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Remembrances of Steve Ellmann, Still Present

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REMEMBRANCES OF STEVE ELLMANN, STILL PRESENT

DEDICATION

As Steve's former experiential teaching colleagues at New York Law School, we are happy to participate in this memorial tribute to him. Steve was a great colleague and a brilliant, kind, and patient person who dedicated his formidable talents to promoting peace and justice through law. The essays that follow are from those of us who wish to express our memories of Steve in writing. All of us hope this tribute keeps his memory and work alive.¹

ESSAYS

Having known Steve for almost ten years as a neighbor and friend before I came to teach at New York Law School, I had the opportunity to observe the seriousness of his approach to teaching his students from the outside before I saw it from the inside. It would not be a surprise to anyone who worked with Steve that he did not take this responsibility lightly. I recall that when he was grading exams, he sequestered himself as much as a devoted father of two young kids could, for weeks weighing one essay answer against another, thinking and re-thinking his assignment of grades to each anonymous student, reflecting his deep concern for fairness that he recognized could never be perfect. I remember thinking how lucky these students were to have their words considered so carefully, their final grades and their future careers held so thoughtfully in such good and caring hands.

When I joined the faculty at NYLS, I saw him apply that same thoughtfulness and concern to each aspect of his work: exacting attention, a probing sense of self-criticism, and striving to live up to his own impossible ethical standards. It could make scheduling a lunch date a slow process, but it brought a welcome reminder in faculty meetings how to proceed in the face of disagreement, how to remember to follow our own process, and how to listen to each other with respect.

I was lucky enough to have Steve assign himself to be my faculty mentor when I started teaching law students, and I think I felt as his

¹ Susan Abraham, Adele Bernhard, Frank Bress, Carol Buckler, Anna G. Cominsky, Anne Goldstein, Larry Grosberg, Lisa F. Grumet, Kim Hawkins, Mariana Hogan, Gowri Krishna, Rick Marsico, Howard S. Meyers, Michael Perlin, Samantha C. Pownall, Andrew Scherer, Richard K. Sherwin, Lynn Su, Claire R. Thomas, and Daniel A. Warshawsky

students must have: absolutely supported and guided with wisdom and kindness through an overwhelming transition that could be intimidating. He communicated a steady confidence in my abilities, translated some of the obtuse discussions at faculty meetings without an ounce of cattiness, and held me to his high standards. Adding mentoring me to his long list of responsibilities reflected the care he took to make sure everyone on the faculty had an opportunity to be the best teacher they could be, the best scholar they could be, the best clinician they could be, and that our law school could meet his high standards.

Looking back on that time now, I see more clearly that the way Steve did the work he did was always an act of love, doing whatever he did with a passion and deep commitment that came from caring deeply and living his life in a way that aligned with his commitments. His death penalty work early in his career, his work on South Africa's post-apartheid constitution, his clinical scholarship, his teaching, it was all like his commitment to his family, to doing what was right, and, in the face of his illness, living his life up to the very last weeks with honesty, integrity, and courage. Unlike many people who prefer to be quiet and pull away from colleagues and acquaintances when dealing with illness, Steve chose to address the most difficult issues head on, publicly, on his blog and in person. Steve chose to engage with a brave self-interrogation, and with a love for his life and everyone in it that left us all with a kind of awe. It is with this awe and a heavy dose of appreciation that I try to describe what knowing Steve has given me, and to incorporate what he taught me into my life.

—*Susan Abraham*

Steve was legendary in the clinical community. I knew him through the Clinical Theory Workshops long before I arrived at New York Law School, but didn't fully appreciate his brilliance and humanity until I worked with him over the years. For eight years we shared overlapping responsibility for the administration of the clinical and experiential programs and worked closely together with each other and with the clinical faculty, law school administrators, clinic staff and students. Steve's depth and breadth of thinking and analysis—about everything—was impressive. No matter how thoroughly others and I thought about and analyzed problems, issues and solutions, Steve's analysis always went deeper and broader. One of Steve's unique qualities was his ability to motivate everyone with whom he worked to perform beyond their expectations by valuing them for what they could do and never criticizing or denigrating them for what they

couldn't. Steve's passing has left a gaping hole at NYLS, in the legal community and the world. We miss him.

