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TRIBUTE*

As I left the school on Friday evening, it seemed so very empty without Jim. Jim Haddad's scholarship was important and rock solid, and his teaching was very well-regarded. The students at the school gave him the best teacher award a few years back. But Jim brought dimensions to life at the school that aren't captured in the usual checklist of what the job entails. He was, in fact, a most unusual person and a most unusual law professor.

As Tony D'Amato said in something he wrote about Jim just after his death on Friday, there wasn't a hint of self-importance in Jim Haddad's word or deed. He took pains to deflect attention from himself. Jim had started law school at the University of Chicago and transferred to Northwestern after his first year at Chicago. I would occasionally say in his presence that he was the only person to be first in his class at both schools. To that, Jim would say it wasn't so, and extol the talent of the one person at each school who it seems had ranked higher in the class. That was typical. One learned of Jim's many accomplishments only through others or on those occasions when some reporting duty or, as in the case just mentioned, modesty, forced their disclosure.

Then there was Jim's generosity with his time and talent. Law professors as a group are usually quite willing to help students and colleagues and people in need. But there can't be a one in this world who was as willing as Jim to deploy his voluminous knowledge and his finely tuned powers of reason, just because someone sought it. He argued over one hundred criminal appeals, mostly for indigents, and mostly while carrying more than the usual burden at the school. And that only scratched the surface, for lawyers and judges would always turn to Jim Haddad as the real authority on matters of criminal procedure, or brief writing tactics, or quite often for his sense of what professional ethics required. He would always oblige. And he never in my experience asked a thing in return.

Jim was utterly without guile. He would tell you what he thought without concern for who might agree or disagree. But he was always gentle in the use of words, respectful of the feelings that

* Dean Bennett gave this tribute at the memorial service for James Haddad, held on February 10, 1992.

he knew could be wounded by careless language. Thus, while he spoke little at faculty meetings, when he did you listened, because he spoke with a combination of reason and sensitivity that meant you knew you had to have a mighty good reason to disagree with what he had to say.

Jim was conscientious to a fault. Thus, during the terrible months of his illness, he was constantly concerned that his classes be met and handled well.

You don't find many people like Jim Haddad on law school faculties. There was, of course, his modesty and shyness, but I am thinking more of something deeper, of the way in which he joined his head and his heart until they operated as one. Jim Haddad was a very reasoned person, but his rationality, while powerful, was never cold. For him, the good answer was also the right one. There was no dissonance between the two, and hence no reason for him ever to say that his heart told him one thing but his head another. That, I suppose, is what it means to be wise.

There can be no replacing a person like this. We can only feel fortunate to have known him, to have learned from him what it can mean to be a lawyer, a teacher, a colleague and a friend. We will surely fall short in the times ahead of the standard he set. But in life he made us better than we were, and he left a storehouse of lessons that can help us navigate without him. The school will still feel empty of his counsel and his wisdom even after time has healed the present hurt, but it will just as surely be full of examples he gave us of what can be done when intelligence is combined with integrity and decency in the conduct of our profession and our lives.

DEAN ROBERT W. BENNETT
NORTHWESTERN UNIVERSITY SCHOOL OF LAW

TRIBUTE

I join the legion of people who mourn the death of Professor James B. Haddad, lawyer, teacher and public servant. James Haddad was, by any standard, a low-key soul. He was almost shy. In a conversational circle, he was a great listener. But when he spoke, like the advertised investment firm, he caused people to listen. I do not recall anything he ever said that I believe was less than well thought out, incisive and truthful. He was a man of intense curiosity and, to those lucky enough and smart enough to make use of him, an absolute font of knowledge.

We all see different facets of the same person. James Haddad was a husband, a father, a lawyer, a public servant, a teacher, a writer and, to some, simply a good friend. And all these things had separate images and were apparent to the various people he encountered. But to all he was the essence of decency, a true gentleman, a man to admire. His students were truly fortunate; he was a master at teaching law. To those who were his clients, he was a great lawyer. His public service was of benefit to the offices he served and the citizens of this state. And he was a man of incredible courage; the way he bore his last illness demonstrated this quality to a degree rarely seen.

