

JOHN SEXTON DEDICATION

It is a high honor to be asked to speak on this occasion and about this man. I will let others speak about John's accomplishments and will focus on the person I know. But perspective is necessary. Where, as the kids say, is this speaker coming from?

I come from a small family. I'm an only child, which some say accounts for my personality, and a very small family. Indeed, all of my known relatives live in one house in Silicon Valley. My reference points, therefore, are not kith and kin.

I have been blessed with great mentors—Ben Kaplan and Jack Weinstein. My cousin “Arnie”—my rich, brilliant cousin Arnie. My mother wanted me to work for him. The company went bankrupt. My law school roommate and his spouse, who are provincial Washingtonians. Life and the known universe for them exist inside the Beltway with occasional overnights to Cambridge.

Linda Silberman, my student, whom I almost scared out of law school on her first day. Fortunately, her mother talked her into staying, despite me. She became my research assistant, my son's babysitter, and a lifelong friend. She refuses to be a collaborator, choosing to write a casebook that competes directly with the procedure casebook of the speaker and the honoree. Such is gratitude.

Mel Weiss—a loyal and generous NYU Law School graduate who has forced me to confront the reality of real life, whether it's class action practice or a bottle of really good wine.

And finally there is John Sexton—the hugger. I have known him since his first day in law school. Longer even than the wondrous Lisa, his wife. Indeed, I like to think that they fell in love in first year Civil Procedure under the influence of my rhapsodic teaching of *Erie R.R. v. Tompkins*. In truth, John performed in my then annual “Erie day” theatrical skit—that year based on *Animal House*. Visualize John in a toga doing a line dance at a fraternity party. If you think John's hair stops at his chin, you're wrong. Indeed, the event has been immortalized by the *Boston Globe*.

John was an older student. I believe “second career” is the euphemism. When I called on him in Civil Procedure, we engaged each other for 40 minutes. As he tells it, it was cheek and jowl combat, mano a mano. He became an instant hero to the masses. But John is a survivor—a door opener, not closer. So within an hour of the class's end, he was in my office, proclaiming that he meant no offense. And then for the first, but not the last time in our years together, I heard his immortal words, “You're the greatest, you're

the man”—which over the years has matured into “I love ya.” And to tell you the truth, I love him.

In academe, they pay us in students and their maturation. I certainly was well-compensated in John’s case, but I have had the pleasure of watching him grow and blossom. Sensing something in him when he did his first year *mea culpa*, I gave him my procedure class for a few days when he was a second and third year student. He performed brilliantly. Indeed, that may have been the birth of his pastoral style. That made it all the easier for me to recommend him for clerkships with Harold Leventhal and then Chief Justice Burger, and then for a teaching position at NYU. He has been my research assistant, collaborator, co-author, dean, and my friend.

John is a Global man. A caring spouse and parent. Comfortable with a President of the United States and the people at Yankee Stadium or Madison Square Garden. He has time for all—even me. He has the respect of all, although the Dean of Harvard Law School considers him a pain in the . . . (I think it’s called Decanal Envy by the psychiatrists.) Once I claimed to be John’s mentor. Today, he allows me to be his mentee.

The measure of John in my eyes is something I have never shared publicly. In the mid-1980s, I was hospitalized in February and the diagnosis, fortunately proven erroneous after 31 days of surgeries, was terminal. In those days the Civil Procedure course was year-long—indeed, people like Linda and I think those were the good old days—and my section had to be covered. Instantly I thought of John, and for close to two months he journeyed every week to Harvard to teach my classes. My class did not lose a step—although they had difficulty readjusting to me when I returned. After all, I responded only to “Professor Miller,” not “John” or “hey you!”

So now the man whom I have always publicly described as the best law school dean in America has become a University President. To me, John is my friend. But in reality, as I look back on our years together, although he declines to accept the burden, he is the brother I never had.

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