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### In Memoriam: David P. Currie (1936-2007)

Geoffrey R. Stone

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Geoffrey R. Stone†

David Currie came of age in the law in the era that followed World War II and preceded the turbulent 1960s. He attended college at The University of Chicago, excelled at the Harvard Law School, served as a law clerk to Justice Felix Frankfurter, and immediately joined the faculty of The University of Chicago Law School, where his distinguished father, Brainerd Currie, had taught Conflicts of Law (among other subjects) for a decade. These were the years of the Cold War and “the man in the gray flannel suit.” David emerged from the depths of the “Silent Generation.”

And emerge he did. I never saw David wear a gray flannel suit and I *never* knew him to be silent. He was not ever a conformist. He was bold, opinionated, principled, funny, courageous, independent, and flamboyant. He was, in every way, his own man. Everyone knows that David was a brilliant scholar and a truly extraordinary teacher, but not everyone knows that he was not at all an organization man. He could be a good citizen, who would graciously take on institutional responsibilities when asked (nicely), but he rarely if ever raised his hand. He was much more interested in ideas and teaching his classes.

In 1991, University President Hanna Gray taught me an important lesson. I was then Dean of The University of Chicago Law School. Walter Blum, who had held the Edward H. Levi Distinguished Service Professorship, had just retired, and it fell to me to nominate someone for what I regarded as the most prestigious professorship The University of Chicago had to offer.

I asked President Gray to lunch and with some trepidation proposed David Currie for the appointment. Why was I filled with trepidation? I had to admit to President Gray that although David was “a brilliant scholar and a truly extraordinary teacher,” he wasn’t much of a committee man. “Is this a problem,” I asked, “in light of the fact that the Levi chair is a ‘Distinguished *Service*’ professorship?” A bemused President Gray replied, “What makes you think scholarship and teaching aren’t service?”

I first met David Currie almost forty years ago, when I was a student at The Law School. In the spring of 1970, I enrolled in his course

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† Harry Kalven, Jr., Distinguished Service Professor of Law, The University of Chicago. After he wrote this essay, the Board of Trustees of The University of Chicago appointed Geoffrey R. Stone to be David Currie’s successor as the Edward H. Levi Distinguished Service Professor of Law.

on Conflicts of Law, a course he had taken over from his father. David was already reputed to be one of the great teachers of his generation, so I looked forward to the course with great anticipation. Alas, it was a bust. David had recently completed his casebook in Conflict of Laws, and he decided that the book contained virtually everything he had to say on the subject.

Thus, rather than teach the course in his usual Socratic manner, he decided to embark upon an experiment. He would assign the class certain chapters each week, and then he would appear one day each week to answer our questions about the material. To the best of my knowledge, David never repeated this experiment, and with good reason. When all was said and done, the students' questions weren't particularly insightful or illuminating.

I had to wait almost twenty years before I finally had the pleasure of witnessing first hand what everyone had raved about for so long—a *real* David Currie course. By this time, I'd been David's colleague on the faculty for a dozen years. I had just completed a draft of my own casebook in Constitutional Law. David magnanimously offered to take it for a "test drive." He volunteered to teach the First Amendment course that year out of the mimeographed materials. This was an incredibly generous offer and one that proved invaluable to me. Not only did it allow me to see how someone else (who just happened to be a great teacher) would use the material, and therefore enable me to revise it accordingly, but it also gave me the opportunity to sit through an entire David Currie course.

As the many thousands of students who have had this experience in their lifetime will surely attest, it was a mind-bending experience. David was, quite simply, the most gifted teacher I have ever seen. The combination of intense curiosity, intellectual rigor, and a natural flair for the dramatic made every class an adventure . . . and a performance. Ever since, this experience has made me feel inadequate as a teacher. (But I take some consolation in the knowledge that it would make *anyone* feel inadequate as a teacher.)

Throughout my career, David was my teacher, colleague, friend, mentor, inquisitor, therapist, and advisor. Early in my time on the faculty, I had some personal problems. David kindly took me under his wing. I recall fondly that he invited me to join him for an afternoon on his sailboat. He casually remarked how strange it was that as faculty colleagues we spent so much time together, but knew so little about one another personally. So, on that day, we talked about ourselves, our families, our lives. It was, for me, a remarkable, a memorable, and a moving day.

Years later, when I was Dean of The Law School, David stopped by my office and sought my "advice." He asked whether I thought it would be crazy for him to undertake a project in which he would read

every Supreme Court case ever decided and then write a commentary on the entire corpus of the Court's work from the very beginning. I was flattered and pleased that he'd asked my opinion. I told him that it was, indeed, "crazy," but it was also possibly brilliant, and that I would support him in any way I could. The rest is history (so to speak). It was a truly idiosyncratic idea on a scale and of an ambition that only David would—or could—have undertaken.

Because David was not a "committee man," he rarely took strong positions on faculty appointments. But occasionally he did. I recall two such instances. In one, the faculty had voted against an appointment. David circulated a memo stating that we were wrong and offering his reasons. The next week, we unanimously reversed course. Many years later, when the faculty was considering another appointment, David circulated a memo stating that the candidate did not merit an appointment. He was right, and we abandoned the idea. In my more than thirty years on the faculty, no other colleague has ever had such a definitive impact on the views of his colleagues. David had integrity, and everyone knew it. We *all* trusted him, always.

In his later years, it was often painful to see David as he hobbled into The Law School. But it was inspiring as well. He never complained. He was always chipper. The students admired him with affection unmatched in my experience at The Law School. And the faculty, to a person, held him in awe. With his sense of humor, self-discipline, intellectual honesty, and simple decency, he was, truly, a *very* great man. We all shall miss him.