

## PROFESSOR EUGENE GRESSMAN: A TRIBUTE

*John V. Orth\**

The tribute, like the sonnet, is one of the world's most challenging literary genres. The rules require a pen portrait, true to life, yet suffused with affection: *nil nisi bonum*. The politics may be tricky, as Marc Antony discovered when he came to bury Caesar, and not every sitter will say, as Gladstone is reputed to have said, "Warts and all." The result too often resembles one of those slick, modern photographs, air brushed to perfection, that looks like no flesh-and-blood person that ever lived.

Writing a tribute for Gene Gressman is, however, a different matter, especially for a symposium on legal education. I know Gene foremost as a legal educator, one of the best. In fact, Gene and I began our careers as full-time teachers at the same law school and almost at the same time. He joined the faculty at the University of North Carolina School of Law in 1977; I followed a year later. Our offices were across the hall from one another. Of course, we did not join as equals: he came as William Rand Kenan Professor, and I as a lowly assistant professor. I was fresh from an inspiring year clerking for Judge John J. Gibbons of the United States Court of Appeals for the Third Circuit, but Gene had clerked for an incredible five years with Mr. Justice Murphy of the United States Supreme Court. I had published one insignificant article in an obscure law review, but the monumental book he co-authored on Supreme Court practice,<sup>1</sup> familiarly known as the "Bible" on the subject, had already gone through numerous editions—not to mention his many other publications. Gene had also been in private practice for three decades in a firm that came to bear his name and had served as visiting professor at a number of distinguished law schools. My office was a windowless box; his had a leafy view. We were freshman together in only a limited sense.

Yet Gene's easy collegiality leveled all differences. We shared experiences as we engaged with a new institution and its inevitable politics. Gene was already a masterly and assured

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<sup>1</sup> ROBERT STERN, EUGENE GRESSMAN & STEPHEN SHAPIRO, SUPREME COURT PRACTICE (6th ed. 1986).

teacher, and his example steadied me considerably. Everything he did—every class he taught, every case he took, every article he wrote—was part of his pedagogy: he taught the students, the courts, the world. It was not until Gene was retiring from the University of North Carolina in 1987 that I learned from one of his long-time friends that, even in law school fifty years earlier, his quiet manner and scholarly bent had already earned him the sobriquet “Professor.”<sup>2</sup> Many was the time that a gentle rap on my office door brought Gene with some variant of his characteristic opening gambit: “Say, did you see in today’s paper . . . ?” or, “Say, did you ever hear . . . ?” or, “Say, did I ever tell you about . . . ?” Gene always had the same thoughtful manner, the same sly humor, the never-failing patience. What I found most professorial about Gene was the quiet aura that he seemed to emanate: an air of repose, of inquiry, of careless grace and good humor. It must have been his armor in practice; it certainly endeared him to his students in North Carolina. I have no doubt he preserved it even in New Jersey, and that it surrounds him now.

It is, therefore, most fitting to honor Gene in a symposium on legal education: fitting because he is, in my estimation, the embodiment of the scholarly lawyer. There are many things yet to be done to make law teaching all it should be, but much even in the old system would have gone better if more law teachers had been like Gene. To honor him in a symposium is most fitting because it is the perfect tribute for so *bon a vivant* as Gene. The first symposium, after all, was a drinking party with high class conversation, and although the ancient Greeks included entertainments that are now viewed as improper (even in some jurisdictions illegal), the word still connotes conviviality as well as the free exchange of ideas. Let me be the first in this symposium to lift my glass to the Professor!

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<sup>2</sup> John H. Pickering, *Eugene Gressman: An Appreciative Recollection*, 65 N.C. L. REV. 871, 871 (1987).