–Frank A. Bress

Steve was a brilliant, kind, and complex person. As I thought about what I could add to the many eloquent and appropriate tributes already posted and published, I decided I would write about working side-by-side with Steve for more than twenty-five years at the same institution, as a faculty friend and also as a colleague in law school administration. For most of us, the daily-ness of life leaves little time for reflection. But not for Steve. Whenever I approached Steve with a question, I knew I could count on him to be thoughtful, serious and deliberate. Not thoughtful in the sense of considerate, although he was certainly considerate. Thoughtful in the sense that he would give the question deep thought, and would expose it to examination from every possible angle. If I had an ethical concern relating to a clinic case, Steve would expose it to piercing scrutiny, gently but persistently upending my assumptions with his questions. Not serious in the sense of humorless, because Steve did have a subtle and sharp wit, but serious in the sense that he would treat any question seriously, no matter how trivial. And in our time as administrators, there were many trivial questions, from how many file cabinets faculty members should be allocated for individual storage (remember the days of file cabinets?) to whether pantries on faculty office floors should have sinks with running water. But if I had a question that I thought was important enough to discuss with him, he would treat it with similar importance. And deliberate in both senses: intentional and unhurried. For me, admittedly prone to a certain quickness in approaching analysis and problem-solving, this last quality was both illuminating and sometimes frustrating. But those moments of simultaneous enlightenment and frustration were small treasures. Steve taught me, in the best tradition of clinical teachers, the value of taking a step back, of taking time to reflect, and of pondering all perspectives. We did not always agree about the resolution of a particular issue, but I always walked away from our conversations knowing that it had been given its due. And if we did agree, I walked away knowing that if my quick path and Steve's more deliberate path had converged, it was likely a sound decision. That feeling was a comfort, which I miss, as I miss Steve.

–Carol Buckler

Steve was an incredibly kind and supportive colleague and mentor. I first started teaching at NYLS in the 2013-2014 school year. Steve observed my clinic seminars and gave me invaluable feedback. He encouraged me to apply for competitive positions, and to participate in the Clinical Theory Workshops, an intimidating experience for a new clinician and professor. Steve's thoughtfulness, humor, and earnestness shone during these workshops. When I returned to teach at NYLS in the 2017-2018 school year, Steve shared his office with me so that I could meet with my students and have a "home base" at NYLS. I was devastated to learn of his diagnosis, and read *Now Without Hesitation* regularly. I was awestruck by his perspective, and even sense of humor at times. As always, I learned so much. Steve was unfailingly generous, brilliant, and supportive, and I was so fortunate to have learned from him, if only briefly.

—Samantha C. Pownall

Steve had a way about him. For lack of better words to describe it, I'd say it was like mindfulness made visible. Steve could have been the original model for all those clinical theory readings about listening and being present. He paid attention intensively. It didn't seem like a learned skill for him, it seemed like who he was.

I did not know Steve for that long or work with him that closely, but as soon as I met him, he became a significant person in my work life. Steve welcomed me as a teaching colleague in 2008. His welcome was substantive, not superficial. I think it was by email, even before I'd officially started work, that he began to suggest and encourage me to pursue ideas and academic initiatives that were sometimes a stretch for me. Well, maybe it wasn't exactly that he encouraged. It was more like, "yes, that's an interesting idea, now go ahead and then we'll talk further." When Steve said something was an interesting idea, he conveyed that it was interesting to him and that he would truly be interested to see how things turned out. His genuine curiosity and far reaching interest in people and ideas merged to create unique moments of connection in what would otherwise have been purely academic conversations.

Steve and I discovered several years ago that we went to the same town in Maine during the summers. So that summer, we made a quick plan one morning to meet at the farmers' market. For some reason I no longer remember, the plan fell through, as reasonable plans on unaccountably beautiful summer days often do. It was no big deal, I

thought, there's always next summer—because that is one of the gifts of returning to a place summer after summer. But then it turned out there would only be a few more summers and we never did meet in Maine.

—*Anne Goldstein*

Writing a tribute to Steve is both easy and difficult. Easy because he possessed a huge number of talents; difficult because of the challenge of selecting those attributes to include. He was a unique person, most significantly because of his humility. While clearly brilliant, he never used it to embarrass, let alone humiliate anyone. Having known Steve for more than thirty years, I worked with him in many ways and in many contexts. He edited several of my essays. I commented on a few of his. With respect to his writing, I hesitate to say “edited.” There really was little I could add to his works. As for my drafts, he was always very kind as he gave me incisive, succinct and helpful comments.