I knew him as a friend and as a co-author (with James Zagel and Gary Starkman) of a text on criminal procedure. It is safe to say that he was the watchdog of that text. He did more than his share and by gentle prodding made the rest of us meet our commitments. Over the years, our professional lives meshed with varying degrees of frequency. When we did get together after a lapse, I always upbraided myself for not making sure I saw more of him. I shall regret that failure for a long, long time.

At any rate, this tribute comes from someone who was a James Haddad fan. I share that feeling with everyone who knew him. Shortly after his death, I prepared a short dedication of the new version of the text that we had worked on. The last paragraph of that dedication is still my best way of saying goodbye:

The legal profession, the field of education and the world at

large are richer for his having been with us and are poorer for his leaving. He was truly a man of grace.

HONORABLE WILLIAM J. BAUER
CHIEF JUDGE
SEVENTH CIRCUIT COURT OF APPEALS

TRIBUTE

James Haddad was a prolific writer, a member of several boards and committees, and a tireless advocate for many indigent criminal defendants. But despite his numerous other commitments, he remained first and foremost a great teacher.

No student fortunate enough to enroll in one of Professor Haddad's classes could help but notice that his knowledge and understanding of criminal law were nothing less than phenomenal. Even among his peers and colleagues, Professor Haddad's expertise was renowned. During a first year criminal law class, a student once asked another professor a question concerning a somewhat ambiguous provision of the Illinois Criminal Code. The professor agreed that the statute was unclear, gave a tentative answer and said he would have to research the matter further. The next day, the professor returned with a definitive answer, explaining that he had discussed the issue with Professor Haddad, who was the person to consult if you had any question about Illinois criminal law.

On another occasion, Professor Haddad was attending a seminar with several criminal defense attorneys. During the seminar, a well-known attorney took issue with Professor Haddad on the advisability of certain proposed legislation. Recalling the incident years later, the attorney stated that after discussing the matter for less than five minutes it became clear to all present, as well as to himself, that Professor Haddad was in a league of his own. Given that law professors and experienced attorneys respected Professor Haddad's scholarship, it is not surprising that his students were often astounded by it.

But it was more than his amazing command of criminal law that made Professor Haddad an exceptional teacher. He was also one of those rare individuals with the desire and ability to educate others. As someone who both practiced and taught criminal law, Professor Haddad was able to make theoretical concepts readily comprehensible through concrete examples of how they arose and applied in the context of criminal litigation. Students might leave his classroom wanting to know more about the topic just discussed, but they rarely left confused.

Professor Haddad always treated his students with dignity and

respect. When students rambled discursively about cases or law review articles they had read only the day before, Professor Haddad listened attentively, eager to conclude that a meaningful point or astute observation had been made. When students blundered in class, Professor Haddad reminded them gently of the overlooked fact or the forgotten case. If he was pleased with a response, he often rewarded the class with a ten minute lecture free of hypotheticals, or a story from his days with the State's Attorney's Office.

On one occasion, he recalled how, as a former First Assistant State's Attorney, he had been compelled to eavesdrop on the intimate conversations of individuals with whom he was casually acquainted and how he would feel slightly embarrassed when he encountered them by chance a few days later. One could not help but smile when trying to envision this mild-mannered, unassuming legal scholar reluctantly engaged in undercover espionage.

On another occasion, Professor Haddad recalled with feigned pride how, as a young attorney in the State's Attorney's Office, he had unwittingly developed a unique area of expertise, the prosecution of indecent exposure cases. Professor Haddad then proceeded to relate some of the more bizarre details of one of his early cases, which, if memory serves correctly, included an eager attempt by the defendant to prove the complaining witness's identification wrong by exposing himself.

