Geoff Hazard: My Views as a Law Student, Mentee and Coauthor

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I have now been a lawyer for more than four decades. I owe a good portion of both my happiness and success as a lawyer to Geoff Hazard.

My first interaction with "Professor Hazard" (as we all called him in law school) came in first year Civil Procedure. Three memories from that Fall 1972 term stand out. The first memory is of what seemed to me at the time to be the overly harsh approach he took to us as first term/first year law students. What I have long since learned is that when I go to court prepared to the Geoff Hazard level, I will always be okay.

The second memory comes from what I thought at the time was one of those harsh-seeming Civil Procedure classes. We were discussing *quasi in rem* jurisdiction,[1] and Professor Hazard asked the class why a court had reached a particular result in a particular case. As hand after hand went up and students offered various answers, Professor Hazard thundered "no" to each. Finally, and wholly unsure of myself, I raised my hand half-way and was called upon. I said, "because that was the only way the court could reach the result it wanted," to which Professor Hazard responded, "you're right!" This was the first moment when I really thought I might have a future as a lawyer.

The third memory comes from something Professor Hazard had included in the casebook we were using. Although not central to the Civil Procedure issue that was the subject of that portion of the casebook, he had included a brief session reflecting the use of lawyer-directed "testers" to prove housing discrimination cases.[2] It was an issue that I thought about a lot at the time and

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1. The long-since abandoned doctrine of "*quasi in rem* jurisdiction" sometimes allowed a court to assume jurisdiction over a case because the court had jurisdiction over the property involved in a matter even though the court otherwise lacked jurisdiction over one or more parties to the case. *Cf.* Shaffer v. Heitner, 433 U.S. 186 (1977) (abandoning the broad form of *quasi in rem* jurisdiction established in *Harris v. Balk*, 198 U.S. 215 (1905), and holding that in order to exercise *quasi in rem* jurisdiction based on property unrelated to the suit at hand, the established personal jurisdiction test announced in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945), had to be met).

2. For a relatively early discussion of ethics issues pertaining to testers, see David B. Isbell & Lucantonio N. Salvi, *Ethical Responsibility of Lawyers for Deception by Undercover Investigators and Discrimination Testers: An Analysis of the Provisions Prohibiting Misrepresentation Under the* Model Rules of Professional Conduct, 8 GEO. J. LEGAL ETHICS 791 (1995).

that I have written and spoken about a great deal since then. This short bit of text was my first experience with what has become the principal subject of my career for more than three decades: professional responsibility and the law of lawyering.

After first year Civil Procedure, I took two other classes from Professor Hazard. The next one was Evidence, which Professor Hazard taught in a cooperative and collegial manner that was unlike Civil Procedure. Nonetheless, he made clear what he expected of us. On the very first day of class, he said the following:

"There are four questions to be addressed with any rule of evidence. First, what does the rule say? Second, what are the stated reasons for the rule? Third, what are the unstated reasons, if any, for the rule? Finally, how should the rule be changed, if at all?"

He then went on to say that the problem with too many of us Yale Law students was that we insisted on answering these questions in reverse order. Point well taken, and not just for students from Yale. We need to know whereof we speak.

My third and final class with Professor Hazard was Conflicts of Laws. That class was also taught in a cooperative and collegial manner. Professor Hazard's key point throughout that term was that Conflicts of Laws was an area of law so plastic that one can reach almost any result one wants to reach. In other words, good lawyers should take very little as "given."

Even when I was a law student, my contacts with Professor Hazard were not limited to the classroom. Along the way, my wife and I developed a potential interest in moving to Portland, Oregon, and I interviewed there with what was then the firm of Davies, Biggs, Strayer, Stoel & Boley. As I learned when interviewing there, Professor Hazard had started his own career there in the 1950s when the firm was called Hart, Spencer, McCullogh, Rockwood & Davies.[3] Learning this, I asked Professor Hazard what he thought about Portland, Oregon as a place to practice and what he thought about his former firm. He told me that if he was going to start over and if he wanted to remain in private practice rather than becoming an academic, he would very strongly consider Portland and would equally strongly consider that firm. My wife and I chose Portland, where we remain today, and I spent my first twenty-seven years of practice at that firm.

Just as he described them, the core group of lawyers that I effectively inherited from Geoff (as I then came to call him) was truly exceptional in their kindness, their thoughtfulness, their legal abilities and their patience with young upstarts. Another result of my going to the firm where Geoff had started was that

3. See, for example, Hess v. United States, No. CIVIL 8041; 8076; 8256, 1957 WL 87479 (D. Or. Mar. 29, 1957), a case on which Professor Hazard and Hart Spencer were on the losing side until it reached the Supreme Court in *Hess v. United States*, 361 U.S. 314 (1960). By 1960, Professor Hazard was no longer at the firm.

I heard the other side of the stories about his experiences in private practice that he told during the three classes I took from him. To my recollection, he tended to be the hero of the stories that he told in class—the one who came up with the case-saving idea. Although his former colleagues all had great respect for Geoff and his abilities, they sometimes had different recollections of who had contributed what. That made me smile then and it makes me smile now.

Geoff was also central to what remains the best single law-related evening of my entire career. In the 1990s, and after several years of trying and failing to get Geoff to do a live CLE in Portland, I came up with a concrete plan. I told Geoff that the people with whom he had practiced years before really wanted to see him and that if he would come to Portland, we would hold a dinner in his honor.

Geoff came, and just about everyone who had practiced with him attended. I was struck by the warmth they exhibited towards each other as well as the many recollections they had of experiences and cases from decades before. As a gift for Geoff, we had made a copy of a large picture which had long hung in the firm library and which showed the sixteen or so lawyers who were at the firm after Geoff had left. When we unveiled the picture to present it to him, Geoff immediately reeled off all of their names.

My final interactions with Geoff were the result of my asking about a dozen years ago to be a coauthor with Geoff and Bill Hodes of *The Law of Lawyering*.[4] I leave it to Bill to speak about Geoff as a coauthor. I will only add here that being endorsed and embraced by Geoff and Bill has been a wonderful seal of approval.

4. The Fourth Edition of GEOFFREY C. HAZARD, JR., W. WILLIAM HODES & PETER R. JARVIS, THE LAW OF LAWYERING was published in 2014. Annual or semiannual updates are regularly published as well.

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