

PROFESSOR A. LEO LEVIN

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It is entirely appropriate that the *University of Pennsylvania Law Review* pay tribute to Professor Leo Levin's contributions as teacher, scholar, public servant, administrator in the public and private sectors, and good citizen. He is all of these and more. He is thoughtful, compassionate, friendly, eloquent, and industrious. Leo Levin has masterfully merged academics and public service, a favorable mix that has long been appreciated and encouraged in my home State, for which reason it is sometimes called the "Wisconsin idea."¹ I had the good fortune to work with Leo Levin during his decade of service in Washington, D.C., as Director of the Federal Judicial Center, and I can attest that this tribute is well deserved.

Leo became Director of the Center in July of 1977, and one week later he honored a prior commitment to testify before my subcommittee, assisting in an ambitious undertaking to examine the State of the Judiciary and Access to Justice.² During seven days of hearings, we heard from an All-Star team of justice system experts—including Chief Justice Warren Burger (written statement), then Attorney General Griffin Bell, Robert Bork, Ralph Nader, Judge Shirley Hufstедler, and Burt Neuborne. Although he appeared in his capacity as Director of the Center, his testimony was primarily in his capacity as former Executive Director of the Commission on Revision of the Federal Court Appellate System. The Commission, a creation of the Congress, came into being in 1973 and went out of existence in 1975. Leo went directly to the heart of the matter, stating that in attacking judiciary questions our goal must be the "availability of justice for all Americans."³ He cautioned, however, that "the goal is not easily realized . . ."⁴

He emphasized that two other significant enterprises with which

† United States Representative (D.-Wis.); Chairman, Subcommittee on Courts, Intellectual Property, and the Administration of Justice of the House Committee on the Judiciary, with legislative oversight of the Federal Judicial Center.

¹ See C. MCCARTHY, *THE WISCONSIN IDEA* (1912).

² See *State of the Judiciary, and Access to Justice: Hearings Before the Subcomm. on Courts, Civil Liberties and the Administration of Justice of the House Comm. on the Judiciary*, 95th Cong., 1st Sess. (1977).

³ *Id.* at 230.

⁴ *Id.*

he had been associated—the National Conference on the Causes of Popular Dissatisfaction with the Administration of Justice, convened in St. Paul, Minnesota in 1976 (for which he served as Conference Coordinator) and the ABA Conference Follow-Up Task Force Report (for which he served as a consultant)—both concluded that those for whom the administration of justice perhaps has the most meaning in our society are the weak, the poor, and the powerless. They must be among the beneficiaries of whatever changes were to be proposed. Leo aptly recognized that court-related problems are not merely lawyer problems or judge problems, they are people problems.

Leo served as Director of the Federal Judicial Center with devotion and distinction. These years of his public service came at a time characterized by shrinking budgets and a general distrust of government that permeated the Washington scene. But he kept the Center on course under these adverse conditions, his eternal optimism and immense creativity the guiding beacons. He attracted and maintained a committed cadre of researchers, educators, automation specialists, and support staff. Under his tutelage, the Center team successfully engaged in a broad range of activities within its legislative charter.

In July of 1987, during his last appearance as Director before my subcommittee and shortly before his return to academe, Leo proposed four amendments to the Center's statute, including creation of a Federal Judicial Center Foundation and establishment of a history program for the federal judicial branch. He hit a perfect 1.000, as all his suggestions were enacted into law as part of the Judicial Improvements and Access to Justice Act of 1988.⁵ Not a bad batting average in politics.

Leo contributed to public policymaking at a time of transition in the federal judiciary, when court reformers had to move from simply debating and discussing necessary statutory changes to the painstaking business of implementing legal reforms by internal judicial administration and statutory changes. He participated in and contributed to the passage of laws relating to United States magistrates, bankruptcy courts, two new circuit courts, sentencing reform, judicial discipline, jurors and witnesses, and alternatives to litigation such as arbitration. He was not only at the center of activity encouraging the examination of these reforms, but actively participated in the political resolution of questions raised about them.

⁵ Act of Nov. 19, 1988, Pub. L. No. 100-702, 102 Stat. 4642, 4646-4648.

In 1987, Leo returned to Philadelphia and his first love, teaching students at the University of Pennsylvania Law School. His presence nonetheless is still felt on Capitol Hill. He recently testified, again before my subcommittee, about judicial discipline and impeachment reform in his capacity as Chairman of the Twentieth Century Fund and Federal Judicial Responsibility.⁶

One can point, of course, to Leo's tangible achievements, embodied in his prolific output of articles, congressional testimony, and speeches. One should not, however, overlook an intangible achievement, reflected in an unflagging confidence that he constantly expressed in our government system and his manifest willingness to work hard for its betterment. Upon reflection, I see two Leo Levins, one in harmony with the other: the eternal optimist, arguing that we (including those of us who serve in the Congress) can get the job done; and the realist, reminding us that our task is an arduous and difficult one. I once heard him observe that all great cathedrals were built brick-by-brick, and the American judicial edifice was constructed similarly over the past two centuries. Leo expressed satisfaction in his role as a stone mason, never afraid of the grimier tasks at hand. To me, however, he is a master architect with a grander scheme in mind but one not averse to contributing to the daily work that must occur for the structure to rise.

Leo's presence in Washington, D.C., was always a low profile one, as he never attracted attention to himself. It was rarely possible to express thanks or signal a job well done to Leo, for he always receded into the background or preempted the compliment by initiating one of his own. Like a good professor, he allowed the fruits of his endeavors to mature in others. In the years ahead, as his contributions ripen, Leo Levin will become regarded as one of the central figures in this Nation's constant quest to provide a fair, inexpensive, and expeditious justice system to our citizenry.

But, for the moment, the immediate record set forth in the *University of Pennsylvania Law Review* should reflect Leo's accomplishments and my own personal gratitude to him. I can think of no better example for a government executive or an academic to emulate than Leo Levin. It is often said that teachers teach for eternity. I hope that the graduates of the University of Pennsylvania Law

⁶ See *Judicial Independence: Discipline and Conduct: Hearings Before the Subcomm. on Courts, Intellectual Property, and the Administration of Justice of the House Comm. on the Judiciary, 101st Cong., 1st Sess. (1989).*

School will carry Professor Levin's message and model with them in their own work in the days and years ahead.