Although Professor Haddad's teaching style was not flamboyant, it was effective. Not only did students understand the material presented, but they retained what they learned long after the "crucial" final exam. One student, who took criminal process and procedure during her third year, entered a firm specializing in corporate litigation after graduating. Some time later, the woman moved out of state and found herself in the unenviable position of studying for a second bar exam. Discussing her plight, she complained that she couldn't remember anything from law school except what she learned from Professor Haddad—a fact she found most remarkable since, by her own standards, she had not done particularly well in his classes nor had she had any occasion to use what she had learned since graduation. It was no coincidence that students awarded Professor Haddad the Childres Teaching Award on two occasions and nominated him on numerous others. He was a consummate teacher.

When he was not discussing the conundrums of criminal procedure with his students, he was teaching them how to brief and argue criminal appeals. Professor Haddad's students learned to spot issues in rap sheets, half sheets, mittimi and mandates, and to write

winning appellate briefs for indigent criminal defendants. Those students who followed Professor Haddad to court heard him argue cases opposite prosecutors who were loath to disagree with him and before judges who were reluctant to question him. In one case, he argued that the defendant, who had been sentenced to fourteen years in prison for what was in truth a paltry offense, had been denied the right to counsel of his choice. The case turned on an abstract constitutional principle. Professor Haddad made his legal point and then argued with great emotion that "poetic justice" would be served by reversal, given the severity of the sentence and the triviality of the offense. One of Professor Haddad's students who was present at the argument recalls that he had never before seen a case that was won for the appellant on the day of the oral argument.

While many professors were available outside of class for discussions with students, Professor Haddad went further, viewing it as an integral part of the educational process. His seminars frequently were structured to include individualized discussions with the students. When acting as a faculty advisor for students participating in the Northwestern Legal Clinic's extern program, Professor Haddad took the time to meet with his advisees on a weekly basis and to discuss the types of projects they were working on in an attempt to assure that the externship was a meaningful learning experience.

As a senior research advisor, Professor Haddad inspired his students with his intellect, enthusiasm and willingness to meet with them at any time or place. Known for his preoccupation with "*Bruton* problems," Professor Haddad was lured by one student into supervising a senior research project by the student's proposal to write about *Bruton*. The student recalls working frantically at home during Christmas break of his third year to complete a first draft of his paper. Confused about a particular issue, he stepped outside for some fresh air. A half block away, he saw Professor Haddad standing in front of a house shaking off the cold. The student walked up to Professor Haddad and expressed his utter amazement at running into him. Professor Haddad explained that he was picking up his daughters' babysitter and engaged the student in a lengthy discussion about his paper. When the student returned home, he was still bewildered at having seen Professor Haddad, but no longer confused about his paper. Later, in his characteristic selfless manner, Professor Haddad worked on his own for more than a year expanding and refining the student's paper. He gave the student full credit as a co-author of the article he eventually published.

For those students who took the time to know him better, Pro-

Professor Haddad was also a willing mentor and a generous friend. Because of his years of experience, not only as a law professor but also as a practitioner, Professor Haddad was more knowledgeable than most about career opportunities in the legal profession. If solicited, he would readily give students candid advice about various areas of employment including teaching, judicial clerkships, public interest and government jobs, and private law firms. If a student was interested in working in a particular place, Professor Haddad usually knew something, and frequently a great deal, about it. If asked for help in obtaining a specific job, Professor Haddad stood ready to lend whatever assistance he could. If he heard that a student was having difficulty obtaining a job, he would frequently pick up the phone or drop the student a line, letting them know of an opening he had heard about which he thought might interest them. Once a student obtained a job with his help, he would check to make sure things were going well. His obvious concern with the development of his students' careers is attested to by the fact that years after graduation, students would return, again seeking Professor Haddad's counsel and assistance in making a career change or obtaining a new job.

Professor Haddad's desire and willingness to help his former students extended well beyond assisting them in finding employment. Because his knowledge of criminal law was so extensive, for those practicing in the field it was hard to resist picking up the phone to ask him a question or bounce an idea off him. No matter how rudimentary the question or unsophisticated the issue must have seemed to him, he always appeared genuinely interested and pleased to have been asked. It was not unusual for him to call back days or weeks later to say he had run across some additional case or article which he thought might be helpful.

