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## In Memoriam

### How Phillip Transformed My Life

RICHARD D. POMP

*Phillip I. Blumberg served as Dean of the University of Connecticut School of Law from 1974 to 1984. These remarks were first delivered at the University of Connecticut School of Law's tribute to Dean Blumberg, "Honoring Phillip I. Blumberg," held on December 10, 2021. They have been lightly edited for publication.*



# How Phillip Transformed My Life

RICHARD D. POMP \*

Reading the remembrances in these pages reminds me of the parable of the blind men and the elephant that originated in the ancient Indian subcontinent. It involves a group of blind men who have never encountered an elephant, and each man touches a different part, including the trunk, tail, mouth, feet, and ears. They then try to describe the elephant based on their limited experiences. Those sharing their memories of Phillip will be more successful than that, but we are nonetheless describing a very complicated and complex person and can only present in these pages an incomplete mosaic.

Phillip's parents were from Lithuania. His father, who Phillip idolized, rose to be the Executive Vice President of the Amalgamated Clothing Workers, a union of four hundred thousand workers. Phillip grew up in a period of virulent antisemitism in both the professions and the universities. At a time when Harvard discriminated against Jews (and others), he went to Harvard College at age sixteen and Harvard Law School, graduating in the exalt group of magna cum laudes. He gave up a clerkship with Learned Hand to join the army, receiving the Bronze Star. He was a Wall Street mogul, both in the law and in business, and he especially enjoyed tax matters.

I knew none of this forty-six years ago when I was teaching at Harvard Law School and directing its International Tax Program, a non-tenure track position. It was a Friday afternoon around 4:30. If there was a knock on my door, I did not hear it. The door was flung open, and in bounded this natty, bow tied gentleman, conservatively dressed, with an athletic build, somewhere in his forties. He did not introduce himself as much as he proclaimed, "I am Phillip Blumberg, the new dean at UConn Law School, and I want to talk to you about joining forces with me."

Besides the lack of any pretense at small talk—he was clearly a man on a mission—three things were wrong with his announcement. First, I had never heard of him. Second, I didn't know that UConn had a law school. And third, I had an offer from the University of Texas Law School, of which I had heard.

I did not embarrass him by mentioning the first point, but I did note that I didn't know UConn had a law school.

"That's exactly what I was hired to change."

To the third point, he asked me a question that would forever change my life.

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“Wouldn’t you rather help me build a law school than become a cog in one?” Having never experienced either, I had no answer, although it was obvious what answer he preferred.

“We have the core of a wonderful group, but the school has limited ambition, and I was hired to take it to the next level. Come down and see if you want to work on that with me.”

I said I would think about it—just what you would say to a pesky insurance salesman as you shoed him out the door—and never gave it any immediate thought.

I assumed that would be the end of it. Unknown to me, Phillip was commuting weekly to West Hartford from a suburb of Boston, which explains why the next Friday at 4:30, he appeared again.

“So, have you thought about it?”

Since I had promised I would—but did not—I immediately thought about it for all of a nanosecond.

“Yes, and I don’t think it will work out.”

But Phillip was not one to be put off so easily. That’s not the way it is done on Wall Street.

“Do me a favor, just come down and have a look? Isn’t your career worth investing half a day?”

“And, if I don’t, are you going to be up here every Friday?”

With an impish grin he replied, “No, not next Friday.” After a long pause, he added with a twinkle, “I have a meeting at the school next Friday, but, after that, *yes!*”

So I found myself a few days later arriving for lunch at 1800 Asylum Avenue, fully appreciating the irony in the address of the school being linked with an “asylum.”

What I should have anticipated—but, naively, did not—was that every step of my visit would be orchestrated with the military precision that marked Phillip.

We retreated for lunch to what passed in those days as a poor imitation of a faculty lounge. And, of course, he had selected my luncheon companions with great skill.