We worked on designing and teaching a course called “Lawyering.” This was our most intensive collaborative work. I remember how he overcame quite easily his relative inexperience with the use of roleplaying. Initially, he was somewhat reluctant to accept it as a teaching method, let alone prefer it over other methods. Yet in his typically open-minded way, he soon acknowledged that it was a key concept for the Lawyering course. Ultimately he came around and became a vigorous advocate for using actors to implement the course's simulations. With his administrative hat on, he even continued that support despite the much greater cost.

Steve's work on creating and teaching a full-time clinical course was an example of his creativity and determination. He and I exchanged numerous memos on this project. And he went forward with this course after I retired, even when the number of interested students declined.

More important than his writing, research and editing skills, was his warmth and supportiveness. Steve played a major role in my career, for which I will remain forever grateful.

I will miss him.

—*Larry Grosberg*

I knew Steve Ellmann as a colleague at New York Law School for about five and one-half years. I did not work as closely with him as others who are writing for this issue. Even so, he had a profound impact on my professional and personal growth. When considering what to write, since I rarely delete emails from colleagues, I went to my Outlook account, where I found 250 emails that Steve sent from 2013 through 2018. The recipients included myself, the NYLS faculty at large, and participants in the Clinical Theory Workshop or South Africa Reading Group. I reviewed the emails with sadness, but also with joy, to see how Steve's emails illustrated many of the interpersonal qualities that made him a remarkable colleague.

Steve's emails showed his thoughtful regard for his colleagues, and his commitment to supporting their work. When Steve circulated draft articles or other materials for Clinical Theory Workshops or South Africa Reading Group meetings, he did more than simply forward them to the group. His emails typically included insightful summaries, observations or commentary on the written work that he circulated, as well as praise for the work and the author. Steve also frequently sent congratulatory emails in response to announcements about student or faculty achievements.

Steve's emails also showed his sense of humor, which was at times subtle and self-deprecating, even during his illness. In March 2016, Steve mistakenly forwarded to the faculty a carefully written email with the subject line: "TODAY, send out Email to FACULTY about Open House." Steve immediately followed up with a second email titled "Next week's OCEL Open House (Tuesday, March 22, 4 - 6:30 PM)," and the note, "Dear friends: This time, with an appropriate subject line! All the best – Steve." The last faculty-wide email I have from Steve was sent on Sunday, October 7, 2018, when he wrote in response to an article circulated by a colleague: "this is very interesting. It seems that on some basic stuff we really know nothing. Did you see the article recently saying that 98.6 is *not* the normal human body temperature? Best – Steve." A minute later, Steve sent another email: "Oops. So sorry to burden everyone's email with another 'reply all' message! Steve."

Finally, Steve's emails showed his kindness, positivity and grace, in small ways and large. For day-to-day interactions, Steve usually included the individual recipient's name in the text of his email, and would address groups with "Dear colleagues," "Dear friends," or similar greetings. He signed his emails individually (for example, "Steve," "Best - Steve," or "Many thanks - Steve"), rather than relying on his signature block. And, for a more personal example: In December

2015, not long after Steve began treatment for cholangiocarcinoma, I emailed Steve a holiday picture my 9-year-old daughter had taken of some bright red autumn flowers blooming amidst fallen leaves. Steve replied: “Lisa, thanks very much. I’m traveling a path you’ve been on, and hope to do so with the grace and courage—and success—you’ve shown. And that’s a great photo by your daughter! All the best – Steve.” The path I had been on was treatment for breast cancer, and I remain grateful for his quiet support during that time. Steve of course continued to show tremendous grace, courage, thoughtfulness, humor, kindness, and support for others, as he had always done.

–*Lisa F. Grumet*

I first became familiar with Steve’s scholarship while I was a law student, and I then read more of his work as a new law teacher in the Lawyering Program at NYU. Steve’s belief that teaching law students required clear, sustained focus on the client—who she is, what she knows, what she wants, how to learn these things if they are unknown, how to guide her to this knowledge if it is unclear to her as well, took root. It is not an overstatement to say that Steve’s work, especially his thinking on the ethic of care, revealed a path of inquiry for me that showed academia as relevant and directly connected to my work as a public interest lawyer. If not for this path, I would not be a law professor.

