

Professor Geoff Hazard

THE HONORABLE WILLIAM A. FLETCHER[†]

I did not have Geoff as a professor. I started at Yale as a law student in 1972. Geoff was a recent arrival. He had come to Yale from Chicago in 1970. I did not know Geoff, but I certainly knew of him. He terrorized my classmates. His insistence on lawyerly rigor was unusual at Yale, both at the time and since. Not theoretical brilliance (though Geoff was certainly brilliant), but lawyerly rigor. My first contact with Geoff was sometime in 1991. By that time, I had been a professor at Boalt for a little over a decade. He sent me a note by snail mail. This was pre-email. I can quote it close to verbatim even today: “Willy, The question is whether you would like to be a co-author on the casebook. Geoff.” I had never met Geoff, but I course I knew who he was. I guess (and the note is my evidence) that he knew who I was.

I don’t think Geoff knew it (though maybe he did), but I had begun work on a civil procedure casebook of my own, and had pretty much finished the personal and subject matter jurisdiction sections. It was a no-brainer for me. I was, of course, honored by the invitation and delighted to join Geoff as a co-author.

Geoff was an ideal co-author. He encouraged me to make the book my own, inviting me to use much of the jurisdictional material I had just written on my own. He reviewed every draft I sent him. He was an excellent editor. I always took Geoff’s edits. How could I not take them? They were always right.

A few words about the casebook.

Geoff began his career as a law professor at Boalt, as it was then known (and is still known to some of us), in 1958. The first edition of his civil procedure book, then known as Louisell and Hazard, came out in the spring of 1962. Several things about the book were to become Geoff’s hallmarks.

First, the book had a comparative perspective. So far as I am aware, it was the only book at the time, and one of the few ever, to take seriously the task of comparing, in the same casebook, state and federal procedural regimes, the code pleading states such as California and New York, and notice pleading regimes such as the federal courts and many states. That comparative procedural perspective (not limited to the comparison between state and federal) stayed with

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Geoff throughout his career. The most notable example is his work on transnational civil procedure, at the ALI and elsewhere.

Second, and just as important, the book had an historical perspective. The historical notes in the casebook, largely dedicated to English common law procedures, were really extraordinary. At first glance, they were a complete frolic. This was Geoff, who know a lot about English procedural history, taking us on a guided tour. But, on reflection, they were more than a frolic. They told us where we had come from. They told us that procedure was mutable, reflecting the problems and solutions of the time; and they encouraged us to see our problems, and our solutions to those problems, as similarly mutable.

Third, and this was vintage Geoff, the book was about practical lawyering. The casebook was analytically rigorous, but at the same time highly practical. On this point, one part of the book stood out. Geoff had taken up the cause of a Boalt student, Eugene Swann, an African-American who, along with his wife, had been the victim of housing discrimination in Berkeley. Geoff filed suit on their behalf in California Municipal Court (this was before the merger of the California Superior and Municipal Courts), and used the pleadings in that case in the casebook. Not a federal court suit. Not a Superior Court case. A Muni Court case. Justice on the ground, in the real practical world.

A side note on Eugene Swann's class at Boalt. This was the class of 1961. There were two African-Americans in the class, Eugene Swann and future federal district court judge Thelton Henderson. Also in that class were a future California Supreme Court Justice, Katherine Werdeger, and a future California governor, Pete Wilson.

In the roughly quarter century since Geoff sent me that note, we had a consistently interesting, consistently agreeable collaboration. That collaboration grew to include two professors that are here with us today, Professor Stephen Bundy and Professor Andrew Bradt.

A few words about Geoff's style as a colleague and collaborator. One thing about Geoff was his speed. No wasted time, and few wasted words. The note to me in 1991 is an example. As most of you in this room know, he answered the phone: "Hazard." He turned around drafts almost instantly. I would send Geoff a draft of a revised chapter or new note, and I would have his reply and edits the next day. And they were real edits, not spur of the moment toss-offs.

Another thing was his encyclopedic knowledge. There was pretty much nothing about procedure that Geoff did not know.

But the most important thing about Geoff was his generosity. He was always and unfailingly generous with his time and with his encouragement. I value enormously the time and encouragement Geoff has given me over the years. He was a model for us all.