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SOIA MENTSCHIKOFF AND KARL LLEWELLYN: MOVING TOGETHER TO THE UNIVERSITY OF CHICAGO LAW SCHOOL

*Robert Whitman**

In 1951, Soia Mentschikoff and Karl Llewellyn joined the faculty of the University of Chicago Law School. In his classic biography on Karl Llewellyn, William Twining suggests, “[Llewellyn’s] main reason for moving to Chicago was that he thought that the law school, under Dean Edward Levi, whom he greatly admired, promised to become the first in the mid-west seriously to challenge the dominance of the great schools of the eastern seaboard.”¹ The purpose of this Essay is to shed new light on the circumstances that led Soia Mentschikoff and Karl Llewellyn to join the faculty of the University of Chicago Law School. As will be demonstrated, the University of Chicago Law School faculty wooed the Llewellyns with an offer the couple found difficult to refuse.

The spark for the 1950 campaign to bring the Llewellyns to the University of Chicago Law School was Robert Hutchins’s choice of Edward Levi for the deanship of the Law School. Hutchins came to the University of Chicago as president in 1929. Known as a “boy wonder,” he had been appointed in 1927, at the age of twenty-eight, as Dean of Yale Law School. Many considered the period of his deanship at Yale

* Professor of Law, University of Connecticut School of Law. The author plans to write a dual biography on the lives of Soia Mentschikoff and Karl Llewellyn. The substance of this Essay will appear in expanded form as a chapter of that work. Much of the information contained in this Essay was gained from taped interviews conducted by the author with individuals who were close to the Llewellyns and were familiar with the events discussed in this Essay. In particular, the author wishes to thank the following individuals who contributed their time in speaking with him: Walter Blum, Paul Freund, Walter Gellhorn, Milton Handler, Sandy Levendahl, Edward Levi, Nial Llewellyn, Myres McDougal, John Meeske, Jean Mentschikoff, Sue Robinson, Alan Swan, Herbert Wechsler and Paul Wolkin. Transcripts of the taped interviews are on file at the University of Connecticut School of Law Library. These interviews were conducted between 1988 and 1992. The author also wishes to thank Judith L. Raines, a second-year student at The University of Connecticut School of Law, for her assistance in the preparation of this Essay.

1. WILLIAM L. TWINING, *KARL LLEWELLYN AND THE REALIST MOVEMENT* 112 (1973).

to have been truly innovative.²

Hutchins had been a student at Yale College and both a student and professor at Yale Law School. After starting his college education at Oberlin, where his father taught, he interrupted his studies during the World War I years. In 1919 he entered Yale College as a junior and graduated in 1921. Although he graduated with his class in 1921 and received an A.B. degree *summa cum laude*, Hutchins actually accelerated his academic work in 1920, at the end of his junior year, by opting to take advantage of a program that allowed a Yale College student to complete his last year of college by enrolling at the Law School for law courses.

Hutchins's entry into the study of law in the fall of 1920 coincided with Llewellyn's leaving Yale Law School and moving to New York to practice law. Llewellyn remained in New York for the next two years.³ Although he lived in New York, he apparently also taught one course each semester at Yale Law School during this period.⁴ Furthermore, Llewellyn often spent weekends in New Haven at the Yale Law School, where much socializing between faculty, students, and alumni was common. Discussions frequently were carried on late into the night, and there was a good deal of dancing, drinking, and partying.

The alumni from out of town stayed at guest suites at the law school.⁵ It is likely that Llewellyn and Hutchins met during those weekend trips, for the Yale Law School was a very small and intimate institution, with only some eighty-five students in Hutchins's class. Assuming they did meet at that time, they undoubtedly found that they shared similar values and interests. Although not from the wealthiest of families, both were ambitious and anxious to succeed. Furthermore,

2. See John Henry Schlegel, *American Legal Realism and Empirical Social Science: From the Yale Experience*, 28 *BUFF. L. REV.* 459, 476-95 (1979) (discussing Hutchins's unique leadership style).