I met Steve in person when I came to NYLS in 2011 to teach in the Legal Practice Program. The law school was in the process of renovating faculty office space, and I was given a temporary office right next to Steve’s on a floor across the street from our main campus building on West Broadway. What was scheduled to last a few months turned into a year—my first year—working next to Steve. In the beginning, I was intimidated by him and hesitated to ask him questions, but as others have noted, Steve was unfailingly generous with his time. Although I felt nervous as I hovered in his doorway—“do you have a minute?”—he always said yes. He was so patient with my inquiries. Over the course of that year, Steve observed my classes, asked kind and thoughtful questions, and offered invaluable feedback. He would even linger in my doorway, leaning against the doorjam, and chat about our courses or about how to reach a particular student.

In faculty meetings, especially those addressing important curricular decisions, it quickly became clear that while Steve spoke rarely, when he did speak, people listened. He commanded enormous respect, even among those with different views.

When I transitioned to clinical teaching, Steve offered me support and encouragement in my new role, and I learned so much from his enormous contributions to the field of clinical scholarship and experiential learning. I will miss his mentorship and am very grateful to have been able to know him.

–Kim Hawkins

Steve and I didn't always see eye to eye. In fact, on a couple of occasions we came as close as Steve ever came to arguing. Our dispositions and approaches were quite different. Faced with opposing views, I have the litigator's urge to persuade and a public defender's need to persist. Steve welcomed different viewpoints, and his instinct was to look for the opportunities to build consensus from seemingly opposing positions. Steve was scholarly, contemplative and reflective. I tend to be practical, outspoken, and opinionated. In meetings Steve was patient, in my view, sometimes to a fault. He was willing to take the time to work through faculty discord, and he would compromise to get to a point that he thought addressed all interests. We clashed when I viewed Steve as "caving" on some point that I cared about.

Then, Steve and I, at the same time and in our adjoining offices, both got a cancer diagnosis. Mine was unpleasant, but quite treatable. His was beyond unpleasant, and much more challenging to treat. We started on the medical journey together, sometimes crossing paths at Memorial Sloane Kettering. I learned so much from watching Steve deal with his illness. I saw all his usual traits and approaches come into play. The scholar relentlessly researched the disease and potential treatments. He thought and wrote about each stage of treatment and each challenge he faced with his clinician's ability to analyze and reflect. The teacher shared what he learned generously with others facing the same fight. He was always calm, positive and most of all patient. During his own battle, he made time to listen to me vent about mine. His positive attitude never faltered. I had the urge to rage. I wanted to wallow in my ill fortune. I was impatient with the treatment. But Steve was setting this incredible example of how to face the challenge of cancer. I was in awe. He made me step up, and he helped me to get through my treatment with a much better attitude and outlook. I will always be grateful for his example and his endless support and understanding.

The last message Steve wrote to me captures better than I can his amazing generosity of spirit and the way that he always looked at the

positives:

Mariana, I'm very happy to hear your successful test results, and glad to hear that we both feel we have connected in a new way because of our illness. I feel like stock values in Irony, Incorporated have been running incredibly high—but it matters a lot to me to feel this new link. For my part, I've also admired your determination not to sit back and let things happen to you and the ideas you believe in. We're here together to do this important work as well as we can, and if we do some disagreeing along the way, well, that's fine.

—*Mariana Hogan*

I knew Steve before I met him. I was told about a brilliant Columbia Law School professor who was funny, kind, humble, and committed to clinics and public interest law. I was a little skeptical, but hoped to meet him. I met Steve a few years later when I went to my first Clinical Theory Workshop (CTW) at Columbia Law School in 1990, the year I started teaching. My skepticism was justified, but for the opposite reason: Steve was everything I heard about him, and more.

Steve was a mentor and advisor to numerous clinicians. I was happy to be one of them. Through the CTW, he introduced me to the concept of clinical theory and pedagogy. But he did more than that. With his very thoughtful "First Questions," his gentle command of the subject matter, respect for all voices, and dinner afterwards at the restaurant down the hill on Broadway, Steve helped me realize during my first year that I was joining a wonderful and supportive community.