His generosity toward his former students is well illustrated by an event that occurred shortly before his death. A former student was preparing to argue her first case in the Seventh Circuit. Although he had undergone massive chemotherapy only a short time before and obviously still very much felt its effects, Professor Haddad, on his own initiative, stopped by the former student's office shortly before the argument to answer any questions, provide any insight and lend any support that he could.

Professor Haddad's students will always remember his affable, slightly diffident and completely unpretentious manner. He wore baggy suits and sat casually on the tops of desks and tables when he was lecturing or fielding questions from students. Outside of class, he could be seen shuffling from the faculty lounge to his office sip-

ping coffee, or from his office to his car carrying plastic grocery bags filled with advance sheets that he planned to read at home.

Perhaps the most telling examples of Professor Haddad's remarkable influence on his students' lives and careers are the friendships he inspired among those who shared an affection for him. His students often met in the law school's atrium to discuss criminal law and procedure, to exchange stories about him or to simply wait for him to walk by. His untimely death has brought his students even closer together. For this, for his extraordinary understanding of criminal law, for his dedication to teaching and for his selfless generosity toward his students, he will be remembered always with fondness and gratitude.

RICHARD G. AGIN
ANNE E. MEYER

TRIBUTE

In an interesting passage in Thomas Hardy's wonderful book, *Far From the Madding Crowd*, the local farmers are noticing Mr. Boldwood's descent from confirmed bachelorhood to infatuated courter with restrained interest, for "his lapse was an anticlimax somewhat resembling that of St. John Long's death by consumption in the midst of his proofs that it was not a fatal disease." But their interest in the object of his affections, Miss Bathsheba Everdene, was considerably sharper, for Miss Everdene was landed in her own right, and fully capable of running her estate:

Henery Fray spoke, exhibiting miserable eyes at the same time: "I don't know why a maid should take a husband when she's bold enough to fight her own battles, and don't want a home; for 'tis keeping another woman out. But let it be, for 'tis a pity he and she should trouble two houses."

As usual with decided characters, Bathsheba invariably provoked the criticism of individuals like Henery Fray. Her emblazoned fault was to be too pronounced in her objections, and not sufficiently overt in her likings. We learn that it is not the rays which bodies absorb, but those which they reject, that give them colours they are known by; and in the same way people are specialized by their dislikes and antagonisms, whilst their goodwill is looked upon as no attribute at all.

The man whose life we celebrate and death we mourn by the dedication to his memory of this issue of *The Journal of Criminal Law and Criminology* challenges the universality of Thomas Hardy's point. That Hardy's insight was acute is beyond question, I think. It explains, for example, the unfavorable connotation of gossiping, for to discuss the attributes of others is rarely to offer praise. But what if a person has at most a few harmless—indeed endearing—eccentricities? What if "dislikes and antagonisms" are incompatible with his character? If Hardy's point were universal, such a person would be like a black hole in space, unobserved by those around him.

Jim Haddad's life tested the universality of Hardy's point. His life was dominated by goodwill (and a few endearing eccentricities), with whatever dislikes and antagonisms he may have possessed rarely allowed to make an appearance. But Jim was hardly unobserved by those fortunate enough to be his colleague and friend. To the contrary, he exerted a subtle but powerful influence over those around him, an influence whose power is only now being fully felt in

his absence. But perhaps the circle closes. Perhaps the life of a good person really is like a black hole in space. Black holes have been unobserved not for weakness but for strength. Whatever they are, they exert the most profound influence over their surroundings; even light is captured by their gravitational pull. So, too, perhaps, the life of a good man like Jim Haddad, who had a profound influence on everyone privileged to know him well. We are all lessened by his departure, the School of Law, the legal system, his colleagues and friends, and most of all his family. But we can rejoice in having known him, and give thanks for having his memory to guide and uplift us.

