we're talking about. Not only did she become a hugely popular and successful clinical teacher, but she also became a nationally known advocate for clinical education. At the same time, she published with Ric Simmons, what is in my opinion, the

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best evidence book<sup>1</sup> on the market—it was literally invaluable to me when I served as a Special Master in Federal Court. She is a woman of many talents.

I could, of course, go on for many pages about Debby's extraordinary career and accomplishments—Director of the Glenn Institute, Distinguished University Scholar, Distinguished University Professor, and so much more—but that's not really the point of this introduction. Rather I hope I've conveyed from personal experience what an extraordinary person Debby is. I'll just end by saying that none of this has resulted in the least bit of arrogance and self-importance; perhaps this is her most impressive accomplishment of all. Debby has retained her humility and humanity. She is the same optimistic, thoughtful, open-minded, and compassionate person I have known now for many years. She is still the frighteningly intelligent, yet thoroughly down to earth, person that I first encountered so long ago. No one is more deserving of this *festschrift* than Debby Merritt.

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<sup>1</sup> DEBORAH MERRITT & RIC SIMMONS, *LEARNING EVIDENCE: FROM THE FEDERAL RULES TO THE COURTROOM* (4th ed. 2017).