Steve came to New York Law School in 1992. We were in the process of designing our experiential learning program. Steve brought credibility to our ideas and helped steer us through important and sometimes difficult discussions about clinics, simulation courses, externships, and clinical faculty status. Steve was an early contributor to designing our lawyering course, which was a two-credit, one-semester, large section class that was a building block for our full-year, seven-credit, small section legal practice course.

I realized Steve was a polymath soon after he joined us. I wandered into his office one day (he always made time for me and was very welcoming, no matter what he was doing) and noticed wave lines crossing a graph on his computer screen. Intrigued, I asked what it was. Steve was part of a group that was assisting the Search for Extraterrestrial Intelligence project by helping to download data from

its satellite dish. After that, I was able to share in the scientific part of Steve's polymathic brain. We enjoyed discussing NYT Science Section reports on exoplanets, quantum theory, and observational confirmation of Einstein's theories.

Steve had the rare gift of sincere humility. He invited me to submit an essay for the *Clinical Law Review*. I submitted it, and one of his critiques was that I cited him too much. (He was referring to his articles, *Empathy and Approval* and *Client-Centeredness Multiplied*.) I respectfully rejected his advice, noting that there were no other sources of support for my ideas. Steve was not persuaded; in the galleys I received back, many of my citations to his work were removed. And the experience of receiving feedback on an article from Steve showed me another part of his polymathic brain—the grammarian. In connection with his correcting my use of an ellipsis, he wrote a one-page memo for me on the proper use of an ellipsis; it has been very valuable to me ever since.

Steve was a dedicated and talented clinical professor. He effectively combined clinical practice with clinical theory: theory emerged from his practice; his practice infused his theory, and the cycle continued. I got a taste of this one year when I lived through Steve's important article, *Truth and Consequences*. Steve covered some of my cases while I was on sabbatical. When I returned, one of the case files was on my desk. On it was a memo from Steve indicating that during the student's third interview with the client, the client had confirmed the existence of damaging information we suspected might exist. I might not have inquired as deeply as Steve did, but in the end, it was better we found out. With Steve's help we handled it, and we won the case.

Steve helped me learn how to teach experiential courses, write simulation problems, and write and grade a skills-based exam. In providing me feedback on the course materials and exam questions I proposed, Steve modeled the clinical feedback techniques that I tried to emulate with my students.

Steve was courteous and thoughtful about others. Despite my going through a period during which I missed years of CTWs, he never stopped inviting me to them and to dinner afterwards. He never chastised me, inquired as to what I was doing, or questioned my commitment. He even tolerated my pestering him about whether we should hold the dinners at other restaurants (people enjoy the Bento Box, noodles, and ambience at Zutto, he would say) and whether we should hold the CTW on a different day and time (we can accommodate everyone's teaching schedule by holding them at 4 pm on Fridays, he responded).

Steve had *gravitas*. A couple of years ago, when he was undergo-

ing intensive treatment for his illness, he asked me if he could pass the CTW torch to me. I agreed because the CTW is very important to the clinical community and I wanted to carry Steve's legacy forward. But I also told him that I could not possibly replace him. With Steve's approval, four clinical colleagues and I are facilitating the CTW, which is now called the Stephen Ellmann Clinical Theory Workshop.

Steve resided in rarified intellectual air but was as grounded as anyone I have known. I sometimes wondered how he managed to deal with people like me, who do not share his intellectual gifts. Eventually, I realized that if he didn't, he would not have many friends. And it turns out that Steve had an extraordinary group of friends from all over and from all parts of his life, including his youth. No wonder—he was kind, patient, tolerant, courteous, positive, and optimistic. I never heard him say an unkind word about anyone or anything.

Steve held many positions at New York Law School, including most recently the director of the Office of Clinical and Experiential Learning. He skillfully directed our efforts to comply with the various new regulatory requirements and helped build a thriving experiential learning program with diverse clinical, externship, and simulation offerings.

