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## **In Memoriam**

### A Friend to the Law School

SEAN J. GRIFFITH

*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.*



## A Friend to the Law School

SEAN J. GRIFFITH\*

Phillip Blumberg was my friend.

I began my career as a law professor at the University of Connecticut School of Law. I joined the UConn faculty at the age of twenty-eight. Nell Newton, who was then Dean, referred to me as “the youth.”

Phillip, by contrast, was already in his 80s. He had taken emeritus status some years before my arrival. But we were in the same field, corporate law, and our offices were next to each other. Phillip, like me, came to the office early most mornings. We became fast friends.

We were regulars at the Quaker Diner for breakfast and at the Towne & County for dinner, and we were regularly together at events around Hartford. I remember a Marsden Hartley exhibit at the Wadsworth Atheneum and an odd community theatre production of *The Pirates of Penzance* in Avon. I remember an apple-picking adventure on the Massachusetts border where we came back with a bushel of Honeycrisps. We must have made an odd pair. But our friendship never seemed odd to me.

Aristotle describes three kinds of friendship. The first kind of friendship is based on utility. These are friends who are useful to us. The second is based on sensuality. Friends who are fun. Think drinking buddies. The third aims at something higher. It aims at the mutual good of the friends, but not at the good defined as usefulness or animal pleasures. Instead, each friend directs the other toward the realization of some higher good or virtue. Each celebrates, sustains, nurtures, and supports the other in his pursuit of the good.

When I met Phillip, I was thoroughly familiar with the first two categories of friends. I had plenty of friends of convenience and plenty of drinking buddies. But I had never experienced the third kind of friendship.

I had that kind of friendship with Phillip, and, “youth” that I was, that friendship transformed me. Phillip and I had years of conversations touching on an endless series of topics.

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The pattern of our conversations began in wonder, at something that struck us as odd in the world. Something from a book or a paper one of us had read or something someone said in a workshop. I would ask, or he would, “what do you think about this or that?” One of us would articulate a tentative position, and we would run through the arguments and counter-arguments.

Phillip was especially good at counter-arguments. “But of course, Professor Griffith, you can’t have that. If you do, you’ll get X.” Or, “That’s all well and good, but what about Y or Z?” And on and on, “endlessly,” as he would say.

We had these conversations at breakfasts, cocktail receptions, and dinners, where Phillip would carry on in much the same way with the guest of honor, often a judge or a visiting professor from abroad. He had a way of gesturing with his glass and holding it tilted forward at such a precipitous angle that I always thought the wine would spill. But it never did, that I saw.

Those conversations were sometimes about corporate law, the subject we shared, but that was rare. More often they were about whatever item of interest had happened to cross our paths.

I would say I learned a lot from those conversations, but I could not then have told you *what* I learned from them or what their point was, except the pleasure of the conversation.

I later realized that the conversation itself was the point. What I learned from all those conversations was how to live a life that consisted principally in asking questions, looking for answers, listening to the answers that someone else gives, and then asking more questions. There was no snobbery about this. Phillip was willing to engage with anyone.

Phillip’s son Bruce shared a story that captures the tone of these occasions perfectly. Once, Phillip was up in Vermont in the waiting room of a hospital emergency room after a minor accident involving a family member. Also in the ER waiting room was a big, burly motorcyclist. A biker. After a short while, Phillip was chatting away with the biker and eventually asked him, “So what is the position of you *and your colleagues* on the question of helmet laws?”

Now, it is funny (to me at least) to think that a biker has colleagues. But it was not funny to Phillip. And I do not think it was funny to the biker either. The biker knew that Phillip was taking him seriously and taking his friends seriously, too. He was genuinely interested in them and in their opinion. And so the conversation went

on without skipping a beat. Two people talking openly, in mutual good faith.

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After I left Connecticut, I realized how much of my intellectual life I owe to Phillip, to our friendship, and to the marvelous institution he built here. Others have noted how he transformed UConn Law School through his Deanship and through his long tenure on the faculty. As Tim Fisher has described, Phillip is the one responsible for the Law School's beautiful physical environment, having moved the school into buildings formerly occupied by the Hartford Seminary.

The buildings say a great deal about the values of the Seminary and about the values Phillip had for his Law School. The Seminary moved into a new, modernist building across the way, using contemporary architecture to demonstrate its engagement with the world as it now is. Phillip's Law School, at the same time, looked to classical forms and old stones to symbolize timeless values that transcend any historical moment.

But it is not only the physical space, of course. As Tom Morawetz has described, Phillip's Deanship also involved a transformation of the faculty and the hiring of people who defined the life of the institution for generations. This included, in addition to Tom, Rick Kay, Rick Pomp, Carol Weisbrod, Mark Janis, Kurt Strasser, Jim Stark, Steve Utz, and many others.

Phillip and the people he brought together here made UConn a truly special place. It was a place of tremendous intellectual energy, but simultaneously a place of companionship and comradeship. At UConn, I looked to my colleagues as friends. I attended many independent films at Trinity College with Tom. I travelled with colleagues. I dined in their homes.

It was as if the faculty of the Law School were all friends. And not just any kind of friends, but friends in Aristotle's third category. Friends looking for the mutual good of the other, directing one another toward some higher truth. Phillip succeeded in making the University of Connecticut School of Law a faculty that institutionalized Aristotle's third form of friendship.

It was a faculty that prized inquiry over orthodoxy. No topic was off limits, and no perspective was *ex ante* excluded. This is rather different from the environment on many university and law school

campuses today, where there is a ruling orthodoxy that enforces piety and casts out heretics.

In those days, you could pursue any question. The sole requirement was being able to cogently articulate your position and respond to the strongest objections of the other side. It went without saying then, but it does not in many places today, to always treat each other not just with civility but with friendship and good will.

It was just like our conversations at the Quaker Diner.

\* \* \* \*

Phillip was not always easy. He could be strong willed.

I remember one sharp exchange during a faculty workshop when Hugh Macgill was presenting and Phillip was asking questions. Neither of them was willing to yield even an inch of ground to the other. During the rather awkward exchange, one of my colleagues whispered to me that it was “an elephant fight.” And she said, “When elephants fight, mice stay out of the way.”

But a strong will is excusable when it is used to push for the good of the institution, as both Phillip and Hugh used theirs. If Phillip was strong-willed, he was also kind. He was open, all the way to the end of his long life, to curiosity and wonder. And he was humble.

Once—on the occasion of his ninetieth birthday—in a speech like this one, I praised him as the world’s leading authority on the Law of Corporate Groups. Afterwards, he admonished me for not giving enough credit to Kurt Strasser and his co-authors on their magnum opus together.

\* \* \* \*

Phillip was my guide towards the good life.

He was, for me, the model of an academic life well lived.

I miss him very much. But I hope, in my life, to pass on some of his example to my family and friends, colleagues and students. And in some small way, to have been worthy of the friendship he offered me.