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Faculty Resolution, Professor Alfred Hill

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TRIBUTES

FACULTY RESOLUTION, PROFESSOR ALFRED HILL*

Alfred Hill is everything a law professor should be. He has mastered the two areas which are most important for a law teacher's success. These are classroom performance and legal scholarship. Few of us excel in either one of these areas. The fact that Al Hill excels in both makes him truly remarkable. We of the Columbia Law School Faculty are singularly blessed to have had him in our midst for more than twenty years.

Al Hill's excellence as a teacher is best demonstrated by the enthusiastic comments of his students. He has taught many courses; his current assignments being torts, conflict of laws, and federal courts. These are broad and important topics and Al Hill has taught them all with enthusiasm, vivacity, and complete understanding. He also has a keen sense of humor which makes listening to him a particularly pleasant experience. No student known to us has ever been bored by Al's teaching. That is indeed an accomplishment.

Al's many law review articles are characterized by their thoroughness, by their scholarship, and by their felicity of style. They tend to be lengthy, and yet are concise at the same time. Indeed one will rarely come to the end of a Hill article without feeling regret that he did not say more. This would not be because he had missed important points, but rather because what he had said so clearly could have been easier to comprehend had it been said less compactly. His quality as a scholar can best be judged by a comment made about his article on Damages for Innocent Misrepresentation, 73 Colum. L. Rev. 679 (1973). This comment, by Arthur John Keefe, is to be found in 59 A.B.A. J. 1193 (1973). In it, the author comments upon "the powerful pen and penetrating mind of Alfred Hill . . . whose law review articles are a joy to read. . . . Al Hill is the legal scholar's scholar." Despite these accomplishments, Al Hill has remained a modest and humble person who is ever eager to be of assistance to others.

Towards the close of the work on the Second Restatement of Torts, Al Hill was named an Adviser to the Reporter. He approached

* Prepared by Professor W. Reese and read by Professor A. Murphy into the minutes of the December 11, 1987 Stated Meeting of the Faculty of Law, in General Session.

this task with his usual energy and conscientiousness. The Restatement is the better on account of his assistance in its preparation.

We, the Faculty of the Columbia Law School, accept with some disbelief that Al has reached retirement age. Our basic feeling, however, is one of gratitude that he has been with us for so long a time. We also rejoice in the fact that he will continue to teach for us in the years to come.

In conclusion, we wish Al and his lovely wife, Dorothy, a long and happy life. We hope to see them on many future occasions in the halls of the Law School.

TRIBUTE TO ALFRED HILL

*Harold L. Korn**

I am delighted to have been asked by the editors of the Columbia Law Review to write a brief appreciation for Al Hill on the occasion of his retirement from the full-time faculty.

Al came to the Columbia Law School as a visiting professor in 1962 after three years of teaching at Southern Methodist University and six more at Northwestern. Prior to that he had gotten his Bachelor of Laws degree at Brooklyn Law School and his doctorate at Harvard, and had put in several years in private practice and with the Securities and Exchange Commission. Al's reputation as a brilliant scholar preceded his arrival; his two-part article on *Erie v. Tompkins*¹ was already famous. Quite unexpected, however, was what happened at his teaching debut here. At the end of his first lecture, on Corporations, the class of about 150 gave him a standing ovation. Word of this response quickly traveled to the Seventh Floor. At his next lecture, Dean Warren, Walter Gellhorn, and more of the faculty's big guns were present and Al promptly received and accepted an invitation to stay here permanently, a decision for which the Law School stands forever grateful.

Around that time, as it happens, I was in a kind of limbo, having returned to the Law School after my first job, clerking for the Honorable Stanley H. Fuld of the New York Court of Appeals. Some inner voice had told me that rather than entering private practice I should turn to academe, without having made clear just what I should do there. By the time Al arrived I had participated in several research projects at Columbia, including revision of the New York Civil Practice Act with Judge Jack B. Weinstein, working on the Model Penal Code for Herb Wechsler, and for LDRF on the Model City Charter and on a study of "Catastrophic Accidents in Government Programs" with Al Rosenthal and Stanley Lubman. A number of friends on the faculty seemed to know that I was destined to teach long before I did, and luckily for me, these friends soon included Al Hill. Luckily too, Al was then chairman of the Curriculum Committee, and I can never forget the way he gradually but firmly steered me into ever more demanding teaching stints as a Lecturer and then Adjunct Professor.

"A really sweet guy" is how everyone thinks of Al. Students can and will vouch for this: He is that rarity, one of the old-style master teachers who, so far as anyone can tell, never said anything insulting to a student.