Hutchins, like Llewellyn, came from a family that immigrated to America at an early date. The first American Hutchins, Nicholas, arrived from England in 1670. HARRY S. ASHMORE, *UNSEASONABLE TRUTHS: THE LIFE OF ROBERT MAYNARD HUTCHINS* 4 (1984). Like Llewellyn, Hutchins was born in Brooklyn. He was raised in Oberlin, Ohio, where his father became a professor at Oberlin College in 1907. Hutchins attended both Oberlin Academy and Oberlin College. Also like Llewellyn, Hutchins served in the military in World War I. Unlike Llewellyn, Hutchins fought for the American side. For a description of Llewellyn's service in World War I on the German side, see TWINING, *supra* note 1, at 91.

3. See TWINING, *supra* note 1, at 101.

4. Telephone Interview with John Meeske, Registrar, Yale College (1990).

5. Interview with Myres McDougal, Professor Emeritus, Yale Law School, in New Haven, Conn. (Jan. 17, 1989).

Hutchins's Yale Law School transcript indicates that he enrolled in the course in Sales in 1921, which Llewellyn taught, according to the law school catalogue. In all likelihood, then, Hutchins was a student of Llewellyn; this fact supports the story related by Professor Swan that Hutchins and his law-review friends would gang up on Llewellyn by researching all of the cases in an attempt to give their teacher, and now close friend, a "hard time."⁶

In 1922, Llewellyn returned to Yale Law School to teach full-time as an assistant professor. Meanwhile, Hutchins, having graduated in 1921, went to teach at Lake Placid School, a private school in upstate New York. In the fall term of 1922, an opening at Yale—as Secretary of the Yale Corporation—permitted Hutchins to escape from private-school teaching and return to Yale in January 1923. Despite the fact that Hutchins held a full-time position as Secretary of the Yale Corporation, he entered the law school again, commencing his studies in the summer of 1923.

Even if they had not met before, Hutchins and Llewellyn certainly would have encountered each other in the fall of 1923: Hutchins as a student at the law school and Llewellyn as a full-time professor. Evidence of the close relationship that developed between Hutchins and Llewellyn shortly after this time can be gleaned from the note sent in 1926 by Hutchins, as a young professor and Secretary of the Yale Corporation, to Llewellyn, who had left Yale in 1924 and had joined the faculty at Columbia Law School. This note described Hutchins's activity in replying to an article in the *New Republic* that exalted the Harvard Law School by invidious comparison with Yale. Hutchins wrote to Llewellyn:

It seemed to me the hour had struck. I therefore prepared a thousand word press release announcing that the Yale School of Law would become the first honors or research law school in America. The document alleged that we would restrict our enrollment to 300, substantially increase our tuition, and attempt to train our men to discover the actual operation of the law rather than to memorize its rules. This was read to the faculty yesterday and created enormous consternation. . . . I am particularly sorry that I was the person to present it. The impression created by having the youngest member of the faculty produce a revolutionary plan was not, I think,

6. Interview with Alan Swan, Professor, University of Miami, in Miami, Fla. (Dec. 20, 1988).

satisfactory.⁷

Upon receiving his degree in 1923, Hutchins continued in his position as Secretary and, in addition, lectured at Yale from 1925 to 1927. During his term as Dean of Yale Law School, from 1927 to 1929, Hutchins also taught classes as a full professor. In 1929, Hutchins left Yale to become President of the University of Chicago where he remained until 1945. From 1945 to 1951, he served as Chancellor of the University of Chicago.⁸

During this period, Edward Levi was dean of the University of Chicago Law School. He had the distinction of being the first Jewish dean at a major private law school in the United States. Levi, upon graduating from the University of Chicago Law School, attended Yale University as a Sterling Fellow in 1935. During his time at Yale, he did not actually meet Llewellyn—who had left for Columbia in 1924—but Levi knew of Llewellyn's work; in particular, *The Bramble Bush*, published in 1930.⁹ Levi and Llewellyn also met and socialized regularly while attending various meetings of the Association of American Law Schools.¹⁰

At the time Levi was being considered for the position of dean, some seventeen full-time members comprised the faculty of the law school. In bargaining with President Hutchins, Levi sought three new full-time positions for the purpose of strengthening the law school faculty.¹¹ Both Levi and Hutchins were most interested in building the

7. ASHMORE, *supra* note 2, at 49. Another area where the two probably worked together at this time involved Llewellyn's concern over the handling of the *Sacco-Vanzetti* case. Llewellyn took an active role on several different fronts, including the organizing of a petition. See TWINING, *supra* note 1, at 110. Hutchins also joined the distinguished company of law professors who came forward to protest their convictions. See ASHMORE, *supra* note 2, at 47.

