

## JAMES O. FREEDMAN

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The entire career of James O. Freedman has been at the University of Pennsylvania, except for his first year at the Bar when he served as law clerk to Justice Thurgood Marshall, then a judge of the United States Court of Appeals for the Second Circuit, and his second year when he was an associate in a leading New York law firm. As a Trustee of the University, and as a member of the Law Board and its successor, the Board of Overseers of the Law School, during this period, I have observed the warm affection and the high regard in which he is held by law students, fellow members of the faculty, law alumni, and administrators of the University.

I think of Jim Freedman first as a teacher. From the beginning, he demonstrated that he is a superb teacher—clear, perceptive, inspiring. In the law school classroom, he sees, as one of his primary tasks, honing the students' logic and reasoning processes to the sharpness he knows the legal profession demands. He concentrates on helping students express their thoughts with clarity and preciseness. He has the uncommon ability to bring out the best in his students, to develop in them meaningful career aspirations and to increase their confidence in their ability to attain them, to build their independent thought, to instill in them courage to hold to and defend their convictions, and to encourage commitment to the larger objectives of the profession they seek to enter. He endeavors to impart to them lucidity and economy of written and oral expression at which he is such a master, to cut through rhetoric and complexity and grasp the essential kernel of a problem. He loves teaching, and is devoted to his students. The poet could truly say of Jim Freedman: "For him, the teacher's chair became a throne."

Jim's teaching has a broad compass. He has endeavored to prepare his students for the practice of law in ways that the experienced and knowledgeable teacher can. First, he has emphasized their paramount obligation to render competent and dedicated service to their clients. Next, he has stressed the importance of their participation in what must be the unceasing effort of the

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legal profession to improve the instrumentalities of justice. Finally, he has urged what I like to think of as "the higher calling of the Bar"; that is, to assume a role of leadership in the pursuit of a just and ordered society for all our people.

While Jim has taught other subjects, for example family law where he pioneered teaching the subject jointly with noted psychiatrists such as Dr. Richard Lonsdorf, his dominant interest has been administrative law. It would not have been surprising if one with Jim's scholarly bent had become absorbed by the endless and fascinating technical complexities of administrative law. He is indeed an expert in these phases of the subject. Yet, he has chosen to emphasize administrative law as the rules that govern decision-making processes of government, and he has delved deeply into its jurisprudential aspects and its connection with the law as a whole. With deftness and insight, he has wrestled, in his lectures and in his writings, with such intricate questions as the legitimacy of the administrative process in the context of a Constitution committed to separation of powers and checks and balances; the exercise of vast powers by groups without political accountability; and the difficulties of harnessing the administrative process to achieve politically responsive public policy. Long ago, Justice Frankfurter showed us how the road to substance lies through procedure. Jim Freedman has analyzed not only the technical means but he also has explored the ends themselves, to probe their relationship to the elusive goals of justice. His blending of philosophy, jurisprudence, and practicality provides a model in the administrative law field. Although published by the Cambridge University Press only three years ago, his book *Crisis and Legitimacy: The Administrative Process and American Government*<sup>1</sup> has already become a classic.

Universities are reservoirs of highly versatile and talented persons. It is a great asset if some are willing to undertake critical functions in spheres other than their own, particularly teachers for tasks best performed by teachers. Jim Freedman is notably one of these versatile and talented persons; and so in 1973, he took on the awesome role of University of Pennsylvania Ombudsman. He did so at an agonizing juncture of the University's history: campuses were still in turmoil; administrators and faculty were often in open conflict with students over deeply-felt student complaints; allegations were widely made of institutional racism following the admission

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<sup>1</sup>J. FREEDMAN, *CRISIS AND LEGITIMACY: THE ADMINISTRATIVE PROCESS AND AMERICAN GOVERNMENT* (1978).

of increasing numbers of minority students, and discrimination in the hiring and promotion of women was charged. Faculty complaints, too, were causing dissension. Jim had the ideal traits for addressing the disaffection and divisions that those problems had generated. He quickly perceived that there was right and there was wrong on both sides. He remained both sympathetic and dispassionate while endeavoring to reason with not only avid but also extremely vigorous and sometimes insulting partisans. Ultimately, he always arrived at an impartial decision and this was recognized even by those who disagreed with his conclusion. Together with President Meyerson, Jim helped the University demonstrate that it could cope with the problems of the day and reach solutions without sacrificing values that needed to be preserved. His work during his three years as Ombudsman was widely and enthusiastically praised.

Jim's recognition by the University was evidenced in another unusual way. This came when he was elected Chairman of the University Press Editorial Committee, a high tribute to his scholarship and intellectual power.