I have already mentioned Al's reputation as a writer as well as teacher. His output has never flagged and each new article is rich in

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1. Hill, *The Erie Doctrine and the Constitution*, 53 Nw. U.L. Rev. 427 (1958).

scholarly analysis and creative ideas. In fact, Al seems so incapable of containing this beneficence that one often finds in a footnote what for many other professors would come close to an entire article. I once approached him with a question about something in the 1958 *Erie* article and he said, "Haven't you read that piece before?" My answer—and I am happy to be able to repeat it in more durable form—was that it ought to be read at least once every two years for the good of the soul.

As a colleague, Al asked us as many questions as he answered. He constantly sought as well as provided illumination—a kind of Diogenes of the law school world.

I probably have not read even half of his writings and so would not dare to venture to assess and compare the value of their respective contributions to the law. At least one post-*Erie* piece, though, demands special mention. In 1960, in an article entitled "Governmental Interest and the Conflict of Laws: A Reply to Professor Currie,"² Al became the first American scholar to point out certain weaknesses in Professor Brainerd Currie's "state interest" approach to Choice of Law. That approach, notwithstanding Al's trenchant early criticism, came to spearhead the so-called "Choice of Law Revolution" that has dominated Conflict-of-Laws thinking for more than a quarter of a century and whose troublesome consequences are only lately becoming more widely appreciated—as, for example, in the Introduction to the current edition of the *Conflicts* casebook by our own Professors Reese and Rosenberg, which asserts that this Revolution has reduced the choice-of-law process in much of the United States to "jurisprudential rubble."³

It is cause for rejoicing that even in retirement Al will continue to teach Torts here at Columbia and also will continue to write—he has recently completed a major piece on Constitutional Law⁴—as much, if not more, than before. An even greater cause for rejoicing, relentlessly urged upon him by colleagues and admirers everywhere, would be the publication of a set of volumes bringing together all of the Essays of Alfred Hill on Conflict of Laws and on Federal Courts and the Federal System.

Of course no appreciation of Al Hill could be complete without mention of his wife Dorothy—lovely, gracious, and *formidable* in her own right, and who deserves no less credit for putting up with his scholarly homebody tendencies than Al himself does for putting up with her frequent globetrotting in order to undo humankind's depredations and help build a better-built world.

2. 27 U. Chi. L. Rev. 463 (1960).

3. W. Reese & M. Rosenberg, *Conflict of Laws: Cases and Materials* 5 (8th ed. 1984).

4. Hill, *The Political Dimension of Constitutional Adjudication*, 63 S. Cal. L. Rev. 1237 (1990).

IN HONOR OF ALFRED HILL

*Henry Paul Monaghan**

Al Hill's accomplishments are justly celebrated in the pages of this journal. Other contributors have the happy task of describing Al as a friend, colleague, and teacher. My personal contact with Al is not long-standing; it did not begin until 1983, when I first joined this faculty. But like the rest of those in academia who taught in the fields of federal jurisdiction, constitutional law, and conflict-of-laws, I had "known" Al Hill for a very long time: as a scholar.

No exaggeration is involved in stating that by common consent, Al stood among the quite small group of outstanding scholars of his generation. He wrote numerous and influential works of lasting importance in several fields, most conspicuously in federal jurisdiction. To attempt to describe his substantive contributions would require a lengthy article. Here I would like to call attention to two qualities of Al's writings that gave them particular force for me. First, Al exhibited a penchant for shedding light on the dark corners of the law; time and time again he demonstrated the complex nature of apparently mundane issues and the far-reaching principles that the topic implicated. Second, and even more importantly, Al's writings demonstrate a scrupulous fairness: he stated the arguments bearing on his subject with the even-handedness of a person seeking to understand, not to polemicize.

Al loved research and digging out old cases to see what they actually said and held. There is an almost tactile quality in his articles. When you looked at the footnotes you could almost feel the dust rising from the old volumes.

Tributes of this nature tend to sound in the past tense. I do not intend any such implication. Al is still very much present at this law school, teaching (albeit on a reduced basis), and still available to his colleagues. And, not surprisingly, he is still writing. In fact, on the very day on which I began this essay I received a reprint of his lengthy article entitled "The Political Dimension of Constitutional Adjudication."¹ His mind is as inquiring and acute as ever as he probes the question of how one should interpret the United States Constitution, a subject of considerable and unending controversy among members of the legal community.

Al Hill was and is a teacher to a great many professors, students, and lawyers, including those who never once have set foot inside the Columbia Law School. I have been among that group, and I wish to say, thank you.

And so, thank you, but not good-bye!

* Harlan Fiske Stone Professor of Constitutional Law, Columbia Law School.

1. 63 S. Cal. L. Rev. 1237 (1990).

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