

A. LEO LEVIN: LAW PROFESSOR

DOLORES KORMAN SLOVITER[†]

Before Leo Levin was my neighbor, mentor, colleague, and friend, he was my law professor. During my three years at the University of Pennsylvania Law School, I was privileged to take classes taught by approximately twenty-five law professors. I can tell you, in confidence, if I were so inclined,¹ how I rated most of them on a scale of one to ten. But I could not tell you after one year, and I certainly cannot tell you now, almost forty-five years since my graduation, what I learned in any of those classes—with one notable exception. And that exception is something I learned one morning in Professor Levin's class and have been learning ever since.

Law professors pride ourselves (I use the first person because I too was once, long ago, among that privileged group) on understanding that our primary goal is to teach the method of legal reasoning, not rules of law that are subject to alteration at the direction of legislatures or judges. Legislatures come and go, and judges are not immortal. Thus, the rules of law that are the meat and potatoes of Bar examinations are here one day and gone tomorrow—or, to be candid, gone as soon as one turns in that final Bar examination paper. But legal reasoning—the analytic probing that is the *raison d'être* of the Socratic technique prevalent in law school teaching in my day—becomes part of the lawyer's breathing in and breathing out, as the spouse or significant other of a lawyer trained during that period can attest.

I barely remember the subjects that even the professors I would rate as "10"s taught, but I will never forget a lesson taught by Professor Levin. The course was second-year Evidence. Half of the class already was acquainted with Professor Levin, as he had been one of the two professors assigned to teach first-year Civil Procedure. I had heard of him and could recognize him in the halls of the Law School, but we had not exchanged more than a nod or a smile, as I had been in the class of the other Civil Procedure professor (also a "10").

I did know something of Professor Levin's reputation—universally

[†] Judge, United States Court of Appeals for the Third Circuit.

¹ I am not.

considered to be a wise, decent, and considerate human being. I looked forward with eagerness to being in his Evidence class. I thought nothing strange of the note on the bulletin board notifying the students that Professor Levin's Evidence class would meet on the first day in the one auditorium-type classroom then in the Law School.² We assembled with a clear view of each other and the podium. Professor Levin strolled in, book in hand, in the accustomed mode of law professors. I can still see the scene, although some details are gone from memory. For example, I can't remember if he took the roll, but I do remember that we were not required to sit in alphabetical order as we had been during the first year.³ Professor Levin then began to talk to us in a very serious vein about evidence, with none of the jokes or lighthearted banter my classmates had told me to expect. Instead, we were subjected to the beginning of a lecture on the different types of evidence, what we would have to think about, what we would be expected to know . . .

Suddenly, from a door on the side of the room emerged a small man with dark hair who rushed up to Professor Levin and, in an anguished plea spoken in a foreign accent, asked him and his class to vacate the room, because "Professor Levin, I am supposed to be in this room." "Get out of here," replied the Professor sternly and pointed the intruder towards the door. He then turned and said to the surprised class, "I know him, he's crazy," and he proceeded to continue with the lecture as if nothing had happened.

In a minute or two, or perhaps ten or fifteen, in strode the young Assistant Dean of the Law School.⁴ The Assistant Dean was the man of all chores and talents—part-time placement officer, brother, confessor, and the students' tie with the Law School's rules, regulations, and requirements. And we felt he was part of our crowd. The Assistant Dean, polite and deferential as always, walked up to Professor Levin and whispered something in his ear. "No!" replied Professor Levin in a harsh voice. "Ted, you're interrupting my class. We've had enough of this." As the Assistant Dean walked off, the man with the foreign accent ran back in, yelling "Professor Levin, I had reserved this room

² This was before the days when the school was the beneficiary of Myles Tannenbaum et al.

³ I will always remember with fondness Alan Kirk, who sat in front of me or next to me in every first-year class, as my last name was then Korman.

⁴ To understand the flavor of the event, you should know or remember that the administrative staff of the Law School in those days consisted of Dean Fordham's secretary, Rae DiBlasi, the young Assistant Dean, and one other female clerk or secretary.

first," and before we knew it, there was a scuffle. Then the man with the foreign accent was out of the room, and Professor Levin remained on the podium and again continued with the day's opening lecture as if nothing had happened.

In another minute or two, or perhaps ten or fifteen, Professor Levin unexpectedly directed the class to take out a blank piece of paper and answer the questions that inevitably follow such a classic experiment: how tall was the man? (answers ranged from 5'5" to 6'2"); how much did he weigh? (145 pounds to 190 pounds); what color was his hair? (you can imagine the range); what color was his tie? (blue, red, pink, to no tie at all); etc., and, of course, who pushed whom first? We handed in the papers, Professor Levin read out the answers, and we thought about what we had learned.

For a long time I thought the lesson was that if we, who saw the events from a prime vantage point with no obstructions and with no personal involvement, could not agree on the historical facts, then even direct evidence was suspect, and circumstantial evidence, generally deemed inferior, may indeed be more reliable. It is a lesson I have never forgotten, even though I regard with some suspicion the so-called expert witnesses introduced to tell us that a rape victim cannot reliably identify her attacker whose face was as close as inches.

But later I realized that was not the lesson that Professor Levin had intended. Instead, he taught us to question rules and received information. What is reliable evidence? Why is hearsay suspect? What conduct should be encouraged? Why? What are society's interests in the issues? These are questions that remain timely and current.

When Professor Levin retells the story of the experiment in our Evidence class, he invariably includes as the punch line the fact that Dolores Korman handed in no paper. She failed as a witness. As soon as the going got tough on the podium, she put her head down in embarrassment for the young Assistant Dean and could recount nothing. I have never questioned that interpretation until today. As I reconsider, I now think that my concern was not really the Assistant Dean but was Professor Levin—how out of character it was for this wise, gentle and considerate Professor to be harsh with a young colleague.

Over the years, A. Leo Levin has taught in many arenas other than law schools, and to many persons other than law students. As Founding Director of the National Institute for Trial Advocacy, he has taught

practicing lawyers how to litigate;⁵ as the Director of the Federal Judicial Center, he has taught judges how to practice and perfect their craft;⁶ as Reporter for the Civil Justice Reform Advocacy Group for the Eastern District of Pennsylvania, he helped teach management techniques that could be applied to the federal courts.⁷ But he has never ceased being the wise, gentle, and considerate person that he pretended not to be that morning in the mid-1950s. And it is because he is that kind of person that his lessons—from his classes, from his writings, from conversations with him, and from watching him and trying to emulate him—stay with us.

The title page of an article about Professor Levin quotes the Talmudic phrase: "From many have I learned but from none more than from my students."⁸ I hope it is not being disrespectful of Professor Levin's deeply-held religious beliefs to rephrase and say: "From many professors have I learned but from none more than from Professor Levin."

A. Leo Levin has been my neighbor, my mentor, my colleague, and my friend, but first and foremost he has been my professor.

⁵ See Harold Cramer, *A. Leo Levin: A Life-Long Commitment to the Law, Legal Education, and the Judicial System*, 138 U. PA. L. REV. 325 (1989).

⁶ See William H. Rehnquist, *Tribute to Leo Levin*, 138 U. PA. L. REV. 317 (1989).

⁷ See the transcript of *A Holiday Luncheon to Honor Professor A. Leo Levin* (Dec. 14, 1998), which graciously was made available to me by Michael E. Kunz, Clerk of the Court, United States District Court for the Eastern District of Pennsylvania.

⁸ *Saying Goodbye to Adjective Law*, PENN L.J., Fall 1998, at 72.