8. From 1951 to 1954, Hutchins was Associate Director of the Ford Foundation. 31 WHO'S WHO IN AMERICA 1435 (1960-61). During that period, the Foundation provided the University of Chicago Law School with several substantial research grants.

9. KARL N. LLEWELLYN, *THE BRAMBLE BUSH: ON OUR LAW AND ITS STUDY* (rev. ed. 1951). See also *infra* note 23.

10. Eventually they became very close friends when Llewellyn joined the faculty of the University of Chicago Law School.

When the Llewellyns arrived in Chicago, several members of the faculty helped them search for a proper new home. The home they eventually purchased was located in the Hyde Park-Kenwood area near the University of Chicago campus. Many of the faculty of the law school resided in this district; Edward Levi and his family lived quite close by. The Llewellyns, the Levis, and other faculty members frequently invited each other to social occasions. Interview with Walter Blum, Professor, University of Chicago Law School, in Chicago, Ill. (Aug. 7, 1990).

11. Interview with Edward Levi, former Dean of the University of Chicago Law School, in Chicago, Ill. (Aug. 7, 1990). The law school also had an inadequate building and a library that

law school. They shared a vision that the University of Chicago Law School could become not only the premier law school in the Chicago area, but also stand in the first rank of law schools, along with such eastern schools as Harvard, Yale, and Columbia.¹²

The University of Chicago Law School had its beginnings in 1859, with the establishment of the Law Department. At that time, there were no formal requirements for admission. The school, located in downtown Chicago, possessed a faculty that consisted exclusively of part-time instructors drawn from the bench and bar. The purpose of the school was to train practitioners for local practice.

In 1891, after having experienced financial problems, the University of Chicago was reborn and William Rainey Harper became president. Harper's philosophy concerning the law school was uncompromising. He refused to have a law school unless it could be funded properly and operated with high standards, full-time professors, and a curriculum devoted to the broadest study of law. Harper envisioned preparing graduates for important positions in the government and the community.¹³

In 1950, Hutchins and Levi intended to carry on and, if possible, expand upon Harper's vision in their own plans for strengthening the law school. Fortuitously, as far back as 1930, Llewellyn shared their dream. He wrote the following inscription in his presentation copy of *The Bramble Bush* for Harry Bigelow, at the University of Chicago Law School: "To Harry Bigelow whose school I hope shortly to see crowd these seaboard institutions to the wall. 11/1/30 Karl."¹⁴

As the first step in implementing this dream, Levi promised Hutchins that if he granted Levi the three new faculty positions, they would go to outstanding individuals who would help to accomplish their mutual goal. Hutchins openly doubted whether there were three truly outstanding faculty candidates who could be lured to the law school, but he agreed to Levi's request on the condition that any new personnel had to be outstanding.¹⁵ Levi then polled the entire University of Chi-

could not house its collection. Notwithstanding the inadequate physical plant, Hutchins and Levi agreed that their first and foremost task was to strengthen the faculty, particularly because at this time a number of older members of the faculty were dying off. *Id.*

12. *Id.*

13. See FRANK L. ELLSWORTH, *LAW ON THE MIDWAY: THE FOUNDING OF THE UNIVERSITY OF CHICAGO LAW SCHOOL* 30-36 (1977).

14. TWINING, *supra* note 1, at 420 n.109.

15. Interview with Edward Levi, *supra* note 11.

cago Law School faculty at a meeting held at the Quadrangle Club.¹⁶ Levi explained that up to three positions could be filled, but only if outstanding candidates could be recruited. Levi then asked for a faculty vote deciding to whom the first offer should be extended. Karl Llewellyn overwhelmingly emerged the favorite choice of the faculty.¹⁷

