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## Milton Handler: Teacher

Lance Liebman

*Columbia Law School*, [lliebman@law.columbia.edu](mailto:lliebman@law.columbia.edu)

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## MILTON HANDLER: TEACHER

*Lance Liebman\**

I did not know Milton Handler until he was eighty-eight years old. Of course I knew *of* him. I had lived near the world of Philip Areeda and Steve Breyer, antitrust experts who knew very well that Milton had begun the study of competition law; had been in that founding generation of activist law scholars who implemented the realist vision by expanding the canon of common law courses—contracts, torts, property—to statutory and regulatory fields such as taxation, regulated industries, labor law, and corporations.

And when my wife Carol and I were in transition to New York, Milton's niece, Toni Chayes and her husband Abe, told us part of the reality of their extraordinary uncle; Abe made very clear that Milton should be a substantial part of my life at Columbia.

The first lunch, of so many, was of course at the Harmonie Club. Milton asked what I thought was a casual question. Where are you living? 92nd and Central Park West. The north or the south side? The north side. The front or the back elevator? The back—we could afford—like Milton 50 years ago—a Central Park address but not a Central Park view. Which floor? The sixth.

And suddenly, astoundingly, it was clear we had bought the apartment he lived in as a rent-controlled tenant for many years, the apartment in which the first Mrs. Handler had died forty years earlier. And then I knew that we had come from cosmopolitan Cambridge to the small village of New York.

That first lunch also set me up for a classic new boy's mistake. Milton told me about his grades at Columbia Law School, and how they compared to Cardozo's. Referring to a giant of the current faculty, Milton said: "Ken Jones had good grades. But he had one 'B.'" I took a taxi back to school, and there by the mailboxes was Ken Jones. I said: "Milton said you had one B in the class of 1954." Ken said: "Yes, but it was in Naval ROTC, so I don't think it should count." I didn't make that mistake again.

At the time I had that lunch in the fall of 1991 I must have had a hundred breakfasts, lunches, and dinners with people who knew about Columbia Law School. I would say: "It is a bad day when I have three free meals, and those days happen a lot." The people I was meeting were insightful, successful, and cared about Columbia. None came close to giving me the serious and imaginative analysis of my new job that I received from Milton. The short version is that he said: "They will tell you to raise money. Don't worry about raising money. Columbia and other

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\* William S. Beinecke Professor of Law, Columbia Law School; Director, American Law Institute; B.A., Yale, 1962; M.A., Cambridge, 1964; L.L.B., Harvard, 1967.

law schools are not doing enough to improve the law and to prepare the next generation of lawyers. Fix the education and the money will take care of itself." He was right, even though—for various reasons—I and my colleagues have so far only partially achieved his dreams.

I got in trouble at another of the lunches, which Milton of course insisted on calling luncheons. We named Mark Roe, a major scholar, to be the Milton Handler Professor. I arranged a three-person lunch. Mark, loyal always to the school, put on a suit that looked like it had been in the closet since his bar mitzvah and combed his hair. He looked great. Mark and I walked into the Harmonie. Milton, as always, was there first. Milton's first words to the new Handler Professor were: "I never thought the Milton Handler Professor would have a beard." The lunch improved slightly after that.

Milton wrote great letters, and so many of them. He died on a Monday morning. In my mailbox that Monday afternoon was my last letter, following up on things he had said at dinner a week before. When I resigned as dean he wrote: "I am so sorry about the end of our luncheons." I phoned him immediately. (He wrote letters; I made telephone calls.) I said: "Milton, I won't be dean, but we can still have lunch." He said: "Yes, Lance, but it won't be the same." In fact it was the same, at least for me.

Eileen Josephson, Milton's wonderful secretary, told me at his funeral that she was mad that Milton had been taken. I said: "Eileen, you can be sad, but at ninety-five I don't think you can be mad." She said: "There are so many stories I hadn't heard yet." I said: "Eileen, you mean there are stories you haven't yet heard for the third time."

Just before Milton's death I took a new job with the American Law Institute. I met with Milton. Again, and I am so grateful that he lived into this part of my life, he supplied by letter and in person an analysis of the current state of the ALI and how I should proceed that—and I do not exaggerate—exceeds by the difference between an A-plus and an A-minus the quality of the suggestions I have received from other eminent lawyers, professors, and judges who are much more connected to the ALI right now.

At Carol's and my final dinner with Milton, which was reported by the *New York Times* in his obituary in language that would have pleased Milton almost as much as it pleased those of us whom the *Times* promoted to the status of legal luminaries, Milton talked about the early days of the ALI. Many people know and have told me about the eminent Geoff Hazard, who was the fourth director; and the great Herbert Wechsler, director for twenty-one years and the third. A few have talked to me about Judge Goodrich, the second director. No one I have met knew William Draper Lewis, the founder and first director. Except Milton. I now know—and no one at our Philadelphia headquarters knew this—about Mrs. William Draper Lewis's fortune that was used to start the organization. And about the early meetings at the Lewis summer home in

Maine. Milton told a story at that final dinner about Milton and Learned Hand walking up a mountain, as Milton pressed Judge Hand to supply his analysis of the differences among the legal philosophies of Brandeis, Holmes, Cardozo, and Stone.

Milton Handler walked up the mountain with the giants of the law. Much more important, he told the rest of us, down in the foothills, that there is a mountain there; that we should strive for it; that we should not be ashamed to admit the highest ambitions; that law is crucial to democracy; and that the public betterment is the only test. For Milton, the job of a teacher was to tell the students to be more like him and to aim only for the stars. I am so grateful that I was allowed to be one of—perhaps the last of—his students; and that he was willing to become my teacher.