

A. LEO LEVIN: A LIFE-LONG COMMITMENT TO THE LAW, LEGAL EDUCATION, AND THE JUDICIAL SYSTEM

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A. Leo Levin¹ commands national recognition and respect as an outstanding teacher, scholar, and administrator. I have the unique privilege of knowing him, not only in those distinguished capacities, but also as my friend and colleague for forty years.

I first met Leo in 1949, when he returned to the University of Pennsylvania Law School, no longer as a student,² but as a professor. I was then in my second year and encountered Mr. Levin as a new law professor from Iowa University who was to teach us, of all courses, "Land Transactions," a subject far removed from his now legendary courses—Civil Procedure, Evidence, and Judicial Administration.

After my graduation from law school, our paths did not cross again until the end of the Korean War. I had returned home and taken a position as a law clerk with Edwin O. Lewis, the President Judge of Common Pleas Court No. 2 in Philadelphia County. As I was nearing the completion of service, Leo asked if I would be interested in joining with him in a project he had undertaken at the law school, and I readily agreed. We worked together for nearly a year until the lure of private practice drew me away. By that time, I had become a close friend of Leo, his wife, Doris, and his two small sons, Alan and Jay.³

Leo was at that time developing a keen interest in the experimental program of teaching law students not simply legal concepts, but how to practice law—then a revolutionary undertaking for law schools. He was conducting a seminar to train law students to be trial attorneys in a course entitled "The Trial of an Issue of Fact." He held the course mainly in the evening, most times at his home

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² Leo graduated with honors from the Law School in 1942.

³ Both now practicing attorneys—Alan in Washington, D.C., and Jay in Philadelphia.

(where Doris served as house mother), with the enthusiastic participation of trial lawyers and judges.

A brand new teaching method evolved through this course. Based on a set of facts established in advance and with a judge ruling as in a courtroom, a trial lawyer would conduct jury selection, direct examination, cross-examination, and opening and closing statements, and the students would serve as opposing counsel. The participants would then reverse the roles, and the students would perform the role that the trial lawyer had demonstrated, while the lawyer served as the opposing counsel. I regularly attended these sessions and watched Leo adroitly change students in mid-stream or stop the proceedings to pose a hypothetical question or suggest alternative approaches. He kept the sessions lively and entertaining, and the students learned by "doing." It was a highly successful course and sought out by the students. It brought the real world to the classroom.

Following the establishment of his new trial practice course, Leo asked if I would join him to undertake to write a book, under the auspices of the American College of Trial Lawyers, which could be used by law professors nationally to teach students how to try cases. I was delighted with the opportunity and readily agreed to become his co-author. The result, after regular Sunday work sessions, was *The Art of Trial Advocacy*, published by Foundation Press in 1968, together with a teaching manual, which was designed to impart to the teacher the technique that Leo had so carefully honed in his experimental seminar. This publication, I believe, changed the direction and thrust of many law school curriculums and confirmed what Leo had foretold—that students could be better prepared for the practice of law by creating in the classroom the application of the law to what the students would face in actual practice.

Leo did not rest with his success with law students and teachers. He believed that the techniques he had developed for law schools could be used to train lawyers to be better trial advocates. Thus, he convinced me to join with him in using his method to teach lawyers who wanted to sharpen their skills. For several years thereafter, from 1973 to 1975, we taught a week-long course for the Practicing Law Institute in New York City to attorneys from all over the United States.

There soon came the request from a coalition of organizations, including the American Bar Association, for Leo and I to join in an effort to develop an intensive trial course for practicing lawyers, with several distinguished professors of law and outstanding trial attor-

neys, including Prentice Marshall of Northwestern University Law School,⁴ John Kaplan of Stanford University Law School, Robert Keeton of Harvard Law School,⁵ as well as Philip Carboy, Esq., of the American Trial Lawyers Association, among others. The planning sessions of that group, at the University of Colorado, developed the National Institute of Trial Lawyers, and Leo became its first Executive Director. Leo single-handedly structured the program to become today the leading, nationally-acclaimed program in training lawyers to become trial advocates. Leo was the father, midwife, and visionary of creating this outstanding program. Its success today is the result of his leadership and labor.

All during this period, Leo was still a dedicated law professor, even taking time out to serve as the University of Pennsylvania Vice Provost from 1965 to 1968.

In 1977, Leo left his beloved University of Pennsylvania and succeeded Justice Tom Clark as the second Director of the Federal Judicial Center.⁶ This meant that he and Doris had to move from their home on Delancey Street in Philadelphia (which his students and colleagues still remember as a place of warmth and generous hospitality) to Washington, D.C.

Those of us who followed Leo's second or third or fourth career in the Capitol soon became aware that, under his leadership, the Federal Judicial Center had become acclaimed by the Judges of the various United States District and Circuit Courts. Leo was constantly travelling to the various Circuit meetings, training judges how to judge, doing important research in a continuing effort to strengthen the federal court system, and constantly introducing new techniques for the courts to serve our citizens better. While energizing the Federal Judicial Center, Leo and Doris still found time to open their house to Judges, Senators, Congressmen, and others, including his former colleagues. I still remember with great delight invitations to visit Leo and Doris in their Washington home at buffet dinners where one might find the Chief Justice, several Associate Justices, the Solicitor General, and the Director of the Federal Bureau of Investigation, all with their spouses and some of the Levins' close friends.

⁴ Now a United States District Judge for the Northern District of Illinois.

⁵ Now a United States District Judge for the District of Massachusetts.

⁶ The Center was established by Congress as an agency to serve the federal judicial system through research and judicial administration, continuing education for federal judges and others, and the development of computer systems to serve the courts.

It was like being at the Algonquin Hotel in New York at the "Round Table" of past fame.

Finally, in 1987, Leo came home to become the Leon Meltzer Professor of Law at the University of Pennsylvania. Leo and Doris left their son Alan in Washington, but returned to their roots in Philadelphia, and settled not far from their now-married son Jay, close to their grandchild. The circle is complete, and Leo and Doris are once again part of the University of Pennsylvania Law School family.

But Leo never stops. He recently undertook to serve as the Chairman of the Task Force created by the Chief Justice of Pennsylvania, to make recommendations to the Court for the improvement to the judicial system. He still is a young man in a hurry to give back to the community, whether it be the United States as a whole, the commonwealth of Pennsylvania,⁷ or the City of Philadelphia,⁸ whatever expertise he has for the betterment of our society.

Leo is Leo, and I am happy and honored to say that, above all, Leo is my good friend.

⁷ In 1973, he was Chairman of the State Legislative Reapportionment Commission for Pennsylvania.

⁸ His text on delay in the courts was of unmeasurable help in strengthening the present Philadelphia court system.