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In Memoriam

Professor Rudolf B. Schlesinger: An Affectionate Tribute

By DAVID I. LEVINE*

Well, what can I say about the man who has done so much . . . for Jean-Claude Killy's underwear?

I have time for only a sketchy outline of Rudi's extensive biography. He was born in Munich in 1909 and studied at Geneva and Berlin before he was graduated with highest honors in law from Munich in 1933. He worked for a time as general counsel to a German bank. From this position, Professor Schlesinger assisted some of his fellow Jews by doing what he could to help them protect their assets from the greedy Nazis. However, not long after *Kristallnacht*, when the Nazis stepped up their attacks on Jews, Rudi had to leave Germany, which he could do because he held a U.S. passport thanks to his American-born father.

Arriving in New York City, he taught at the Dalton School for Girls. However, teaching the female offspring of the elite of Manhattan did not satisfy him intellectually, whatever it may have done for his esthetic (and libidinal) needs. (He has been quoted as saying that his Dalton students had "the highest average pulchritude of any class" he ever taught). So, Rudi switched from the East Side to the West Side, enrolled at Columbia Law School, where he was a fabulous student (what did you expect, chopped liver?) and was selected to be Editor in Chief of the Columbia Law Review. He then clerked for Chief Judge Irving Lehman of the New York Court of Appeals and worked in a Wall Street firm before [*sing*] "high above Cayuga's wa-

* Professor of Law, University of California, Hastings College of the Law. *Editor's note:* Professor Levine addressed these remarks to Rudolf Schlesinger at a retirement luncheon held at the University of California, Hastings College of the Law, San Francisco, on May 2, 1994. The HICLR editors and Professor Levine decided to leave unchanged the light-hearted tone as a remembrance of that occasion, where the Hastings faculty had an opportunity to express their affection for their long-time colleague, Professor Schlesinger.

ters" heading to take up a teaching post at Cornell Law School in 1948. Rudi (and family) resided in Ithaca for twenty-seven years, where Rudi became William Nelson Cromwell Professor of International and Comparative Law, before heading, in the words of William Prosser's famous song, "Over the Hill to Hastings" in 1975.

I could go on with Rudi's biography, singing the praises of his accomplishments, but I'll save you from more of my singing. Instead, permit me to give you just a few personal recollections of Rudi. Not too long after I arrived at Hastings in 1982, Rudi gave a very instructive seminar for the young professors on teaching. He also gave us a copy of published remarks that he had once made about teaching at an Association of American Law Schools conference. His ideas were helpful to me in thinking about how to improve my teaching. I continue to commend them to more junior colleagues and prospective professors.

However helpful the suggestions, I discovered that I could not hope to surpass this master-teacher. I learned this lesson a couple of years later, when Rudi and I taught in the same first year section. At the end of the year, the students gave the rest of us nice gifts—I'll always treasure my bull-semen trophy from that class—but for Professor Schlesinger (and Prutti), the students threw a dinner party right here at Hastings. For entertainment, one of the students did a terrific parody of Rudi's teaching style ([imitating:] "ahh—but . . . there's a wrinkle on the wrinkle" and "if you don't read the footnotes, your children will starve"). The love and admiration of the students for their professor was wonderful to see and to share, even if it made me perhaps just a little jealous that the affection was all for Rudi, with little left for some other deserving teacher in the room. Maybe sometime, I'll get a dinner party from my students, too. It's something for all of us to shoot for. So far, though, I've only been treated to a burrito.

Another important event I recall is when Rudi and I served on the Executive Committee together about five years ago. In the course of our term, an extremely delicate and divisive matter was dumped into our laps. Without going inappropriately into the details of the issue here, I can say that it was Rudi who provided the essential insight upon which all on the committee could agree. Once he explained his legally, and diplomatically, elegant solution to us, the rest of our task was the comparatively simple matter of reducing that solution to writing.

Finally, this past fall, as Chair of the Rank and Tenure Committee, I asked Rudi to review a colleague's teaching. Even though he was not teaching this year, and certainly had no obligation to do so, Rudi readily agreed. When I told him what the topic was, he assured me that he could do a good job (as if I had any doubt) because he had worked on the very topic while clerking for Judge Lehman fifty years ago. Needless to say, his report was well-done, and even though it was written on his ancient manual typewriter, it was delivered on time.

Now back to what you've been waiting for me to talk about, Jean-Claude Killy's underwear. Those briefs—actually evidence cleverly submitted to resolve a question of personal jurisdiction (*very* personal jurisdiction)—were made famous, of course, in Rudi's casebook on comparative law. This book, which Rudi started in order to teach the course of that name so long ago at Cornell, is now in its fifth edition. It has been praised in dozens of book reviews and cited as authority by the U.S. Supreme Court. Rudi's book was not only a splendid piece of scholarship; its very existence led to the proliferation of the comparative law course in U.S. law schools, because it was possible for law schools to offer the course without having a specialist on the faculty. The book has some competition now, but it is still the leading casebook in the field. It should remain so for a long time to come, because with the latest edition, Rudi has taken on three able co-authors. With luck, they can manage to do for a while what Rudi did alone for over thirty years.

My time is certainly almost up and I have not even begun to give the rest of Rudi's scholarly accomplishments their due. But I must say a final word about Rudi's first love—sorry Prutti, his first professional love—teaching. And here, let me quote some of Rudi's own words, from a talk he gave at Cornell on the occasion of that younger and smaller school's 100th anniversary. In discussing the competing demands on faculty members for their time and energy, Rudi said (in pertinent part):

True greatness of a law school can stem only from total dedication to inspired teaching . . . the kind of teaching that not only sharpens the student's legal minds but affects them as human beings; the kind of teaching that will continue to weave a bond of loyalty among all members of the Law School family, and which . . . will bring [back] to these halls . . . distinguished and faithful alumni, united by fond

memories of intensive learning and by a shared affection for their Alma Mater.¹

Rudi, for your path-breaking scholarship, your ready and prodigious service to this law school's family, and your advice and friendship to so many of us for these years that we have been privileged to be your colleague, we thank you. But, above all, we thank you for showing us how to be truly great in this profession of law teaching.

1. Rudolf B. Schlesinger, *The Cornell Law School's Birth and Its March to Greatness: A Rambling Centennial Tribute*, 73 CORNELL L. REV. 1262, 1269 (1988). In preparing these remarks, the author also relied upon: Bertram F. Wilcox, *Rudolf B. Schlesinger—World Lawyer*, 60 CORNELL L. REV. 919 (1975); *Rudolf B. Schlesinger*, 29 HARV. INT'L L.J. 280 (1988); Friedrich K. Juenger, *Schlesinger's Influence on the Development of American Law* and Rudolf B. Schlesinger, *Recollections of a Migrant Lawyer*, in *DER EINFLUSS DEUTSCHER EMIGRANTEN AUF DIE RECHSENTWICKLUNG IN DEN USA UND IN DEUTSCHLAND* (Marcus Lutter et. al. eds., 1991).