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## In Memoriam

### Remembering Dean Phillip Blumberg

RICHARD S. KAY

*Phillip I. Blumberg served as Dean of the University of Connecticut School of Law from 1974 to 1984. These remarks were first delivered to the University of Connecticut School of Law faculty at the Faculty Workshop held on November 10, 2021. They have been lightly edited for publication.*



# Remembering Dean Phillip Blumberg

RICHARD S. KAY\*

I am gratified and honored to share some memories of my friend and colleague, Phillip Blumberg. Phillip's very long, active career means that most of his law school acquaintances got to know him only in the later decades of his life, long after he had given up his role as Dean of the University of Connecticut School of Law. So, I will sketch here some aspects of his character and achievements in that role.

Phillip was appointed Dean in 1974 and served in that capacity until 1984. All of that time occurred before the school moved to its current campus in the West End of Hartford. During that time, it was located at 1800 Asylum Avenue in West Hartford. As it happens, Phillip and I both arrived at the school in the summer of 1974, he as the newly appointed Dean and I as a brand-new Assistant Professor. The law school, as well as legal education in general, has changed profoundly since then. UConn has seen a fundamental transformation in the faculty's and the community's understanding of the law school's mission and, therefore, of the ambitions that we held for it.

When Phillip (and I) arrived in West Hartford, we found a faculty that consisted mainly of very competent and very committed teachers. Some of these people also wrote and published articles in law reviews and the occasional book. Mostly, these publications dealt with things that would be useful to practitioners—and, in these works, the law of Connecticut featured prominently. I do not want to be misunderstood. These were very intelligent, conscientious people, and they did an exceptional job in the work they set out to do. It only will take a few conversations with some of our older alumni to gauge the depth of admiration and affection that our students had for the school and its faculty in those days. But, as at most universities at that time, UConn had limited ambitions for its law school. Starting in the late 1960s, however, this had begun to change. Some members of the faculty wanted the school to transition to a more “national” model and to produce scholarship directed to a more academic audience. The choice of Phillip Blumberg to lead the school as Dean was clearly part of that effort.

Phillip was to prove the right person for that job. In accomplishing it, however, as in everything he did, Phillip had his own style. People who have known Phillip in recent years—recent decades, really—will remember him as a warm, supportive, even avuncular colleague—and in his post-decanal

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years, he was all of those things and more. But things were a little different when he was Dean. At least for junior faculty members like me, he was . . . well, terrifying. I remember how nervous I was whenever I received a note or phone call (no email in those days) that he wanted to see me. I think now that was because he was always so clear and direct about what he wanted for the school and because he was so clear and direct about what he thought I should be doing to further those goals. Dean Blumberg never called you in to chew the fat. In the face of such firmness and such lucidity, some of us, anyway, could not help but feel a little intimidated. He never left you in doubt about how he conceived a faculty member's responsibilities. He was powerfully effective in getting every person at the school to pull their weight, and always in work which was going to make us better teachers, better scholars, better members of our community.

In considering the kind of Dean that Phillip Blumberg was, there is one story that I think pretty much sums it up. I don't remember the exact year, but it was in the mid 1970s. It was Veteran's Day. But then, as now, classes were being held as usual. At about ten that morning, the University received an anonymous phone call saying that a bomb had been planted on the Hartford campus that the Law School then shared with the School of Social Work and the undergraduate Hartford branch. All three buildings were promptly evacuated. Police and fire personnel arrived within minutes. But then the activity seemed to slow down. Public safety personnel spent a good deal of time talking among themselves and surveying the outsides of the buildings. A quarter hour passed, a half hour passed, and no one was going inside. But it was a sunny, unusually warm day for November, and neither students nor faculty seemed upset about spending some time outdoors and, of course, out of class. After a while, I looked over and saw a group of faculty and staff surrounding Dean Blumberg. I walked over to find out what was going on. The Dean was assigning teams to enter the building and search for the bomb. So, a colleague and I were given master keys, and we went up to the half of the third floor designated for us. We unlocked every door, opened every drawer, and checked every closet and cabinet. It took about a half hour. No bomb. We and the other teams reported to the Dean and, in short order, he re-opened the building and classes resumed. I don't recall what happened to the other buildings on the campus, but I'm pretty sure they didn't get back in business for some time after the Law School did. (At the holiday party that December, we were each given a red plastic firefighter's helmet as a memento of our time on the bomb squad.)