PROFESSOR RONALD J. ALLEN
NORTHWESTERN UNIVERSITY SCHOOL OF LAW

TRIBUTE*

Among the elderly, of which I am one, life's ending ought to be viewed as an inevitable and tolerable reality. But for a person of Jim's caliber, in the prime of his professional life, the end comes as a cruel, hard blow. Others can and will speak of Jim's many accomplishments and of his devotion to the cause of criminal justice. I shall only give you an insight of the man I personally knew him to be.

Over the past twenty plus years, and particularly during the last five, a bond of friendship developed between us of a kind I had never experienced with anyone else. It was never articulated by either of us, and I doubt it could have been. It bordered on that which at times exists between father and son, or as between two brothers. Their feelings do not require articulation. You just know they exist.

The first clearly demonstrative evidence of Jim's friendship toward me I will relate to you only because it reveals Jim's trait for doing things without seeking recognition or acclaim. As my 80th birthday was approaching three years ago, Jim secretly arranged for a birthday party in the Law School's Faculty Commons. He invited a number of my close friends, and about forty were there. Except for the phone call invitations they had received, no one present would have observed any evidence that Jim had engineered it all. He left the short speech making up to others. Jim sought no recognition. Later, he joked that the next party would not be until my 90th birthday. If that should come to pass, my thought that day will be of Jim.

At the annual short courses we conducted each summer for prosecutors and defense counsel, Jim served at many of them as associate director. At the receptions we held for the attendees on the preceding Sunday afternoons, Jim's role as associate director was hardly apparent. I had to just about push him up forward. But when the course was underway and Jim appeared before the hundreds of attendees in Lincoln Hall, either as a lecturer or a panel moderator, there was no doubt who was then in charge. He was very impressive on all occasions.

* Professor Inbau gave this tribute at the memorial service for James Haddad, held on February 10, 1992.

I never heard Jim utter a derogatory remark about anyone, a rare trait indeed—at least among my circle of friends and acquaintances. If you really wanted to get from him information of an unfavorable nature about anyone, you had to read his body language. Let me illustrate. Jim knew a lot about the judges in our area. At election time, I always sought Jim's advice, or at least I tried to. When he gave me a favorable verbal answer as to the candidate's integrity, that I treated as a big plus for my vote. But there were times when Jim would just shrug his shoulders and look off to the side or up at the ceiling, without uttering a word. That would go down as a minus. He didn't have to say anything. I knew he would never deceive me. Many were the times when his body language was proved correct—by the subsequent findings of a criminal court jury.

In sum, and beyond all else, Jim Haddad was a non-tinselled, non-tarnished, good and honorable man.

FRED E. INBAU
PROFESSOR OF LAW EMERITUS
NORTHWESTERN UNIVERSITY

TRIBUTE

There is a growing tendency among legal academicians to devote themselves to the production of scholarship that is inaccessible to the many lawyers and judges who counsel clients, defend, prosecute and adjudicate. This work is difficult for practitioners to access because it is not widely disseminated to them and because it often addresses issues on a more theoretical level than is perceived to be needed by lawyers and judges. This pathbreaking theoretical work is critically needed to examine assumptions and to lay the groundwork for changes in our law and legal institutions. Our leading law schools, however, should also foster and encourage another kind of scholarly activity: teaching and scholarship that actively engages the members of our profession who are in the trenches and focuses on the interests of all those affected by the justice system. Jim Haddad was the model of such a scholar and teacher. His work was important to the judges and lawyers who toil in court each day and to the clients he represented. He was a scholar who practiced law as both prosecutor and defense counsel. He knew courtrooms as well as he knew the library. His lawyering was as effective and creative as his writing.

Jim Haddad led a life of teaching, scholarship and service in which the underlying themes were fairness and compassion. He began his professional life as a prosecutor who worked in high-volume misdemeanor courts. He then joined the faculty of the Northwestern University School of Law, teaching criminal law, criminal procedure and evidence. After teaching for a short time, he was called back to the Cook County State's Attorney's Office to serve as First Assistant State's Attorney. When he returned to teach in the law school after serving as First Assistant, he became one of our school's best loved teachers, most respected colleagues and a productive scholar. At the same time that he was actively engaged in teaching and writing at the law school, he continued his involvement in the affairs of the criminal justice system by participating in continuing education programs for judges, prosecutors and defense lawyers, and by representing indigent criminal defendants.

