

Geoffrey C. Hazard, Jr., and the Comparison

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Geoff's absence is something that is hard to get used to—however, perhaps the great honor of participating in this vitally important symposium will somehow help. Geoff, whom I have happened to define somewhere else as “*il maestro americano*,” which signifies both the importance of his teaching on me and his impact on my personal and professional experience.¹ Yet especially, and more manifestly, over the years, Geoff was a safe harbor and reliable advisor during discussions about the adversities of life and academic discouragements. Further his impact on other scholars was widespread: from the 1990s on, he mentored and influenced many foreign scholars, so much so that they actually became a fundamental part of Geoff's own approach to comparative law.

Therefore, the aim of these few pages is to talk about this very aspect of Geoff's intellectual personality, of course taking into account and starting from our personal encounters and resulting friendship. This tribute also seeks to honor Geoff's work by reporting, at least in part, the large number of other interactions and influences Geoff's thought and doctrine had around the world. Influences undoubtedly extensive and mighty for almost thirty years now, and actually attributable to a precise period of his scientific activity that date back to the end of the late 1980s.

Until the late 1980s, Geoff's scientific course appears quite autarkic, largely because it was thoroughly entrenched in the American legal culture and scantily recognized the impact of other foreign legal cultures, excepting of course English common law. In other words, until a certain moment his works were definitely great, but somehow nationally circumscribed legal tradition prevailing in the mid-twentieth century. Indeed, like many other prominent American scholars, for a long while, Geoff did not use any comparative references.²

Nevertheless, Geoff's interest and mainly—as it has been very keenly noticed—his curiosity about “other unknown” foreign legal cultures shows Geoff's pursuit of a fully-rounded intellectual experience.³ Such a person is

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1. Angelo Dondi, *Il maestro americano. In memoria di Geoffrey C. Hazard Junior-1929-2018*, 2018 RIV. TRIM. DIR. PROC. CIV. 548, 548-54 (It.).

2. Stephen B. Burbank, *Not Since Thomas Jefferson Died Alone: For Geoff Hazard at Eighty*, 158 U. PA. L. REV. 1283, 1286 (2010).

3. For a report of this see, Michele Taruffo, *Geoffrey C. Hazard, Jr.: A Curious American*, 158 U. PA. L. REV. 1313 (2010).

remarkable, even if most probably brought about by a series of chancy and unpredictable events.

I think of our encounter as one of those unpredictable and chancy events. At least this is how, according to my own personal experience and from the inevitably fading perspective of a very long distance, things appeared to be and to evolve at the very beginning of the eighties when I happened to meet Geoff. The context and moment of our meeting remains clear. We met at Yale Law School where—with the scant pledge of a letter for Dean Guido Calabresi—I went to research and “gather stuffs” in order to write my first book on civil discovery.

To tell the truth it was only because of this subject or, as I gather now, because of a conjunction of subjects of mutual interest that I came to know Geoff. In any case, how we crossed paths tells something also about him and the subsequent events. We actually stumbled on each other, both searching for the same book that I had been luckier to get to first. Geoff came over to my place in the law library and asked how long I planned to consult the book in question. But, straight after asking also and very respectfully (given his seniority) if there was any problem in our sharing the book.

His way of approaching things and people, calmly straightforward and without the slightest change due to social or academic ranks, never changed from our first meeting because it was rooted in Geoff’s personality. This trait cultivated our intellectual relationship. In fact, from the very beginning of our innumerable conversations Geoff was always attentive and interested in my point of view and research, even though I was a mere “apprentice scholar” at the time.

In other words, as I view it trying to reassemble remembrances and impressions after such a long time, it was this very attention or, rather, profound interest that brought about some sort of a change in Geoff’s approach to law and to legal research. Of course, I would not dare calling it an overall change. Our many talks did not affect his general and extremely variegated perspective of research. Still, even if clearly and obviously not caused just or *per se* by our own encounter, a change occurred.

To a somehow more limited extent the point here is that, starting from his late fifties, one of the most prominent American legal scholars somehow begun taking into account what was traditionally (as well as conventionally, if not even proudly) excluded from consideration and scientific analysis because the United States tended to consider foreign legal systems superfluous. And it goes without saying that at this point, the procedural side of civil law legal cultures were mostly unknown and ignored, especially in their Latin versions.