Assembled were Hugh Macgill, who would become one of the school’s transformative deans, and one of the reasons we have our beautiful campus; Avi Soifer, who would become the longest serving dean at the University of Hawaii Law School; Rick Kay, wunderkind;<sup>1</sup> Wendy Susco, soon to be Judge Susco; and Terry Tondro, master of the law on zoning and land use, who, together with Hugh, raised the idea of moving to our campus with Phillip. This troika then plotted how to overcome all the obstacles in the way, including a hostile governor.

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<sup>1</sup> See Richard D. Pomp, *Rick Kay: And Now for the Rest of the Story*, 52 CONN. L. REV. 1711(2021).

Without any warning, Phillip asked me to talk to the group about what I was working on. I held court for the next hour, and thoroughly enjoyed the intellectual jousting. They were a remarkable group of academics, super bright, funny, warm, and encouraging, and it was obvious they enjoyed and respected each other, and shared Phillip's vision and ambition for the school.

Phillip ended lunch by turning to Hugh. "Maybe you could see if there are any students around for Rick to meet."

And so Hugh and I trotted down to the dismal basement dungeon that served as a cafeteria and found a table of students who seemed to be expecting us, but tried to act surprised. By now I was getting the sense that this was not a random meeting—indeed, nothing on my visit seemed left to chance. At the table were the editor-in-chief of the *Connecticut Law Review*, the president of the Student Bar Association, and other movers and shakers, a table of the best and brightest the school had. It was a truly remarkable group, and I was impressed. I could easily imagine what fun they would be in the classroom.

Phillip arrived at an opportune moment—still not totally spontaneous, as I was starting to realize. He turned to Hugh. "Is there a class this late in the day that maybe Rick could sit in on?" Hugh, of course, knew there was, but he appeared to be pondering the question. "You know I think there might be." So off we marched for me to witness one of the school's greatest teachers. What a coincidence. By now my resistance to UConn was ebbing.

Phillip picked me up at the end of the class and convinced me that, if I left then for Cambridge, I would confront rush hour traffic at both ends. We decided to have an early dinner. We went to the Hartford Club where he was warmly greeted. While waiting for drinks, Phillip simply asked, "How much is Texas paying you?" I told him and he rolled his eyes, which, in retrospect, I assume was feigned shock. I suspect he had already verified the starting salaries at Texas.

"Wow, that is pretty good." I reminded him that Texas has an oil well on campus with the royalties earmarked for the University, to which he replied, "Hypothetically speaking, if I could match that . . . I am, of course, not saying I could. That's going to be difficult. But, if I could, would you be interested in joining the faculty?"

"Well, hypothetically speaking, I think you will have to do more than just match Texas. The cost of living is pretty low in Austin and there is no personal income tax."

"How much more?"

Maybe it was the martini, maybe I was channeling my ancestors who might have traded camels and rugs to survive, maybe it was all the poker I played in law school, but I realized we were now in negotiations over a job I had not thought I wanted when I left Cambridge that day and still not sure I did. Maybe it was my ambivalence in answering the question he had posed a few weeks earlier, essentially trading the safety of a prestigious school for

the risk of building a new one. But, to make this easier on me, I gave him a number he had to refuse.

“Whoa, whoa. That is going to take a tuition increase. I will have to go to the Board of Trustees.”

Part of me was relieved. I would be spared any soul searching. Phillip must have seen the relief on my face and knew he could not let that linger for long. “I know I could never reach that number, but how close do I have to get? I cannot spend a lot of political capital unless I know that you will come.”

“Close.”

He just shook his head, rolled his eyes, and kidded about how I was jeopardizing his deanship. The rest of the meal was spent negotiating what I would teach, what my schedule would be, what committees I would enjoy—all hypothetically speaking, of course.

Three weeks later, we had a deal. When I called the dean at Texas and told him I would not be coming, he said, “I didn’t know Connecticut has a law school. Who is the dean?”

“Phillip Blumberg.”

“Never heard of him.”

