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In Appreciation of Alan Cullison

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In Appreciation of Alan Cullison

Editor's Note: In May, 2004, Professor Alan D. Cullison concluded a thirty-four year teaching career at the University of Connecticut School of Law. Professor Cullison came to Connecticut as a visiting professor in 1970 and joined the law school's permanent faculty the next year. Over the course of his career he taught Civil Procedure and a variety of Commercial Law topics, including Sales, Secured Transactions, and Commercial Paper. Professor Cullison retired after the 2000-2001 academic year but remained at Connecticut as an Oliver Ellsworth Scholar until last May. He served as faculty adviser to The Connecticut Law Review from 1981 to 1997, and the Law Review is pleased to host this tribute to him. A note from Professor Stephen Utz follows.

Al Cullison is a brilliant, principled and very kind man. His colleagues may also think of him as an easy mark for unwelcome tasks. He accepted more than his share of teaching assignments he might have preferred to avoid: someone else's idea of the right combination of UCC materials, a truncated version of Civil Procedure, emergency filling-in for a colleague during what was supposed to have been his sabbatical, and a long succession of evening division offerings on subjects other than his specialties.

Al has been the most careful and focused of teachers. Meticulously prepared for every class, even after a lifetime of law teaching, he projected

a deep respect for the task of applying rules to factual settings. When from time to time I interrupted his class preparation, his index cards were just inches from his face and his faraway look betrayed an absorption in the humble details of secured transactions or sales of goods. He would apologize for having to prepare down to the last minute before class, saying it became harder and harder to do a good job. We all knew that he set the bar higher and higher. His students found him clear, extremely stimulating, and alert to the occasional humor of law's mission.

He has a very marked view of what the best law teaching involves. He had been a student during the heyday of core law school courses that combined substantive law and procedural details – the teaching paradigm that attempted to combine close attention to the procedural details of cases with the learning of rules. He rejected that. He believed that students learned best from undiverted concentration on fitting rules to facts. He told me so once, and afterwards I never planned a class without hearing his advice in my inner ear. His approach depended on the careful articulation of hypotheticals, slight variations of the facts of the principal case under study, with gentle progress from one change of detail to the next.

Debating almost any legal topic with Al is a bracing experience. For my first few years at the law school, I think he humored me when I tried out new arguments on him. Perhaps I didn't ask for real criticism in a sufficiently explicit way. At some point, however, after he had done me many favors and had treated me for years as a valued colleague, he finally let me have it. I had written an article about H.L.A. Hart and Ronald Dworkin. It touched a nerve with Al. He admires Hart's sophisticated reformulation of legal positivism, although I think it is fair to say that he doesn't espouse some aspects of earlier positivist doctrine that Hart tried to salvage. In any case, I criticized Hart to Al with more confidence than caution. For the first time, he favored me with the full heat of his philosophical skill. I skulked away, quietly apologizing to myself for having to publish my article without being able to answer his points. Years later, I showed him Hart's own posthumous answer to Dworkin. He said Hart was right, of course, but hadn't needed to struggle much to defend himself. Again, I crept away, unable to make the case for my opposing view. But in the process, I learned more than I had from any philosophical teacher since the best of my graduate school mentors. Al was never an academic philosopher (if we ignore his non-degree studies with the logicians Nuel Belnap and Alan Ross Anderson). He was just more talented than most who were.

In an earlier phase of his career, Al published articles on evidence and burdens of proof that made innovative use of probability theory and statistical inference methods. They are still the best introductions I know of to what has become an over-grown and sometimes errant journal literature. Al remains interested in jurimetrics and jurisprudence, but in recent years he has published less. As faculty adviser, he shepherded the Connecticut Law Review through a long maturing process that saw it emerge from a journal dominated by the faculty to one genuinely run by students. Al's beliefs about the quality and purpose of law reviews can be trenchant, but he treated student editors as equals and kept his counsel.

Al is formidably acute in all the subjects he takes on, and the most even-handed person I have encountered. He doesn't play games and

doesn't seem to have a high opinion of himself (though he couldn't not know how good he is). He writes and speaks with great clarity, simplicity and elegance. On the rare occasions when he spoke in a faculty meeting, always on an important issue, he seemed, as another colleague recently said, to have weighed every word in advance. Yet he often spoke with passion and often turned the tide of a discussion. I looked forward to his few but ever so incisive interventions. Though I think he has no special regard for Wittgenstein, he lived the irony of the philosopher's dictum, "Whereof one cannot speak, thereof must one keep silent."

I suspect that many of Al's students and perhaps some colleagues did not recognize his restraint for what it was. They may even have supposed him to be merely reticent. Character and tact more often explain his sometimes long silences. If you know him at all, you never underestimate his grasp of a debate or of an interlocutor's character.

Stephen G. Utz