One day in November 2015 Steve was not in attendance at one of our clinical faculty meetings. I was startled, because I did not recall a time when Steve missed a meeting without prior notice. When I found out that he was at the doctor's office, I was even more startled. Soon after, we heard the news of Steve's illness. This happened to be right before Steve's installation to the constitutional law chair at NYLS, and I had been eagerly awaiting Steve's speech, having pestered him to take this opportunity to declare himself arbiter of all Con Law issues at NYLS and to deliver a speech proposing a constitution for our first Martian colony. Of course Steve did neither, and gave a very memorable speech about lawyers and the rule of law. Very characteristically, after his gracious introduction, he said, "And now let's get to work."

And that is exactly what Steve did. His final years were inspirational. His entries in his blog, *Now Without Hesitation*, were extraordinary. I awaited them eagerly and anxiously, reveling in the good news and amazed about how he dealt with and delivered bad news. His entries are full of information and observations that will benefit cancer patients and caretakers. And what a wonderful partnership he and his wife, Teresa, had in confronting his illness! Steve extended his life (to the benefit of all of us) for more than two years beyond the prognosis for people with his illness, and patients who read and learn from his blog will improve their chances of doing the same. In fact, it turns out

that Steve was something of a rock star among the doctors who treated him and the people who had his illness. Steve of course did not tell me this, but I got managed to draw it out of Teresa through conversations we had about the impact of Steve's blog.

Steve wrote his monumental biography of Arthur Chaskelson, including original source interviews and research in South Africa, in a remarkable three years. This was all the more remarkable considering all the time, attention, and energy he was devoting to his fight with cancer.

He engaged in his "mining operations," as I called them, searching for articles in SSRN to publish in the Clinical Law Teaching and Practice eJournal, until very near the end of his life. Only a few weeks before Steve passed away, he copied me on nearly a dozen emails to our publisher, attaching articles he had found during the mining operations, asking for permission to publish them. And, after I reviewed the articles and agreed that they should be published, as always, he sent me a thank you note.

Steve was brave. He told me of his prognosis by saying that it was just another fact among several with which he had been dealing. He came to NYLS for his book party weakened by his illness; he rose to the occasion and made a memorable presentation. Afterwards, Penny Andrews and I walked with him to his car, fearful this would be the last time we would see him. We watched as he was surrounded by family and friends, helping him into the waiting car.

Steve's passing prompted an outpouring of grief. Many others shared similar perspectives about Steve, which helped to deal with the grief.

Steve was a role model, mentor, and like a big brother to me. I miss Steve dearly and find it hard to accept that he is gone. But it helps to remember the words of Ringo's beautiful tribute to George from *Never Without You*:

And your song will play on without you
And this world won't forget about you
Every part of you was in your song
Now we will carry on . . . Never Without you²

Steve lives for us through his work. As long as we carry it forward, we won't be without him.

—Rick Marsico

² RINGO STARR, NEVER WITHOUT YOU (Koch Records 2003).

I knew Steve Ellmann many years before we became law professors. Steve was a lawyer with the Southern Poverty Law Center at the same time that I was director of the NJ Division of Mental Health Advocacy, and we connected through his work on the case of *Wyatt v. Stickney*, the most important class action ever litigated on behalf of the institutional conditions in facilities for persons with mental disabilities. It was Steve, in fact, who told me an anecdote (unreported in any of the countless reported *Wyatt* decisions) from one of the many hearings in the *Wyatt* case that I repeated yearly to my classes in mental health law, and that students still remember to this day.³

Steve and I became law professors at about the same time (I started in 1984 and he started in 1983), and I was thrilled that we would be in the same city. I began my career at New York Law School by directing the new Federal Litigation Clinic,⁴ and was delighted to learn that Steve had created a clinical teaching workshop program at Columbia (coincidentally, my *alma mater*). I took the subway uptown eagerly to participate in those programs and to sit in awe at the way Steve—a newbie on a faculty that was much the same as it had been when I was there fifteen years before—made this workshop an integral part of what Columbia offered to the legal education community. There was, truth be told, some cognitive dissonance between the clinical professors from all over the City who came and who were in-

³ Not verbatim, but close enough. Judge Frank Johnson had ruled that lack of funds was no excuse as a justification to deprive patients of their constitutional right to treatment. See *Wyatt v. Stickney*, 344 F. Supp. 373, 377 (M.D. Ala. 1972), *aff'd sub. nom.* *Wyatt v. Aderholt*, 503 F.2d 1305 (5th Cir. 1974). When Alabama officials came back to court to complain that there were no funds in the state treasury to pay for constitutionally-adequate care, this is what transpired:

Judge Johnson: Mr. Attorney General, can you identify this document I am showing you? And do you have a copy at the table?