That the University of Chicago Law School faculty in 1950 easily chose Karl Llewellyn as their top candidate for hire is not surprising. After being hired, Llewellyn was introduced to the faculty and the alumni in glowing terms:

An acknowledged leader in American legal education is Karl N. Llewellyn, Betts Professor of Jurisprudence at Columbia University Law School. During the year 1949-50, Karl Llewellyn was honored with the presidency of the Association of American Law Schools. He is widely known for his legal writings, including a casebook and essays in the field of Sales, and his books, among others, *The Bramble Bush* and *The Chyenne Way*. He has been a Commissioner on Uniform State Laws from New York since 1926, and most bar associations are familiar with his work, including his present assignment as Chief Reporter for the proposed Uniform Commercial Code. Karl Llewellyn joins the University of Chicago Law faculty as a professor of law beginning July 1, 1951.¹⁸

Undoubtedly, Levi was quite comfortable with his faculty's selection of Llewellyn as their "most wanted" hire. After all, Karl Llewellyn was known to everyone teaching law and was generally liked and respected by his peers. Furthermore, Levi was well aware of the fact that the alumni would be impressed if he could hire a man with Llewellyn's credentials. And, of course, Levi knew that Hutchins—who considered Llewellyn an old dear friend—would be quite satisfied with the choice.¹⁹ Accordingly, from everyone's point of view, the choice of

16. The Quadrangle Club is the faculty club at the University of Chicago Law School. It was often used at that time by the law school faculty for faculty meetings. The faculty also would regularly lunch together at the Club.

17. Interview with Edward Levi, *supra* note 11.

18. Remarks delivered by Edward Levi on the occasion of Soia Mentschikoff's retirement as Dean of the University of Miami Law School in 1982, recalling his announcement of the Llewellyns' hiring to the faculty of the University of Chicago Law School, printed for a memorial of Soia Mentschikoff in 30 THE LAW SCHOOL RECORD 17, 17-18 (University of Chicago Law School ed., 1984).

19. Levi recalled that Hutchins would refer fondly to Llewellyn as "Lefty Louie". Interview with Edward Levi, *supra* note 11.

Llewellyn appeared to be a "natural one."²⁰

Levi's checking around the country²¹ on Llewellyn's suitability further bolstered his judgment that the faculty had acted wisely in choosing Llewellyn as their top hiring prospect. His opinion prevailed despite the fact that Levi knew that Llewellyn had an alleged drinking problem²² and that some regarded this problem unfavorably.²³ In spite of these concerns, Levi was convinced that Llewellyn was top talent; apart from any personal problems, Llewellyn, a dominant force in legal education, was likely to bring great distinction to the law school.²⁴

20. *Id.*

21. While today there is an organized system developed by the Association of American Law Schools (AALS) of interviewing candidates for law teaching positions, it is still common practice for deans to "take a reading" on prospective hires by speaking with fellow deans, faculty members, and others around the country. In 1950, nine years before the AALS formally became involved in the hiring process, reliance on "checking around" was even more important.

In the time that Llewellyn first came to teaching, in 1919 at Yale, someone who wanted to teach usually had to wait to be called upon. One did not make formal application for the position. *Id.* In Llewellyn's case, for instance, he graduated at the top of his class in 1918, magna cum laude. From 1916, he was on the editorial board of the Yale Law Journal and became Editor-in-Chief. After his graduation, Llewellyn was invited to remain Editor-in-Chief for the academic year 1918-19, in an effort to keep the Journal published despite a depleted editorial staff due to the crisis occasioned by World War I. During that year, Llewellyn worked closely with his mentor, Professor Arthur L. Corbin, writing over half the comments and the case notes appearing in the Journal. It is not surprising, therefore, that when Professor John Edgerton, who taught commercial law, became ill in the spring of 1919, Llewellyn was given the opportunity to take over Edgerton's course on bills and notes. Accordingly, "it was chance rather than choice that led [Llewellyn] to become a specialist in commercial law." TWINING, *supra* note 1, at 95-100.