I dropped my voice to a conspiratorial tone. “You will, you will.”

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In the *Connecticut Law Review*’s festschrift to Phillip nearly forty years ago, I wrote about his willingness to support the faculty in both their scholarship and professional development:

Once the Dean had become convinced that such pursuits would ensure professional growth and had substantial intellectual content (no easy criteria to satisfy given the standards that Phillip holds out for himself and, by example, for the faculty), his encouragement and cooperation were unfailing. Moreover, during those inevitable enervating periods when one was tempted to scrap professional growth and escape back to the bosom of the Law School, the Dean proved to be a fount of comforting and perceptive counsel.<sup>2</sup>

These comments reflected one of the turning points in my life, which could not have happened without Phillip.

In 1981, I received an offer to direct the New York Tax Study Commission, charged with reinventing that State’s taxing regime. I went to Phillip for his advice. He listened patiently, knew the minefield Albany was from his days in New York, and, after a long pause, said, “This is heady stuff. It will be good for you and the school. But I need you here to teach. I

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<sup>2</sup> See Richard D. Pomp, *State Tax Reform for the Eighties: The New York Tax Study Commission*, 16 CONN. L. REV. 925, 925 n.\* (1984).

can accommodate your schedule and I know you can handle two jobs, but I don't think the University will allow that. And New York probably won't either. And do you have any idea what you are getting into? This is not like your consulting in the developing world for one-party, tightly controlled countries, where you only needed to convince the finance minister or the president of your ideas and it got done. No, Albany is a viper's den that you have no experience with." Sobering fatherly advice, and he was right.

I told him that when the job was offered, Stanley Fink—the legendary Speaker of the House from Brooklyn, a brilliant strategist, as quick a study as I have ever encountered, brash, funny, sarcastic, and gruff—asked me, in quintessential Brooklynese, if I owned a brown suit. When I said no, he told me, "Buy one. That way it won't show when they get done with you." I looked puzzled, and he saw that. "Pomp, you grew up in Newark. You should know what I am talking about."<sup>3</sup>

Phillip chuckled when I told him this. "Stanley will be your godfather. But first, we have this little problem of having two jobs to deal with. Are you a standing commission or a temporary one?" "Temporary," I replied, and I had a sense of where Phillip was going, so I quickly added, "Annual appropriations. No promises of being renewed." I could see the mischievous smile come over Phillip's face. "Let me call Stanley and feel out Storrs."

And that is how I came to teach Corporate Tax on Friday nights. "Nothing gets done in Albany on Fridays," Phillip assured me, "they will never miss you." I never asked Phillip—or Stanley—how they handled this "problem" of two jobs, and it was understood I did not need to know.

Phillip met with me weekly when I came up to teach. I debriefed him, sketched some of the characters that were trying to marginalize and undercut our work, brainstormed with him, strategized, and received sage advice. He knew what a snake pit the Legislature was, and his astute and finely honed political instincts were always on display. More than once when I wanted to trade my brown suit for a Hazmat suit, he stiffened my backbone and sent me back into the trenches.

Very early one morning, he called me, breathlessly. "Did you see the *New York Times* op-ed today?" "No." "Well, you and the school were mentioned by name."<sup>4</sup> I naively feared for the worst. "Was it favorable?" And, like a proud father, he proceeded to distribute the op-ed far and wide, and I suspect Storrs was his starting point. I am sure he felt vindicated by the editorial in whatever deal he had to cut with Storrs to allow me the "luxury" of two jobs.

Yes, at times Phillip could be intimidating, stern, and terrifying, as others have noted in these pages, but he was also avuncular, fatherly,

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<sup>3</sup> Stanley's comments have been sanitized at the risk of not fully capturing his roots in the streets of Brooklyn.

<sup>4</sup> *Wise and Witty Tax Reform*, N.Y. TIMES, Feb. 22, 1983, at A18.

generous, and a fount of support and wisdom. And never did I regret accepting his challenge to help him build a law school.