

## TRIBUTE TO ARTHUR MILLER

JOHN SEXTON

So I think I am here in the role of the President of New York University. Justice Ginsburg's colleague, Stephen Breyer, once said to me that when you move into such a position, sometimes you have to perform the "blessing function." So consider this event blessed.

However, it's impossible for me to remain in that simple role today. After the tour de force that we've just heard from Justice Ginsburg, it's hard to imagine that there's much else to be said, but the fact of the matter is that Arthur Miller—like life—is best viewed not through a single window, but through the many facets of a diamond, and you will see as we proceed through the speakers that this special man has many, many sides that even those who feel they know him best cannot imagine.

So I will move out of the blessing role and into the personal role. Like Linda Silberman, my professional sister through Arthur, I was Arthur's student. In a profound way, I can say that Arthur's class literally changed my life, and changed it not simply in the professional dimension, but in the most personal of ways.

First, I should say to you that our class, our section, was the section about which Scott Turow wrote his book *One L*.<sup>1</sup> I'm not in the book. Arthur might say he's not in the book, but I've got news for you: he is. But when I say he changed my life in profound ways the plural is important. He, of course, caused me to teach what I teach; he became my mentor and later he made me his (very junior) co-author. But even more important, he changed the most personal and important dimensions of my life. I had arrived in Harvard Law School as the single parent of a six-year-old, and it was in Harvard's first class for me, Arthur's Civil Procedure class, that I saw Lisa Ellen Goldberg and fell in love immediately.

That first class was very interesting. I was, I think, Arthur's oldest student; I certainly was older than Barney Frank when Barney took Arthur's course. I was 33; I'd been a tenured professor; I'd been a good teacher. But I was at the Harvard Law School and I'd been told by a friend who was on the faculty there that I was blessed to have one of the great teachers if not the greatest teacher at the

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1. SCOTT TUROW, *ONE L: THE TURBULENT TRUE STORY OF A FIRST YEAR AT HARVARD LAW SCHOOL* (1977).

school as my Civil Procedure teacher. So, from the first minute, I watched his every move.

On the first day, he walked into class, immaculately dressed as he always is, and announced to us that there were rules in the class. This was Civil Procedure, there were going to be rules. And one of the rules was that you came to class prepared. He had never heard the word “unprepared,” he said, and he was not going to hear it from us. He had never heard the word “pass” and he was not going to hear that from us either. He went on to tell us that if we were unable to get the work done, we could go to his secretary and tell her, “I’m not prepared today,” and that, if we did so, he wouldn’t call on you. But, he continued, if you didn’t follow that rule: the sentence stopped. Because there’d never been anyone that hadn’t followed the rule.

It was about, I’d say, two months into the term that a person that by that time had become a good friend of mine sat down next to me outside of class. He was a married man with two children who was putting himself through law school as a resident counselor in a home for troubled children. “You know, John, I didn’t get the cases done for procedure today,” he said, “one of the kids had a tough time last night, I was up all night.” I said, “Well, go tell Arthur’s secretary.” He said, “No, no.” It’s amazing how many people didn’t go tell the secretary—they somehow thought that there would be a penalty if they admitted they were unprepared. About ten minutes later, when Arthur walked into class, I was perched on a seat that offered a good view of Lisa Goldberg, and, as it turned out, also of my unprepared friend. Arthur spun, pointed right at him and said: “State the case.” I was the only person in that room other than my friend who knew that we had come to a critical moment. My friend looked at Arthur and said, “Professor Miller, I’m unprepared.”

At this point, I was watching Arthur, and I have to tell you, Ladies and Gentlemen, this was the only time in his life that Arthur Miller was unprepared. He did not know what to do. His lip was quivering as much as my friend’s was; there was a silence that I counted as a full ten until my friend made the mistake that made Scott Turow a best-selling author. “Let me explain,” he said. And Arthur cut him off and said, “There is no explanation,” and proceeded—quite inappropriately, in my view—to call on the person sitting next to him and stay with that person for the next fifteen minutes so that the eyes of the whole class—at least their peripheral vision—remained on my friend.

When Arthur left the room at the end of that class, Lisa Goldberg bolted to the front of the room and said: “I have never

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been so embarrassed for my peers or myself. We have just been infantilized! This is outrageous! We should demand this man's resignation from the faculty." She passed around a petition which, once signed by dozens, she presented to Arthur in his office.

Four months later, I was fully aware of my love for Lisa, but too embarrassed to tell her. Simply put, I knew she was way above my head. One day, Arthur Miller walked into class, spun around, and said, "Mr. Sexton, state the case." I was prepared. He stayed with me for the entire hour. I have never been grilled that way in my life. Whether you believe it or not, Ladies and Gentlemen, it was the only time I spoke in the three years of law school. It was a memorable day in our class.

Afterwards, as I came out of the zone (almost unconsciousness) in which I had been operating during class, a zone in which I actually engaged Arthur in repartee as well as intellectual discussion, each of us cutting the other as if I were dealing with one of my cousins at the dinner table, people came up to me and pumped me on the back and said, "Boy, you really stuck it to him, you really stuck it to him!" And I began to realize that was the last thing I wanted to do.

Later that day, I got to my mailbox and there was a note in the mailbox: "Please see Arthur Miller." I remember walking into his office and seeing his eyes rising as he said: "You know, I understand you're interested in law teaching." I said, "Yes." And he said, "Well, I want you to know I came to class in a bad mood today, but I've never enjoyed a class as much as this class today. And when the time comes, I'd like to write you a letter of recommendation."

About a month later, I finally got up the courage to tell Lisa I loved her; and, miraculously, she said she felt the same way about me. Sadly, however, it turned out that Arthur Miller had gotten her (the woman who had petitioned for his removal) a job in Chicago at the Sonnenschein law firm. He had shown her that even when you disagree vehemently, professionals don't personalize it; he had written her a letter of recommendation.

When my protestation of love turned to success, and we were married two months later, we wrote a note to Arthur, and we said, "We thought you might be interested that two people in your civil procedure class fell in love and married each other." We got a note back from him: "When you get back, I want to take you to dinner to celebrate this." And at dinner at the Ritz Hotel, just the three of us, he said to me: "Are you still interested in teaching?" And I said, "Yes." And he said: "I have to go to India for some telecasts in April. How about you taking over my Civil Procedure class for two weeks

in April?" He took a chance on a second-year law student and allowed me to take over his Civil Procedure class, a class in which I taught people like Jane Ginsberg and Harold Koh, here today to celebrate Arthur. And a few months later, he engineered a dinner with his former student, Linda Silberman, and I began to discuss a teaching position at NYU.

Arthur Miller changed my life. Everything about it. This man is a mentor, he's a friend, he's transformative in every way. Most of all he's a man I love. And I'm just so happy he's part of our University today so that he connects to every part of my life. Arthur, you're wonderful. Thank you very, very much for being here.

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