22. Interview with Edward Levi, *supra* note 11. It is generally acknowledged that Karl Llewellyn had a drinking problem. Professor Twining dates the inception of the problem from 1930, after Llewellyn's first wife, Elizabeth Sanford, left him for another man. *See* TWINING, *supra* note 1, at 109. For many, however, Llewellyn's problem appeared not to affect his work. For example, Paul Wolkin remembers no instance, when Llewellyn was working on the Uniform Commercial Code, that drinking appeared to interfere with Llewellyn's work. Undocumented interview with Paul Wolkin, Director of the American Law Institute, in Philadelphia, Pa. (May 1990).

23. Although Karl Llewellyn is widely respected today within the legal community, *see, e.g.* Homer Kripke, *The Importance of the Code*, 21 U. Tol. L. Rev. 591, 591 (1990) (terming Llewellyn "[t]he principal genius of the Code"), he had his critics. *See, e.g.* Interview with Walter Gellhorn, Professor Emeritus, Columbia Law School, in New Orleans, La. (Jan. 5, 1989) ("[As a student] I didn't like his style and I never took one of his courses.").

Regardless of differing personal viewpoints on Llewellyn's genius, there is unanimous agreement that he was a great celebrity in the law-school world. Publication of *The Bramble Bush* in 1930, Llewellyn's affiliation with Jerome Frank—who published *Law and the Modern Mind* in 1935—and the Realist controversy with Jean Pound, insured Llewellyn a place of prominence for the rest of his life. For details on the Realist Controversy, *see* TWINING, *supra* note 1, at 70-83. On the continued growth of Jerome Frank's power and influence, *see* LAURA KALMAN, ABE FORTAS: A BIOGRAPHY 27-34 (1990).

24. The promise of Llewellyn bringing great distinction to the University of Chicago Law School was largely fulfilled. From the time of their arrival in 1951 until Karl's death in 1962, Soia

It was in "checking out" Llewellyn by telephone with people around the United States that Levi frequently heard the comment that "Karl would be fine, but Soia might even be better."²⁵ Soia Mentschikoff—Karl's third wife²⁶—was a prominent attorney and academic in her own right.²⁷ In fact, while teaching at Harvard Law School, she

Mentschikoff and Karl Llewellyn did much to energize the law school and to bring a sense of high standards, caring, and devotion to students.

Of particular note was their practice of holding weekly parties at their home and inviting all of the students to attend and to stay into the early morning hours discussing a wide range of topics not necessarily involving the law. The Llewellyns inspired countless students who went on to high achievement in the law. Many point to their encounter with the Llewellyns as a high point in their career.

25. Interview with Edward Levi, *supra* note 11. Karl Llewellyn and Soia Mentschikoff were visiting professors of law at Harvard Law School for the academic year 1948-49. Soia had been a visiting professor for the academic year 1947-48 as well. Telephone Interview with Sue Robinson, Registrar, Harvard Law School (Feb. 19, 1992). Of the two, the Harvard faculty was most impressed with Soia. The faculty would have liked to have offered Soia a permanent appointment teaching commercial law, but it was widely recognized that Soia and Karl would want dual teaching positions at the same school. Harvard, at the time, had a policy of not taking a wife and husband in the same department. The faculty specifically wanted Soia (and also would have taken Karl), but did not pursue the idea of a permanent appointment for Soia because it was known that she would not have wanted to come without Karl. Therefore, the matter was dropped. Telephone Interview with Paul Freund, Professor, Harvard Law School (1990).

At Columbia as well there was a rule against nepotism. Columbia was reluctant to budge on the rule and thus the faculty-appointment committee never formally considered Soia for a permanent position. Interview with Herbert Wechsler, Professor Emeritus, Columbia Law School, in New York, N.Y. (1989).

26. Karl Llewellyn married his first wife, Elizabeth Sanford, on February 23, 1924. Their marriage lasted only six years, ending in 1930 when Elizabeth left Karl for another man. Upon their divorce, Llewellyn went into a deep depression. It was a blow from which it took him years to recover. Interview with Milton Handler, Senior Partner at Kaye, Scholer, Fierman, Hays & Handler and Professor Emeritus at Columbia Law School, in New York, N.Y. (May 1989). It has been suggested that this event brought on his problem with alcohol. Interview with Alan Swan, *supra* note 6.

