This summer, the world watched Supreme Court nominee Elena Kagan in her confirmation hearings and found her to be a funny, brilliant presence—calm and collected, intimidating and impressive. I watched along with the world and marveled at how far my old professor has come, and yet, how little she has changed.

I was not among the half of my class to have Professor Kagan for Civil Procedure II (I had our other short-lister, Judge Diane Wood), so my first real experience with her was when she judged my 1L moot court argument. I know we argued before a three-judge panel, but all I can remember is Professor Kagan, that distinctive voice bearing down on me like a freight train. The case involved some complex procedural issue, and I made the mistake of trying to turn it into a constitutional matter. “Ms. Ferziger,” she intoned, pointing a pen in my general direction, “are you actually trying to argue that there’s a connection between . . .” That connection is lost to history, but I can hear the amused disdain in her voice to this day. Susan Epstein, ’95, was my (much more accomplished) opponent that day, and she remembers, “I thought Professor Kagan did a great job of asking incisive questions as she weighed the issues we presented.” All I remember is that I was making a ridiculous argument, and she took me seriously as an advocate anyway. Afterwards, I tried to apologize to her for being so wrong on the law, and she laughed. “You’re a
1L. You’re supposed to get it wrong most of the time. You’ll get better.” Those wise words gave me a lot of comfort and immediately turned me into a Kagan fan. I tried mightily to get into the famed Kagan seminar on decision making in the Supreme Court, but never managed it. I took my only class with her in my third year, Con Law III: Equal Protection. It was the only time she taught it at the Law School, and it must have been a tough class to teach—serious race and gender issues at a time when the student body was full of high emotions about both. She was a truly wonderful teacher. She was whip-smart, of course, but more importantly, she had deep knowledge of the subject matter and an incredible ability to make connections across the course by bringing back issues raised and points argued weeks before. She paced the front of the classroom, making me think about old issues in new ways, making arcane Supreme Court decisions come alive. And she was funny. Very funny. It was one of my favorite law school classes.

My classmate Linda Simon, ’95, remembers, “Professor Kagan was a great teacher because she really used the Socratic method correctly. Kagan was especially good at backing off just a half a step in her questioning to enable the student to develop an understanding.” Simon also says that “Kagan kept her ideology out of the classroom, which I think really made her classroom an open place for students, a place where all students felt comfortable expressing their views. She was also incredibly approachable and accessible, which could have been a function of her young age at the time.”

Professor Kagan didn’t seem very young to me then, but looking back now, I realize that she was in her early thirties. When I was that age, I had been working at the Law School for five years and still couldn’t bring myself to call Professor Helmholz by his first name. She, on the other hand, commanded a classroom—at the very beginning of her academic career—better than almost anyone I’d ever seen, teaching with a confidence and grace that I am still striving for in my second decade at the front of the room.

Her course evaluations prove that I’m not just seeing her teaching through Supreme Court–colored glasses. In the very first class she taught at the Law School, her Fall 1991 Labor Law course, she scored an 8.5 or higher (out of 10) in every category but one—and that was “quality of casebook.” Her Winter 1992 Con Law II class scored even better—over 9 in everything. No professor’s marks were higher that quarter, and on a faculty renowned for and extraordinarily serious about teaching, that’s quite remarkable. Her course evaluations throughout her time at the Law School continued this trend; she was always among the very best. The Class of 1993 even gave her their faculty teaching award—at the end of her second year of teaching.

If I had only known Professor Kagan as my professor for a single class, I doubt I’d have such fond memories of her. Instead, I remember her as perhaps the member of the faculty most interested in and involved with student life. She seemed to be everywhere that I was. I remember talking to her at Wine Mess, saying hi in the Green Lounge, even running into her once on Michigan Avenue. She was game to participate in any student activity. You’ve all seen the photo of her playing softball—that was at the annual
student-faculty game on the back lawn, and she played every year. She was enthusiastic, and she was good. Perhaps you’ve also seen the photo of her playing in the student-faculty trivia match at Admitted Students Weekend. I was on the student teams that played against her, and she never worried about looking dumb, even when it led to a photo of her in the Phoenix trying frantically to remember the names of the judges for moot court finals the previous year. She played to win, and she was good. She came to the Chicago Law Foundation auction every year, and her item was always one of the most highly sought after. I know this, because I was part of a group that paid big money for it my 2L and 3L years. It was a poker night at her house, and the stories you hear are true—she is a ruthless poker player, and she is great. She provided the beer and pizza (and the pizza always arrived quite a bit after the beer, the better to loosen our tongues for law school gossip) and took all our money. And we thanked her for it!

But my strongest memory of Professor Kagan by far is from February 1995, from the Law School Musical. In a scene toward the end of the show, three students, playing professors Baird, Lessig, and Epstein, were discussing (in their own unique speech patterns) various elements of the show’s plot, when Professor Kagan (the real one) strode onto the stage sporting a leather jacket and sunglasses. She announced that things were going to change around the Law School now that she had tenure, and all the professors scurried to make her happy. As they left, she turned to the audience and said, “You know, some people say this school is dominated by a patriarchy, but I just don’t see it that way. When I’m through with this place, it’ll be a Kaganarchy!” She paused, lowered her shades, and said, “It’s good to be the Kagan.” Exit stage right. And the crowd went wild.

Ed Walters, ’96, who wrote the scene, remembers, “She was the same in rehearsals as she was in class—very well prepared, good on her feet, and very funny. Her scene was a parody of her already-steep career trajectory. Safe to say that she suffered this better than any of our current Supreme Court justices would have. After this harrowing experience, I doubt that she’s very nervous about Senate solicitor general Kagan being sworn in for her Supreme Court confirmation hearing.

Solicitor General Kagan being sworn in for her Supreme Court confirmation hearing.
confirmation hearings, or anything she'll face on the bench.”

Professor Kagan left the Law School at the same time I did, in 1995, though at the time I thought she'd return and I wouldn’t. I was honored to introduce her to my parents at graduation, and I hope she said some nice things to them about me. I saw her again a few years ago at a memorial service, and she was kind enough to spend a few moments catching up with me. She was, at the time, the dean at Harvard Law, and thousands of students had passed through her classrooms in the many intervening years. I was flattered that she remembered me at all. I suppose, however, that I wasn’t surprised. Professor Kagan always cared about her students and always had an amazing memory. Watching her at the confirmation hearings, hearing her unique voice answering question after question, everything came flooding back. The woman I saw in the Senate hot seat was just as I remembered her: confident, brilliant, deft, charming, hilarious, wise, warm, and self-deprecating. Despite the fact that Professor Kagan is now Justice Kagan, she really hasn’t changed a bit.