Jim enjoyed the respect and admiration of his students, our faculty and the many lawyers, judges and clients he taught and

helped. Our students thought it was a privilege to take his courses. Because his positions were always principled, his colleagues respected his judgment. I cannot recall that he was ever involved in a petty argument with a colleague. That sort of thing was precluded by his temperament, his busy schedule and by his mature sense of what was important in life. As chair of the law school's faculty advisory committee, Jim was a respected leader. As chair of our admissions committee, Jim's careful review of each file was evident from his copious written analysis of the merits of each applicant. As a lawyer for indigent criminal defendants, his knowledge and judgment were always evident. When he represented a client, credibility and caring were the hallmarks of his advocacy. He responded fully to every letter he received from the many prisoners who learned of Jim's reputation as an outstanding lawyer.

Law students thought that Jim was a wonderful teacher. I know because I often supervised students in our Legal Clinic whose interest in criminal law stemmed from taking one of Jim's classes. There are a number of reasons why students were so engaged by Jim's teaching. The casebook that he co-authored¹ and used in his courses is a splendid blend of comprehensive treatment of the subject matter, thoughtful organization and insightful analysis. When, after Jim's death, I taught the remaining portion of his criminal procedure course, I could sense from the way in which his casebook was written and organized that his many students over the years were privileged to observe the workings of a truly well-organized and insightful mind, as well as the dedication of a knowledgeable scholar. I also know from talking to his students that they found Jim's classes among the most interesting and important that they took in law school because Jim's analyses and criticisms of the material were always straightforward, rational and fair-minded.

Jim Haddad recognized that our criminal justice system needs scholars who address issues which arise in the day-to-day administration of justice and who are willing to develop reciprocal teaching relationships with practitioners and judges so that the system continues to improve. The tools which Jim used to develop these important relationships were knowledge, analytical ability, judgment and integrity. Jim knew that to be effective in both the classroom and in his professional relationships, he needed to have an encyclopedic and orderly knowledge of the law. His powers of analysis enabled him to explain the law, as well as to criticize it. Jim also knew

¹ JAMES B. HADDAD ET AL., *CASES AND COMMENTS ON CRIMINAL PROCEDURE* (4th ed. 1992).

that knowledge in the absence of judgment was not enough; good judgment always informs the highest use of knowledge. His audiences listened to and relied upon what he said because he was honest. He always told you what he thought, not what he thought you might like to hear. Because of these qualities of keen intellect, honesty and judgment, Jim was often called upon by judges and lawyers to undertake difficult administrative, scholarly and lawyering tasks.

Jim bridged the gap between scholar and practitioner. His scholarship, teaching and professional activities brought the worlds of law teacher and lawyer together. His professional life was a model of the constructive integration and use of teaching and scholarship—a model that could be useful in addressing the many problems that beset our criminal justice system. As it stands now, too few academics work with lawyers and judges on the system's mechanics. Too few law teachers participate in criminal litigation at the trial, appellate and collateral attack stages. This is so even though the participation of legal academics in the administration and the practice of criminal law would provide valuable perspectives to lawyers and judges on the processes of administration, law making, lawyering and judging. The participation of law teachers in the affairs of the criminal justice system would also enhance the teaching and scholarship of academicians, making even their most theoretical work more accessible and useful. Engagement of law teachers in the affairs of the criminal justice system would begin a dialogue between practitioners and scholars about reforms necessary to achieve fairness and efficiency.

