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In Memoriam: Frank Flegal In Memoriam

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As many of you know, my reaction to good and decent people being hurt is often to cry out in anger. In this case, however, no one is to blame for this hurt. There is no “they” to rage at. I am left with my late twentieth century sadness, born from modern expectations of long, rather than short life; with my late twentieth century frustration, born of false hopes and ephemeral “cures” that undermine our scientific confidence. We are left to grieve. Grieve with tears of joy, however, for having known and learned from Frank.

I first met Frank in an airplane—one of those single engine tin teacups that rattle and rant and bounce around. Oh, Frank and I had dealings before I flew a teacup with him. His civil procedure syllabi had become mine; his notes helped frame my own; his renowned teaching prowess instructed me. But I had no real sense of what made Frank tick until he took me flying in an airplane. Now you must understand that I do not like to fly. The comedy routines we have all heard about—pilots using seeing eye dogs, navigators using divining rods, and crews screwing up preflight instructions about use of oxygen masks or seat cushions—always make me laugh and cry at the same time. It is therefore hard enough to get me into one of those big planes with an appearance of solidity. The thought of getting into a tin teacup to fly to New England struck me as sheer lunacy.

Something about Frank, however, made me do it. And on that first flight, I found out what it was. It was not just the sheer force of his intelligence, organization, and confidence, though they were formidable. Many of you have seen him teach, or argue a case, or preside at a meeting. You all know how Frank could pull people through a set of seemingly minor questions before leaving them in an illogical state of shock, or make them see a win-win solution to a negotiation no one else could ever have found. And Frank was in that sort of mode before taking off, reviewing maps of the sky that made the two dimensional L.A. freeway system look like a kindergarten frolic zone, running through the aviation bureaucracy to file flight plans, checking the weather reports, and doing all the other stuff good pilots routinely work out before takeoff. He was self-assured; I (and Frank knew this) was shaking like a leaf.

Once all the baggage was stowed away, and we were “safely” sitting in the teacup before rolling out to the runway, I began to understand why Frank did this nutty thing called flying. The radio began to crackle with a lingo only pilots really understand. And Frank, after revving up the engine, moving us out to the runway, and lifting us into the air, took on a

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demeanor we have all seen. A little smirk crawled across his lower lip; his eyebrows perked up; his radio voice took on a musical lilt; his movements became automatic; and he became one with the airplane—much like he became one with his class, or a court, or a friend, or his wife Linda, or his daughter Katie. I actually began to believe that, as he told me, it was better to know exactly what was going on by sitting right in front of the instruments of a flying teacup than to know nothing while sitting in an almost comfortable seat at the rear of a 727.

His oneness was not just a sense of control over his environment, though that surely was part of it. Confined in a small, cramped space, amid the din of a roaring engine, whirling propellor, and crackling radio, Frank was free as a bird—very much in control but free as a bird. He was flying his little teacup with a joy I had not noticed in him before. Flying through cloud puffs, watching a sunset, hurtling over the lights of what sometimes passes for civilization, took on new meaning. Even I relaxed a bit, marveling at Frank's ability to navigate me through busy air-traffic control zones as well as through my own fears.

Once back on earth, I began to notice more clearly when Frank was flying—those pieces of time when a little smirk crawled across his lower lip, his eyebrows perked up, his voice took on a musical lilt, his actions became automatic, and he became one with his experience. I watched him teach. When he was at his worst in the classroom he was far better than any of us. When he was at his best, he was flying, leaving his students with a sophisticated sense of understanding amid a maze of ambiguity. I watched him run meetings, argue cases, and stifle outrageous proposals on the floor of faculty meetings. I watched him turn a simple criminal case into a major challenge to the structure of home rule in the District of Columbia that went to the United States Supreme Court. And I watched him develop plans for the Williams Library. Now the Deans of Georgetown have gotten lots of credit for that building. But they only did the little things, like raising the money and giving the basic approvals. Frank got that library built in a way no other person I know could have done. The well ordered, soaring brilliance of its atrium is all Frank, and I will think of him every time I pass through its portals. When he was at his best he soared in brilliant flights of controlled freedom.

In the last year, Frank had to navigate a different journey. He was dying. It was a difficult flight that made him, like it would make any of us, angry, afraid, worried, especially for Katie, and hopeful for a medical miracle. But there were also moments when a little smirk crawled across his lower lip, his eyebrows perked up, his voice took on a musical lilt, his actions became automatic, and he became one with this surreal experience. What else could have led Frank and I to sing *Goodnight Irene* together during a long distance call just before he went into surgery this past fall?

Frank took me soaring along with him on his journey, flying along in some starlit night over unchartered waters filled with memories, hopes, fears, and realities. What else could have let Frank teach his last class with typical aplomb and then tell his students goodbye with grace, dignity, and style? From just outside the room I could tell that his voice had a musical lilt, his actions were automatic, he was one with that experience. Something like that also must have made Frank perk up and give me a thumbs up sign when I said goodbye to him the night before he died. Somehow, even the coming journey was OK.

I will remember those moments when a little smirk crawled across Frank's lower lip, his eyebrows perked up, his voice took on a musical lilt, his actions became automatic, and he became one with his experience.

