A. LEON HIGGINBOTHAM, JR.

BERNARD WOLFMAN†

In his 1978 inscription to my copy of his important book *In the Matter of Color*, Leon wrote:

To Bernie Wolfman, great lawyer, dear friend, and “average” tennis player— with admiration and esteem . . . .

His hyperbole (“great lawyer”) was very welcome. That he said “dear friend” confirmed what I thought I knew, that our feelings for each other were mutual. But the quotes surrounding the word average (“average” tennis player) are clearly defamatory, and actionable were it not for the fact that truth is a pretty good defense.

Leon’s play at the net was superb, and it was intimidating as well. His height alone would make successful play against him a daunting challenge, but he added to his height the feature of a windmill, with both his arms almost always raised and in constant motion. His doubles partner had virtually nothing to do except when she had to serve, and I think Leon wished that he could be allowed to do that for her too.

We go back to 1948, he an undergraduate at Antioch College and I a law student at Penn. Leon and my fiancé were classmates and good friends. When she told him that she had decided to marry me (he and I had not yet met) and that I was a law student at Penn, he said he was surprised and disappointed that she was settling so low. He had just been admitted to Yale Law School. Our friendship dates from that moment of admirable academic chauvinism, and to this date I have not told him that I have often wondered about the heights he might have scaled if he had had the good fortune to go to Penn. Not that he has done badly.

What hasn’t he done! Performing in each of his roles in the first rank, with ability, dedication, energy, imagination, and courage, he has been lawyer, civil rights leader, government official, scholar, teacher, trial and appellate judge. And with the

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authority Pennsylvania law gives to federal judges, he has officiated at weddings. When he did so at my daughter’s wedding it was as though a great prophet of old were officiating—this towering individual in flowing black robe, with arms raised to their full height in a "V" formation and his voice booming! The guests were awed and transfixed. But several weeks prior to the ceremony Leon did something quietly and privately. He had Dina and Brad come to his chambers so that he could talk with them about the wonders and prospects and possible pitfalls of the new venture they were about to undertake. To this day they are as grateful for their private hour with him as they are for the wonderful wedding ceremony he gave them.

When I was its dean I invited Leon Higginbotham to teach at Penn Law School, and he agreed. He had taught elsewhere in the University, but never before at a law school. He had taught sociology students about race and the law, about their interlaced history and their fateful interaction, and he was engaged in research and writing on the subject at a profound level. It is now more than twenty years that he has been a treasured teacher at the Law School.

Leon brought an enormous fund of knowledge to his students, much of which he had uncovered and organized. By his example, his writing, and his teaching the students have learned the values of careful research, and of honesty and fairness. He has demonstrated by his life’s work how one can love and serve The Law at the same time as he makes it a proper target of trenchant criticism because of its prejudiced assumptions and dogma and because of the harm it inflicted on the people of color whose slavery in America the law had embraced and whose ultimate freedom the law was slow to promote or assure.3

Leon the teacher attracts students year after year. By his teaching and by the life he has led as teacher, scholar, and judge he inspires them. His creativity is for all to see in his writing, but it is also reflected in the ongoing work of the generation of lawyers he taught at Penn.

Those who knew Leon close-at-hand in his judicial role will write of his work as judge. I can say, however, that the qualities of the great judge—inintegrity, intelligence, vision, care, thoroughness, objectivity, and courage—have always marked his teaching and

3 It is the image of Thurgood Marshall that comes to mind when one reflects on Higginbotham’s telling criticism of the law and his magnificent career at the law.
scholarship. It is sad that Penn law students will no longer have him at the head of a classroom and that he will no longer serve America on the federal appellate bench, but it would be wrong to view this occasion as the beginning of his professional retirement. Leon Higginbotham's career is just taking another turn, in another locale. He will still be teaching law students (at Harvard Law School), and he will be teaching students of public policy and administration at Harvard's Kennedy School. Moreover, he will be giving of his wisdom to lawyers and their clients through his work as counsel to a major New York law firm.

Leon has always been young and cheerful, always chuckling and smiling, always energetic and enthusiastic, and he has always worked harder and on more tasks at once than just about anyone else I know. Now that he is older, he is just younger, more energetic, more enthusiastic, and an even harder worker.

All of us for whom Penn Law School is alma mater are grateful to Leon for his long service to the School and are pleased that he remains a University of Pennsylvania trustee. Leon Higginbotham is a great lawyer, a dear friend, and a tennis player par excellence. With admiration and esteem I salute him, and I wish him Godspeed.