Jim Haddad's scholarship was important and accessible to scholars and practitioners. He wrote about basic issues affecting the integrity and fairness of our criminal justice system. He was concerned about the quality of our judiciary and so he critically evaluated state legislation regarding judicial selection.² His concerns about the fairness and reliability of jury verdicts were reflected in his work concerning ambiguities in state criminal jury instructions which, in some cases, deprived defendants of fair sentencing alternatives.³ He wrestled with the developing law regarding the retroactivity of Supreme Court decisions in habeas corpus cases.⁴ He

² James B. Haddad, *Professor Raises Questions About Redistricting*, CHI. DAILY L. BULL., January 16, 1990, at 2.

³ James B. Haddad, *Second Degree Murder Replaces Voluntary Manslaughter in Illinois: Problems Solved, Problems Created*, 19 LOY. U. CHI. L.J. 995 (1988); James B. Haddad, *Allocation of Burdens in Murder-Voluntary Manslaughter Cases: An Affirmative Defense Approach*, 59 CHI.-KENT L. REV. 23 (1982).

⁴ James B. Haddad, *The Finality Distinction in Supreme Court Retroactivity Analysis: An Inadequate Surrogate for Modification of the Scope of Federal Habeas Corpus*, 79 NW. U. L. REV.

worked unceasingly on behalf of greater fairness and rationality in state court sentencing schemes.⁵ His pathbreaking work involving confrontation clause issues⁶ and his clear analyses of Fourth Amendment problems⁷ were useful to scholars and practitioners because they contained clear analyses of the prevailing law and sensible suggestions as to how the law could be made more rational, consistent and, therefore, more predictable. His interest in the representation of prisoners made him a leading expert on post-conviction and habeas corpus proceedings.⁸

Jim Haddad recognized that his work in teaching, scholarship and service should have both theoretical and practical content informed by the interests and concerns of the lawyers, judges and clients with whom he came in contact. Many lawyers and law professors are highly skilled technicians and theoreticians. Few are as dedicated to working on a personal and a human level to improve the system and to alleviate suffering and injustice as was Jim Haddad. Although the contributions to our legal institutions which people like Jim Haddad make as the result of working with people are not easily quantifiable, they are of critical importance. As he pursued his work to improve the system on a human level, Jim Haddad was concerned about the interests of two groups—the legal professionals who work within our system of justice and the clients who are affected by our courts and prisons.

Jim's respect for the work of lawyers and judges made him an effective teacher of practitioners. He thought that their work was

1062 (1984); James B. Haddad, *Retroactivity Should Be Rethought: A Call for the End of the Linkletter Doctrine*, 60 J. CRIM. L. CRIMINOLOGY & POLICE SCI. 417 (1969).

⁵ James B. Haddad, *Commentary: Some Lessons from the History of Illinois Sentencing Laws*, 2 N. ILL. U. L. REV. 19 (1981).

⁶ James B. Haddad, *The Future of Confrontation Clause Developments: What Will Emerge When the Supreme Court Synthesizes the Diverse Lines of Confrontation Decisions?*, 81 J. CRIM. L. & CRIMINOLOGY 77 (1990); James B. Haddad, *Prosecutorial Approaches to Avoiding Severance After Bruton v. United States*, THE PROSECUTOR, Winter 1986, at 37; James B. Haddad, *Third Party Declarations, Confrontations, and Bruton: An Examination of the 1986 Supreme Court and a Look Forward*, THE PROSECUTOR, Summer 1986, at 7; James B. Haddad, *Post Bruton Developments: A Reconsideration of the Confrontation Rationale and a Proposal for a Due Process Evaluation of Limiting Instructions*, 18 AM. CRIM. L. REV. 1 (1980); James B. Haddad & Richard G. Agin, *A Potential Revolution in Bruton Doctrine: Is Bruton Applicable Where Domestic Evidence Rules Prohibit Use of a Co-Defendant's Confession as Evidence Against a Defendant Although the Confrontation Clause Would Allow Such Use?*, 81 J. CRIM. L. & CRIMINOLOGY 235 (1990).

