

Reflections of a Fellow Teacher

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It has been my good fortune to have enjoyed the friendship of Vernon Miller throughout the some forty years that we have both been law teachers. Whether because we had shared a common experience as graduate fellows at Yale, or because we both had the advantage of teaching in a number of different schools about the country, or because we simply had the same fundamental attitudes about teaching and scholarship, Dean Miller and I early established a strong common bond and over the years have been able to cooperate easily and happily in many different activities in the law teaching enterprise. It was my especially good fortune to have been President-elect while he was President of the Association of American Law Schools and, hence, to have received an invaluable apprenticeship under his skilled direction.

The fundamental attitudes and policies which have moved Dean Miller in his preeminent performance of all the different roles of legal educator are best expressed in his eloquent presidential address to the Association of American Law Schools, "Law Schools in the Great Society." He there describes himself as a "confirmed" American legal realist, though somewhat "mellowed over the years." From his "devotion to the facts of the case" he does not expect to become "apostate," and his principal emphasis for all his constituencies is upon the improvement of procedures for the better securing of well-established goals. As an educator, his primary concern, he insists, is for improvement in the quality of teaching; and his concern is nationwide, extending from the "prestige" schools to the most marginal—in assumption of responsibility for the profession as a whole. For the young teacher he recommends not merely "caselaw research, pure science techniques and fact-finding projects" but also active experience in professional associations. For particular schools he recommends an increasing democrati-

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zation in the making of important decisions, and he points with pride to the enhanced potentialities of the Association of American Law Schools both for promoting this democracy and for protecting particular schools within the "orbit" of their larger institutions:

It is these policies and emphases which are documented in Dean Miller's whole career, of much too public record to be here recited in detail, but extending—as professor and dean and as author and editor, as well as Association executive—through school affiliations from coast to coast and from near Canada to the Gulf. Perhaps it is permissible to add that all this high achievement in public service might have been anticipated: the records of the Yale Law School expose Dean Miller as having been, prior to the above better-known career, a brilliant student and law review editor at the University of Minnesota, an assistant to Mr. Justice Butler, an investigator of criminal administration, a protege of Professor Leon Green, and a straight A student in the Yale Law School.

It is probably in his service to the Association of American Law Schools that Dean Miller's contribution to the common interest has been unique. As a member of many different committees, including the Executive Committee, as the last of the Secretary-Treasurers, and finally as President, he had a significant hand, both as innovator and as engineer of the innovations of others, in all the major changes in constitutional structure and activity which have been effected in the Association in recent years. The minutes of the Executive Committee, the Annual Proceedings, and the Journal of Legal Education are writ large with examples of his initiative and judgment. As President he was a hard task-master insisting upon timely and full performance by all delegates, but his own dedication—and his magnanimity—eased the lash of his whip. On informal occasions he was (ably supported by Mrs. Miller) a superlative host and especially congenial and understanding in his relations with students and visitors from other countries. Upon succeeding to his post, I found it entirely appropriate, on behalf of the organization, to thank him "for his very devoted and magnanimous service to the Association" not only during his year as President but "over a lifetime," and to say that I had "never known a man to have greater wisdom, tact, balance, and dedication" in the discharge of his office.

In the opening pages of his *Selected Essays on the Law of Torts* (1960), for purpose of identifying tort law as "the area of social obligations," Dean Miller writes: "Because a man lives among neighbors, he must look out for their interests when he conducts his everyday affairs." One might reasonably suspect that this insight has been, not merely a text for torts, but a motto for life.