Three years later, Llewellyn married his second wife, Emma Corstevet. The marriage was not an easy one. During the marriage, the Llewellyns adopted a son, Nial.

Karl met Soia when she entered Columbia Law School in 1931. During her stay at Columbia, Soia worked as an assistant for Karl and had her own desk in his office at the law school. A friendship soon developed; in fact, when the tragic news of Soia's lover's death arrived, it was Karl who chose to deliver the War Department's grim telegram. At some point, while Karl was still married to Emma Corstevet, a love relationship developed between Soia and Karl; neither Soia nor Karl ever openly spoke about the subject of their relationship before their marriage.

In 1946, Emma and Karl divorced, and Karl married Soia, his third wife. Interview with Sandy Levendahl, Soia Mentschikoff's niece, in Reston, Va. (Nov. 10, 1989).

27. Soia Mentschikoff graduated from Hunter College in 1934, where she was an excellent student and an active athlete. Immediately upon graduation, she entered the Columbia Law School and earned her LL.B. in 1937.

In 1938, Soia was admitted to the New York bar. From 1937 to 1941, she worked as an associate for the firm Scandrett, Tuttle and Chalaire, in New York City. From 1941 to 1944, she

made a greater impact than her husband.²⁸ After the hire, she was described to the faculty and the alumni in the following terms:

[Karl's] wife, Soia Mentschikoff, also joins the faculty [July 1, 1951]. Miss Mentschikoff has had experience in practice in New York City and as the first woman law professor at Harvard University Law School. She is the Associate Reporter for the proposed Uniform Commercial Code. The appointment of the Llewellyns brings to this faculty two of the most distinguished names in American jurisprudence, and the combination of Roscoe Steffen, Karl Llewellyn, and Soia Mentschikoff in the broad field of commercial law is not to be equalled by any law school.²⁹

Recognizing the impact that both of the Llewellyns would have on the University of Chicago Law School, Levi began to think seriously about recruiting both Karl and Soia. Levi understood that it was unlikely that either one of them would even consider taking a position on the law faculty without the other. Also, Levi was aware of the fact that neither Columbia Law School nor Harvard Law School had yet made a joint offer to the Llewellyns and that there was no indication that they would.³⁰ The hiring of a husband and wife on the same faculty had not as yet been done by any major law school. However, Levi raised the idea of a joint husband-and-wife hiring with both Hutchins and the faculty; everyone seemed to approve.

Before proceeding with the actual offer, Levi made elaborate preparations to recruit both Soia and Karl. With regards to salary, Levi decided that Karl was to be given the "top salary," higher even than his own.³¹ Soia was to be paid a sum very close to the top salary and would be given the special rank of "Professorial Lecturer."³² This was to satisfy concerns about protocol in a joint husband-wife hiring and was in keeping with the precedents set in other departments of the Uni-

was employed as an associate for the firm Spence, Windels, Walser, Hotchkiss and Angell, also in New York City. She became a partner of the firm in 1944. In 1945, she became a partner of another New York City law firm, Spencer, Hotchkiss, Parker & Duryee and remained with them until 1949. From 1947 to 1949, Soia also taught as a visiting professor at Harvard Law School. *WHO'S WHO IN AMERICAN LAW* 367 (1st ed. 1977). Between 1949 and 1951, Soia served as Associate Chief Reporter for the Uniform Commercial Code.

28. See *supra* note 25.

29. Remarks by Edward Levi in *THE LAW SCHOOL RECORD*, *supra* note 18, at 17-18.

30. See *supra* note 25.

31. Interview with Edward Levi, *supra* note 11.

32. *Id.*

versity where such joint hirings had been made.³³ Regarding courses, Levi, who had been teaching jurisprudence, knew that Karl would probably want to teach the course; Levi was willing to and did turn the course over to Karl. Soia would teach commercial law.³⁴

Having gained clearances from Hutchins and the faculty for the joint hiring, the next step was to plan out a strategy for making the offers in the most favorable way. Thus, Levi decided to hold a conference on the Commercial Code at the University of Chicago, invite the Llewellyns, and make his offers during the conference.³⁵ The Llewellyns accepted the invitation to participate in the conference. While it is not clear whether advance word regarding their offers reached the Llewellyns, it seems likely that it did, both because of all the checking that had been carried out by Levi and because most law professors from around the country tended to keep in constant touch with each other. If the Llewellyns did realize that a joint offer from the University of Chicago Law School was forthcoming, the possibility of such an offer presumably would have appeared attractive in contrast to the lack of such opportunity in the east.³⁶

