Walter Blum began his tax class the same way each year. He announced that the dean had just offered him a raise and then asked if he might be better off turning the raise down because of its tax consequences. Each year, the first student would respond that, in theory, he would be better off rejecting the raise because it might push him into a higher tax bracket. The ensuing class discussion focused on the basic principles of progressive taxation and the way that higher rates applied only at the margin and therefore never left anyone with less income than before.

The puzzle for young faculty at the Law School was how it was for nearly fifty years no student of Walter's could ever get this question right the first time. Generations of students who took this class went on to have distinguished careers as tax lawyers; yet as great as Walter was as a teacher, why did his class always begin with a misunderstanding of the difference between marginal and average tax rates?

The secret, Walter once told me, was being able to look at the way students raised their hands when he asked the question. Walter could tell from the way students held their hands how they were going to answer the question. At this point, it was a simple matter to pick a person who would answer incorrectly. Like the seasoned litigator, Walter never asked a question without knowing first how the student was going to answer it.

The ability to teach effectively demands many skills. Some—such as the gift to know what students are going to say by their body language—are not within the grasp of more than a handful, even in Chicago. Other skills, however, are hallmarks of teachers at the cutting edge and have always been widely shared at the Law School. One of the most important is the need to be involved in creating and shaping the legal world around us.
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Karl Llewellyn, Grant Gilmore, Allison Dunham, and Soia Mentschikoff pursued such a course, and, by drafting the Uniform Commercial Code, they became the authors of the laws they taught. To be sure, they tracked changes in the law, but, to a large extent, changes in the law tracked them. Randy Picker today follows in their footsteps. He serves as a member of the National Conference of Commissioners on Uniform State Laws, and as I write this paragraph, he is working with a group of lawyers on revisions to Article 9 of the U.C.C. Diane Wood, during her leave in the Antitrust Division of the Justice Department over the last eighteen months, has similarly shaped the law she will be teaching.

Many of my colleagues have a passion for learning the law that never stops. Bernard Meltzer is presently immersed in analyzing proposed changes in the rules of evidence and Jo Desha Lucas continues to edit Moore’s Federal Practice, the standard work on federal civil procedure. He remains one of the leading authorities in the field of practice and procedure. Norval Morris’s work on criminal justice has involved him in many aspects of penal reform. During his work inside Stateville Prison several years ago, he came to know a jailhouse lawyer. Norval became convinced that the man was wrongly convicted of armed robbery. Over the course of several years, Norval, working with a number of others, had the case reopened. By reexamining the evidence for fingerprints, the actual robber was found. The former jailhouse lawyer is now a paralegal.

Constitutional law is traditionally one of the Law School’s great strengths. Over the years members of the Law School faculty have taken many opportunities to shape constitutional issues. Bob Ming, for example, took part in briefing Brown v. Board of Education. Edward H. Levi argued two habeas corpus cases, Woods v. Niersteiner and Young v. Ragen. Philip Kurland was well-known for his Supreme Court briefs and arguments. He submitted a number of briefs including one for Pasadena City Board of Education v. Spangler, which was argued by former dean Phil C. Neal.

This winter, Michael McConnell argued Rosenberger v. University of Virginia, which the Supreme Court will decide in June. In this case, the university declined to fund a student newspaper with an explicitly religious point of view. As a public university, it believes that funding the newspaper would violate the First Amendment’s establishment clause. The plaintiff asserts that the university, which funds other student newspapers, violated his First Amendment right of free speech.

The globalization of legal practice has affected constitutional law as much as any other field. Larry Lessig, whose work focuses on structural and interpretative issues in constitutional law, organized a constitutional convention at the Law School last October for the newly independent republic of Georgia. The choice of the Law School as the convention site was not as strange as it might at first seem. The Center for the Study of Constitutionalism in Eastern Europe has a collection of resources on the constitutions of emerging nations that is unmatched and its reputation for scholarly integrity is internationally respected. Georgian President Eduard Shevardnadze, among many others, knew that we could provide logistical support and intellectual insights without imposing our notions of the kind of constitutional structure best for Georgia.

To remain on the cutting edge as a teacher requires direct involvement in the leading legal issues of our time. It is that commitment which enriches the academic experience of students at the Law School and prepares them to be leaders in all areas of legal practice, government, and academia. And it is that commitment to which we, as the successors to Walter Blum, Harry Bigelow, Harry Kalven, and Soia Mentschikoff, must continue to dedicate ourselves.