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# MR. JUSTICE BRANDEIS

HARRY SHULMAN

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## MR. JUSTICE BRANDEIS

ON FEBRUARY 13, 1939, Mr. Justice Brandeis retired from regular active service as a Justice of the United States Supreme Court. The gratitude which the nation unanimously feels for his magnificent service was expressed by President Roosevelt in his letter acceding to the retirement as "the inevitable" which "one must perforce accept".

Especially to students of law was Mr. Justice Brandeis' service invaluable. Both before he ascended the Bench in 1916, and during his incumbency, he was to them a generous source of inspiration and enlightenment. He was a pioneer in the conviction now generally held that law is not a closed system of verbal logic; that its incidence on life requires it to be constantly alive, and to be sensitive to social needs and social change; that legal education must include education in the economic and social conditions of which law is an inseparable part. Only the formalities of classification would exclude Mr. Justice Brandeis from the list of great American educators. His judicial opinions, his briefs, his public writings all teach—and they teach with a wealth of information, analysis and insight. His work in helping to build the University of Louisville and its Law School exemplifies his broad educator's vision as well as his pride in American history and traditions. His interest in education generally and in legal education in particular has been unflinching, intimate and effectively active. He has regarded the teacher as the possessor of a great opportunity, matched by a serious responsibility, for public service, and he has lent encouragement to the profession in numerous ways.

Generations of men in law have profited, and will profit, from his example as from his precept: the example of concreteness, of painstaking craftsmanship, of diligent search for full understanding; the example of a "people's lawyer" with responsibility for service to the public interest; the example of a moral life guided by high ideal and reason, of a bold mind willing to exert its best effort to understand, invent and master, of patience and heroic spirit undeterred by adversity.

Mr. Justice Brandeis has influenced the thinking of students of the social problems with which he has dealt more powerfully than any justice who has sat on the Supreme Court. Particularly has he influenced the thinking of students of law. A number of important views which, in

the first twenty years of his incumbency, he was compelled to express only in dissent from the judgments of the Court, are now accepted as the Court's rules of decision. He has given definite form and direction to legal method. No Justice has been more insistent upon fidelity to the limitations on the function of the Supreme Court in reviewing legislative and administrative action. But he was equally insistent that within those limitations the function be performed with the fullest possible knowledge and understanding. The "Brandeis brief", the emphasis on economic and social factors concealed in legal issues, the expansion of the sources of legal research beyond the reports of judicial decisions, even the numbered paragraphs and footnotes in judicial opinions are now standard practices in the legal art.

THE YALE LAW JOURNAL is grateful for the service of Mr. Justice Brandeis to legal education as for his other services to the country.

HARRY SHULMAN †

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†Professor of Law, Yale Law School; President, The Yale Law Journal Company.