By 1950, life at Columbia Law School may have left something to be desired for both Soia and Karl. Soia must have been aware of the gossip suggesting that she had spirited Karl away from his second wife, Emma Corstevet.³⁷ While never openly discussed by the Llewellyns, there was a fairly widespread belief that Soia and Karl had an affair while he was previously married and that this infidelity led to his divorce from Emma.³⁸ And Karl may have perceived that he no longer commanded as much respect from the faculty as he had when he first came to Columbia Law School. There had been, for instance, an incident at Columbia in which he was accused of coming to class inebriated.³⁹ Given the above circumstances, and the knowledge that a joint appointment at Columbia or Harvard seemed remote,⁴⁰ an invitation from the University of Chicago for a joint appointment undoubtedly

33. *Id.*

34. *Id.*

35. *Id.*

36. *See supra* note 25.

37. *See supra* note 26.

38. Interview with Walter Blum, *supra* note 10.

39. Interview with Nial Llewellyn, son of Karl and Emma Llewellyn (adopted in second marriage), in Elmsford, N.Y. (Feb. 11, 1990). His resignation was sought by influential trustees, and a letter of resignation was actually taken from him and kept on file in the Dean's office in anticipation of the day that this problem might arise again. *Id.*

40. *See supra* note 25.

was considered seriously by the Llewellyns.

Levi's plans for the conference came to fruition. During a lunch at the Quadrangle Club, Levi wrote a note and sent it along to Karl Llewellyn.⁴¹ The note asked: "Is there any chance that we can get you to join the University of Chicago Law School faculty?"⁴² The note's phrase "you" was purposely ambiguous.⁴³ Llewellyn responded by asking Levi: "[By 'you'] do you mean 'me' or 'we'?" And Levi responded: "I mean you and Soia."⁴⁴

There was no immediate answer. The Llewellyns returned to New York to consider carefully their firm offers. As Levi recalls, "I think actually [Karl] probably had a problem with Soia."⁴⁵ She may have been less anxious than Karl to come. Indeed, Soia clearly did have strong feelings for New York and understandably considered New York the center of the commercial world.⁴⁶ Nevertheless, Hutchins's and Levi's dream⁴⁷ of elevating the University of Chicago Law School to a position of prominence provided an unprecedented intellectual challenge. Additionally, moving to Chicago allowed Soia to consolidate her family⁴⁸ and her work.

Thus, the University of Chicago Law School's academic goals, the personal benefits of bringing the family together to live in Chicago, the anti-nepotism policy of the eastern universities, and the career threat posed by Karl's drinking problem made Dean Levi's offer extremely

41. Interview with Edward Levi, *supra* note 11.

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

46. Soia referred to Chicago as a "town" and New York as a "city." She clearly favored living in New York. Interview with Jean Mentschikoff, Soia Mentschikoff's niece, in Chicago, Ill. (1989). On the other hand, Soia would have done what Karl wanted because, though she was the organizer of the family, she considered Karl to be the head of the house. Interview with Sandy Levendahl, *supra* note 26.

47. Interview with Edward Levi, *supra* note 11.

48. To properly understand Soia Mentschikoff, one must appreciate her commitment to her relatives. Throughout her life, Soia Mentschikoff was a devoted daughter and the head of her family. She felt responsible for the care of her parents, who, while she lived in New York City, resided in New Hyde Park, New York. Moving to Chicago allowed Soia to consolidate the family by converting the third floor of the house into an apartment for her mother and father; furthermore, because the house was so spacious, Soia was able to house her nieces, Sandy Levendahl and Jean Mentschikoff, for many years. See Interview with Sandy Levendahl, *supra* note 26; Interview with Jean Mentschikoff, *supra* note 46.

attractive. Ultimately, the Lewellyns accepted, moved to Chicago, made useful contributions, and enjoyed a productive period in their lives.