⁷ James B. Haddad, *Pretextual Fourth Amendment Activity: Another Viewpoint*, 18 U. MICH. J.L. REF. 639 (1985); James B. Haddad, *Well Delineated Exceptions, Claims of Sham and Fourfold Probable Cause*, 68 J. CRIM. L. & CRIMINOLOGY 198 (1977); JAMES B. HADDAD, ILLINOIS INSTITUTE FOR CONTINUING EDUCATION, SEARCH AND SEIZURE (1975).

⁸ James B. Haddad, *Collateral Attack on Convictions*, in ILLINOIS INSTITUTE FOR CONTINUING EDUCATION, ILLINOIS CRIMINAL PRACTICE (1980, Supp. 1985).

more important than his. He respected their work because he knew what difficult work it is to prosecute, defend and judge. He knew that in order to be an effective advocate, lawyers had to know the law, apply the law and work under the most intellectually challenging and emotionally draining conditions. He also respected the work of lawyers and judges because he understood how important their work was to the preservation and improvement of the system, as well as to the rights of individuals. Although he often knew more about the law than the lawyers and judges with whom he came into contact, he communicated his knowledge in a supportive and non-judgmental way that encouraged further dialogue.

Jim's respect for the work of the many lawyers and judges who perform according to the highest professional standards did not blind him to the shortcomings of some within the profession. He knew better than most the devastating impact of corruption and incompetence upon the system, victims and clients. As one of our most able appellate lawyers, he read trial records and listened to his clients' descriptions of their trial lawyers' performances. Thus, he knew that many defendants received substandard representation, and he saw the impact of that incompetence upon the lives of his clients. The Operation Greylord investigation touched many he knew as the result of his work as a prosecutor and his work in judicial education. He was not surprised by most of the results of the investigation. From time to time, however, he was hurt when he learned that people whom he had admired proved to be untrustworthy.

During his career, he came into contact with lawyers and judges accused of dishonesty, as well as those who fought to weed out corruption. This contact with the full range of participants in the system made him a realist, but it did not cause him to compromise his ideals and standards or to lose his basic optimism about the possibilities for improvement. Rather, his familiarity with the system's failures made his assessments of the need for change all the more credible.

Jim spent much of his time helping prisoners, by representing those he had time to represent, seeking counsel for those he could not represent and advising those for whom he could not find legal representation. Why did he spend so much of his time working on behalf of people in prison? I never asked him that question directly, but I know that he thought our sentencing practices fostered sentences which were unnecessarily long and unfairly disparate. He knew that conditions in prison are appalling; not only do prisons isolate inmates for long periods of time from gentle human contact,

which ought to be punishment enough, our penal institutions punish more than is permissible by condoning a system of institutional violence. Jim thought that at a bare minimum our system should provide fair trials, rational sentencing schemes and penal institutions which impose only the punishment of deprivation of liberty in an austere setting. He knew that our system often falls short in each of these categories. Throughout his life, Jim worked to redress these deficiencies through effective advocacy, teaching and scholarship.

When he learned that he was ill, Jim immediately called upon his friends and colleagues as counsel for him in his many cases, perhaps one of the few favors he ever asked. His first concern was that his clients be well-represented during what we all hoped would be a brief absence from his active practice. The energy that he devoted to ensuring that his clients' interests were protected during a time when he was the victim of the illness which eventually took his life was evidence of the depth of his concern for those he represented. When he appeared in his cases to announce that his health required him to withdraw and that he had made arrangements for substitution of counsel, the judges and his opponents were visibly shaken and saddened by the news of his illness.

Jim's abilities and accomplishments were well-known to everyone who worked with him. Yet he was perhaps the most unassuming man I have ever known. He had absolutely no pretensions. He lived simply. It was enough for him to enjoy his family and to help others through his teaching, scholarship and service.

Jim left us too early in his life and in the lives of the people with whom he worked. His work was far from completed. Had he lived longer, he would have continued to lead us all toward more just and humane solutions to the problems that beset us. Had he lived longer, we would still have the benefit of his irreplaceable advice and counsel. We can only hope that there will be other scholars, teachers and lawyers who will live and work so effectively, humanely and so unselfishly.

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