It is not surprising that the larger community, too, would reach out for Jim Freedman and enlist him for difficult and sensitive posts. I refer only to his last two assignments. The first, which came last year, is membership on the Board of Ethics of the City of Philadelphia, involving the difficult duties of deciding how government officials should conduct themselves ethically and passing upon the propriety of the conduct of specific officials on particular occasions. The second, which he assumed this year, is the post of Chairman of the Pennsylvania Legislative Reapportionment Commission. Here, he must grapple with the intricate and delicate task of establishing certain aspects of a fair system for elections throughout the Commonwealth. The strong political pressures involved are apparent. Personal careers are at stake; intense and conflicting views are inevitable; public controversy is most often a result. As usual, Jim has served the public interest with high professionalism and complete objectivity, which once again has won him high commendation.

I return to Jim Freedman on the University campus for it is in his role as Dean that I came to know him best. One need not emphasize to readers of the *Law Review* that serving as Dean of one of the best and most prestigious law schools in the country has never been an easy task. I can say with confidence that the views of the members of the Board of the Overseers of the Law School,

who include several University Trustees, are uniformly highly commendatory of Jim's performance and achievements.

It is tempting to chronicle aspects of Jim's performance as Dean which have inspired this admiration. This would be presumptuous, however, when among the other contributors to this issue honoring Dean Freedman are those so much more familiar than I with the role of Dean and Jim's performance in it. Accordingly, I shall refer to only two aspects of Jim's deanship, both of which I had the opportunity to observe intimately:

I have had the privilege and enriching experience of frequent lunches with Jim. We would of course discuss law school matters, often in the framework of the profession generally. From the day he became Dean, Jim has devoted a great deal of time to promoting the Law School among the lawyers of the country, starting with those in Philadelphia. He considered enrolling their support so critical that he expressly requested and has had meetings with entire law firms. I remember warmly the occasion when Jim addressed the firm of which I am a member and the unanimity of enthusiasm and admiration which he inspired.

I can personally attest, too, to the alacrity with which he pursues the slightest indication that a personal visit, at whatever distance from the campus, would produce a meaningful financial contribution to the Law School. Two years ago, there were only two alumni of the Law School who were Benjamin Franklin Fellows (contributing \$5,000 or more to the Law School in a year). Jim resolved to change this situation. Within a few months there were nine, soon twelve; and a very much larger number of Benjamin Franklin Associates (contributors of \$1,000 or more in a year), due in significant measure to Jim's willingness to plunge into the pragmatic task of promoting enthusiasm and raising funds for the Law School.

I refer to one other very recent action by Jim as Dean. During the years of my connection with the University, I have joined those who have endeavored to shift some of the emphasis that most universities, including our own, place on scholarly achievement—the production of books and other writings—to at least commensurate emphasis upon teaching. I recognize the extent to which the standing of an institution and the scholarly productions of its teachers are intertwined, but surely the primary impact on students is the quality of the teaching they receive, the inspiration they derive from the faculty.

Jim quickly acknowledged the existence of this need. Indeed, he stated that there was a great sense in the faculty that it had not directed its attention systematically to concerns of teaching and particularly to helping each other become better teachers. He early exhibited a determination, which he said was shared by members of the faculty generally, that they ought to make teaching as much a subject of collegial discussion and promotion as they were doing with respect to scholarship. As a result, in October 1980, Jim created what he called a "Teaching Committee," consisting of four members of the faculty and two law students, with Professor Louis Schwartz as Chairman.

Very soon, the Committee distributed to all members of the faculty an extensive memorandum entitled *Teaching Tips: A Checklist for Self-Examination*, containing also a section entitled *Pitfalls to be Avoided*. It is an inspiration to read this document. Seven days later came another detailed memorandum, entitled *Facilitating Self-Improvement: Video; Colleague-Criticism*. The Committee created a process whereby faculty members visit each other's classes and provide critiques of each other's teaching, of course with the approval of the faculty members involved. I forego further details, but express my admiration for the ingenuity and dedication of Professor Schwartz and his Committee, and of course for Dean Freedman, as originator and strong supporter of the project.

Perhaps the best evidence of Jim's dedication to teaching is that despite the pressures of the deanship and of his extensive extracurricular activities, when he became Dean he determined that he would continue to teach, and he still does. Indeed, in 1980 he was also appointed Professor of Political Science, in addition to Professor of Law, thus crossing disciplines.

This tribute would not be complete without a personal note about Dean Freedman. Knowing of Jim's accomplishments and the high regard in which he was held, my first attraction to him was his unassuming manner, his modesty, his courtesy to everyone with whom he dealt. He is never too busy to counsel a colleague or a student. His responses are never ponderous or formal; they are always warm and personal even when on a serious or technical subject. His capacity for friendship seems limitless.

Jim's high qualities have made him a superb Dean; they will make him a superb college president. The University of Pennsylvania loses, and the University of Iowa gains. In his new role, he will be educating a larger and more varied constituency in a

larger forum. We at the University of Pennsylvania feel a great sense of loss at his leaving. Yet, we cannot regret this step in his career from leadership in the affairs of a law school, however outstanding, to the stewardship of an entire university. Our friendship and our abiding good wishes will accompany him when he leaves to assume the challenging role of President of the University of Iowa.