So, that's the kind of Dean that Phillip Blumberg was. One of his teachers at Harvard Law School was the famous—or infamous—Edward “Bull” Warren, the author of *Spartan Education*. Now, Phillip made it clear that he didn't endorse Warren's style, but I have to believe that, at least in some situations, he must have thought that Bull had been on to something.

Phillip never thought it was sufficient to do anything less than our best and to do it all the time in every aspect of our jobs.

If Phillip's consistent expression of that belief made us uncomfortable at first, over time, we began to appreciate his style. And he got to know us better and to appreciate our value as well. He was always willing to accommodate and encourage the particular interests of each member of the faculty. So, in the mid-1980s, when I suggested that I offer a seminar on comparative United States and Canadian Constitutional Law—not exactly a bread-and-butter course—he immediately agreed. He saw how naturally it fit into and extended my research interests. In later years, after comparative constitutional law had become a “thing,” Phillip often reminded me how exotic that subject had been when I first became interested in it—and, of course, by implication, how he had helped me get started in it. But the fact is that his encouragement made possible a rewarding academic career in a field in which I believe I was well-suited.

The quality of the faculty was at the top of Phillip's list of priorities. He worked hard to assemble a group that shared his values and had the talent and energy to meet his standard of excellence. He can take much of the credit for the outstanding additions to the faculty in that period, including John Brittain, Deborah Calloway, Olimpiad Ioffe, Mark Janis, Tom Morawetz, Rick Pomp, Jim Stark, Kurt Strasser, Steve Utz, and Carol Weisbrod. These people made up the core of the faculty for many years. Speaking of hiring, Phillip had a distinctive way of interviewing faculty candidates. I witnessed a few of these interviews. He was always polite, but, unsurprisingly, his questioning was also sometimes intense. I remember one case where an applicant had expressed an interest in the operation of a certain statute. “How influential,” Phillip asked, “was the testimony of the Congressional witnesses in settling the law's terms?” The applicant owned that they might have had a significant impact. Once the candidate left the room, Phillip wheeled around to inform us that there had been no hearings on the bill in question. Needless to say, no further action was taken on that candidate.

The institutional changes over which Phillip presided are too many to list. He beefed up an administrative staff that was painfully thin and brought in a corps of smart, efficient people who could stand up to the faculty, as well as to the outside world. In what I think was his third year, he successfully secured the funding for a very substantial increase in faculty salaries, especially for junior colleagues. Of course, this was also an essential step in his recruiting of new faculty members. His achievement in convincing the University to supply the necessary funds is one example of his success in dealing with the central administration in Storrs. We were told that the people there didn't take to Phillip—and I can believe it. That was because at every meeting, Phillip was better prepared than they were and knew the state of University finances and the minutiae of University procedures better than they did.

I can't conclude without mentioning Phillip's most visible success. That was his securing our current campus on the former grounds of the Hartford Seminary. I think we rightly believe our campus to be the most beautiful law school campus in the United States. If you have ever seen our old building, and certainly if you've ever been inside it, you will understand what a difference this change made to our self-image. Frankly, it was difficult to take the institution and our work seriously in that dispiriting environment. Moving to the Hartford Seminary was not Phillip's idea. Almost immediately after it became available, Terry Tondro and Hugh Macgill began conspiring to secure it for the law school. But it was Phillip who managed the long and painful process of making that plan a reality. It took ten years, and there were several unexpected obstacles along the way, including a distinctly unfriendly governor. Sadly, we didn't move in until the year after Phillip left the deanship, though he and Terry Tondro were given first choice of offices in recognition of their roles in the process.

Most of the people who read these remarks will have known Phillip in his retirement. He did mellow over the years, and the kindness and concern he showed for his colleagues were perfectly genuine. Until a few years ago, he came to the school every day, and he was never without some ongoing research project. His multivolume treatise on corporate groups more or less created a new field of legal study. His book on freedom of expression in the early republic was published when he was ninety-two years old. In these respects, he was a perfect role model for me both during my active tenure and now in my retirement. For me, he was a colleague, a mentor, and a good friend.

We are now celebrating the hundredth anniversary of the School of Law. I have (amazingly, to me) been on the faculty here for just a little under half of that time. I have known seven deans, and I have liked and admired every one of them. But, with the greatest respect for each of them, I can say with absolute confidence that no individual played a greater role in making this an institution that is both great and good than Phillip Blumberg.