

# Martin H. Redish Festschrift

## PREFACE

*James E. Pfander\**

I am pleased to offer these introductory remarks in connection with the publication of what I think of as the Marty Redish issue of the *Northwestern University Law Review*. The pieces in this issue were presented on March 30, 2012, at a daylong symposium in honor of Marty's long and fruitful career as a member of the Northwestern law faculty. I happen to know that Marty was very pleased to learn that we were collecting these essays in a *Festschrift*. *Festschrift* is the German term for a "celebration in writing" that occurs while the honoree remains alive. (Needless to say, the Germans also have a word for written celebrations that take place after death: *Gedenkschrift*.)

In any case, I can confirm that the event in March did not anticipate the publication of a *Gedenkschrift*. Marty joined the faculty in 1973. Within five years, he had compiled a publication record that most law professors would consider a lifetime achievement, and he shows no sign of letting up. Today, his works in progress include any number of articles and three or four book projects. He continues to teach well-received classes in civil procedure, federal courts, and constitutional law, and he was just given the decanal award honoring the best teacher in a first-year course. And while he mainly spent the day enjoying the presentations of our panelists and contributors, he did on one or two occasions comment gently on his commentators. All these signs of vitality confirm that we should view the publication of this symposium issue, marking what will soon be Marty's *fortieth* year at Northwestern, as less a eulogy than a mid-career checkup.

It's hard to overstate the significance of that career and its importance to Northwestern University School of Law. Marty has taught generations of Northwestern law students; I mean that literally: over the course of the day's event in March, we heard from a father and daughter who both took civil procedure from Professor Redish. No doubt, he'll soon be instructing a member of the third generation on the mysteries of the *Erie* doctrine. He has worked with countless law students on senior research projects, publishing coauthored articles in the nation's finest law journals, and in doing so, he has helped to launch a host of successful academic careers. We heard from a number of these Northwestern alumni in an engaging session over the lunch hour. A second group of former students taped brief

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greetings that were pasted together and shown at the beginning of dinner as one long smartphone thank you letter. Carter Phillips captured the group's sentiments well when he explained in his keynote remarks that Marty has been, for a generation and more, the public face of Northwestern legal scholarship.

Apart from his many contributions to Northwestern students and faculty, Marty has been a tireless colleague and mentor, reading and commenting on the work of us lesser mortals and giving encouragement to up-and-comers everywhere. Almost everyone at the event told a quick tale of how they first came to make Marty's acquaintance. Marty sought them out after a conference or workshop, offered comments and reactions to a paper, took an interest in their development as a scholar. I can tell a similar story. Some years ago at an event in the bowels of Navy Pier, we found ourselves in an absolutely fascinating discussion of the power of state courts to assert jurisdiction over class actions. After presenting his views and patiently listening to mine, Marty was kind enough to hang around after the event and chat. He seemed genuinely interested in my work, a pleasant surprise coming from one so busy and well established in the field. Like many juniors, I was still trying to persuade myself that I could stand up on my hind legs and offer a coherent talk; Marty treated me as if I belonged in polite company. As a fixture at recent editions of the Junior Faculty Federal Courts Workshop, an annual affair organized by juniors to encourage senior scholars to offer feedback on their work, Marty has performed the same invaluable service for countless others.

Everyone has a favorite Redish story. My own favorite is one Marty told me about a second-year law student who shared a draft law review article with a much admired professor and was told two things: first, as a general rule, students cannot write law review articles, and second, this particular article is no exception to the general rule. In that article, the student offered the then-offbeat contention that the First Amendment protected the right of individuals to burn the American flag as a way to protest government policy, thus anticipating the Supreme Court's decision in *Texas v. Johnson*<sup>1</sup> by some twenty years. That student was, of course, Marty himself, almost fully formed, fiercely committed to ideas, and willing to go where they led him. It's an honor to be his colleague, coauthor, and friend.

In keeping with the *Festschrift* tradition, we have honored Marty's scholarship by writing more scholarship. Because of the constraints of time and space, we had to limit ourselves to only three of Marty's fields, civil procedure, constitutional law, and federal jurisdiction. I won't identify all of our illustrious guests in this space; they will introduce themselves in their contributions to the issue. But I can tell you that, as one who occasionally writes on two of these subjects, I am thrilled to welcome so

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<sup>1</sup> 491 U.S. 397 (1989).

many of the nation's finest scholars to the Redish issue of the *Northwestern University Law Review*. At this point, it falls to me to issue the traditional opening cry that kicks off *Festschriften* everywhere: *lassen sie die Festschrift beginnen*. Let the celebration begin.