State lawyer: Yes. Your honor. It is the state budget. And I have one here.

Judge Johnson: Good. Turn to page 37 [NB: I am making up page numbers]. What does that provide?

State lawyer: \$50,000 [and making up exact dollar amounts] for the Miss Confederacy pageant.

Judge Johnson: And page 98?

State lawyer: \$30,000 for the state 4-H show.

Judge Johnson: And page 112?

State lawyer: \$20,000 to fly the University of Alabama band to the Orange Bowl for the Alabama-Notre Dame football game.

Judge Johnson: So, you are telling me, Mr. Attorney General, that institutionalized mental patients in Alabama have fewer constitutional rights than a trombone player, a pretty co-ed, or a pig?!

⁴ At that time, clinical professors split their course load 50-50 between clinical classes and “traditional” classes. I had never taken a clinic in law school (though I had litigated for thirteen years), since none were available when I was a student.

volved, energetic, and brimming with ideas about clinical teaching, and the Columbia (non-clinical) faculty who had a different agenda. Once, exasperated, I said, “If I had wanted to come to a meeting of the Bloomsbury group, I would have done that.” Probably not a great career move for me, but so what? Steve smiled warmly,⁵ and it became a topic of discussion between us for the next twenty-five years.

I was so happy when Steve came to NYLS. I was no longer teaching a live-client clinic by then, though I taught “workshop” courses (basically, placement clinics) and a human rights-focused clinic for many years, including one in the years that preceded my retirement. I attended the clinical workshops sporadically, but, as my work expanded to include international human rights work, became a much more active participant in the South African Workshop programs. Steve’s work here was extraordinary, bringing to NYLS—on a regular basis for years and years and years—the leading figures in South African law, legal education and political reform. I got to know many of them (I had done some work in Uganda, and we discussed the comparisons between those nations at length), and that enriched me so.

Steve was such a terrific colleague. He was always willing to take the time to read drafts of papers, to offer suggestions, and to encourage me to push the envelope in what I was doing. An irony: I expanded one of the papers I gave in the clinical workshop series into an article for the *Clinical Law Review*,⁶ in which I said that sanism—an irrational prejudice of the same quality and character as other irrational prejudices that cause (and are reflected in) racism, sexism, homophobia, and ethnic bigotry—infected clinical teaching. Since then, some of my clinical colleagues at other law schools have never spoken to me. Things happen; the takeaway is that Steve was always so supportive—before and after.

We used to go to lunch at a Malaysian-Thai restaurant that used to be just behind the uptown Franklin Street subway stop. I’m a two-peppers kind of guy, but Steve always asked for five (or more!). This was always incomprehensible to me, but he told me what I was missing out on. It became a standing joke between us for years.

As those who know my work know, I mostly use Bob Dylan lyrics and titles for the names of my articles. One day, nearly twenty years ago, Steve called me, and asked if it was okay with me if he used a Dylan lyric as part of one of his titles. I told him of course it was, and I was flattered that he asked. He then published, *To Live Outside the Law You Must Be Honest: Bram Fischer and the Meaning of Integ-*

⁵ I had no idea at this time that his dad was the leading Joyce scholar in the world.

⁶ “*You Have Discussed Lepers and Crooks*”: *Sanism in Clinical Teaching*, 9 CLINICAL L. REV. 683 (2003).

riety,⁷ which included, as footnote a1:

“[T]o live outside the law, you must be honest” is from Bob Dylan, *Absolutely Sweet Marie*, on *Blonde On Blonde* (Sony/Columbia Records 1966). Thanks to my colleague Michael Perlin for the citation.

And that was Steve.

My wife Linda and I were at his wedding to Teresa Delcorso some years ago, and it was a wedding I will never forget. The joy, the exultation, on both their parts. Jubilation, I guess, is the right word. And now, it is so, so sad that they are apart.

I retired 4 ½ years ago, but still emailed with Steve regularly and followed his blog even more regularly after his illness was diagnosed. His struggle was heroic. Steve was heroic. I miss him so much.

–*Michael Perlin*

⁷ 26 N.C. J. INT'L L. & COM. REG. 767 (2001).