Despite this, Geoff still took an interest in my research. We have had undoubtedly countless conversations, all of them stuffed with hints quite often becoming ideas. Geoff always had a keen interest and a careful concern for what I was trying to do. We shared the mutual incentive of potentially developing some new ideas or conceptions together, and both bore the constant pressure to

evaluate what was actually going on in crucial areas of civil procedure.

It was from this kind of interaction that naturally furthered ideas that we coauthored. Writing with Geoff Hazard—as besides suggested hereto by Michele Taruffo—was in itself an actually unforgettable experience as well as, for me, an incomparable professional enhancement.⁴ Speaking of sheer writing skills, Hazard’s suggestions to avoid long sentences in order to be thoroughly clear and understandable still echo in my mind. His ability to compare the different legal systems and procedural models showed his mighty ability to trace problems back to their historical and cultural roots to evaluate the effects of even minute changes.

This skill also showed when we worked together on the two areas in which Geoff is a master. The first, reforming civil procedure (apart from reinventing it anew as in the case of the *Transnational Rules* model) through the analytical discussion of its basic fundamentals. The second, is represented by the vast, shifty, and vague context of legal ethics. I was lucky enough to work on both these areas with him.

As I said before, Geoff was interested in other cultures. To put it differently, he was naively curious about the wide unknown prairies of other countries’ civil procedure. He was eager to understand these systems and encouraged us to “put our arms around problems.” This energetic process of understanding other systems was at the core of his comparative approach or, as I ought rather to say, his longing for a comparative comprehension of the most serious worldwide civil procedural rifts.

To him, among other shortages and inefficiencies, the most striking problem was the lack in civil law countries of discovery machineries somehow comparable to the United States Federal Rules of Civil Procedure. The absence of a judicial role in discovery particularly bothered him.⁵

Even more shocking to him was the scarce interest, especially in Latin European countries, in linking the unavoidable procedural connections of legal ethics. It is not by chance that we decided to point out such a difference of approaches in the book we coauthored in 2004. There in fact, adopting a definitely comparative view, we aimed at stressing—and somehow even explaining or taking note of—the huge gaps still existing in this area of law between the two traditional legal systems, and the influence of this on the whole functioning of the various procedural models.⁶ However, on the other hand, we still recognized the huge similarities between these two legal systems, which became a huge part of our approach.⁷

4. *Id.* at 1313–14.

5. GEOFFREY C. HAZARD, JR. & ANGELO DONDI, *LEGAL ETHICS: A COMPARATIVE STUDY* (2004); Geoffrey C. Hazard, Jr. & Angelo Dondi, *Responsibilities of Judges and Advocates in Civil and Common Law: Some Lingering Misconceptions Concerning Civil Lawsuits*, 39 *CORNELL INT’L L.J.* 59 (2006).

6. HAZARD & DONDI, *supra* note 5, at 21.

7. *See generally* Hazard & Dondi, *supra* note 5.

When I think of Geoff, I think of our time spent working on our book. The book was a success thanks to him, it was his firm, leading pushes and intellectual agility that helped us cross the finish line. He was the driving force when we ran into some writing problems or when we just stalled. In those moments, instead of giving up or losing his temper—he never did—he faced problems calmly, like a skilled craftsman with the intention to find the proper solution that he always achieved.

This capability of concentration was definitely of paramount importance among Geoff's innumerable professional qualities. He was a problem solver because of his steady determination to a solution, and in doing so, avoid any sort of stylish gratification in favor of clearness, unambiguity, and immediate intelligibility.

To say the least, the "Hazard touch" undoubtedly affected Geoff's approach to comparison. This touch can be seen by his exploration of *terra incognita* in the area of procedural law, a late novelty to him, and his steady effort to grasp the proper interpretation and understanding of things.

Hence, one might conclude that the often cutting-edge level attained by his researches was the result of this all, and especially of that combination of concentration and effort to get always to the basics. Surely it was, and for utterly banal that such a remark can sound, I guess this very combination of concentration and effort will represent forever the most distinctive feature of a by far extremely keen and refined man. Above all else, he remains a truly unforgettable friend.