

## IN CLASS WITH MARTY FROM HIGHLAND PARK

*Christopher S. Yoo\**

I can still remember my first day as a student in Marty Redish's first-year class in constitutional law. Our section was very strong, containing two future members of the law school's clinical faculty, a student who would later teach at Oxford, and a disproportionate number of students who would eventually serve on this *Law Review*. The section was also quite outspoken, with many members holding strong views and not hesitating to give them voice. Every day was an intellectual challenge as we struggled to grasp what Marty was trying to teach us and grappled with the ideas advanced by our classmates.

I did not know any better at the time, but I now recognize the immense breadth of the material we covered. The typical first-year constitutional law class focuses only on structural issues, such as federalism and the separation of powers. Marty covered those subjects as well as substantive due process and constitutional standing as part of a three-credit introductory class. Now that I teach law myself, I can appreciate the scope of what Marty shared with us.

All of that was lost on me at the time. What I remember most were the moments of humor and the way that zingers used to fly across the classroom. No quarter was asked for, and no quarter was given. Early on in the class, when Marty was trying to explain to us what it meant to be a Hohfeldian plaintiff, he mentioned in passing that the ultimate honor that could be bestowed on legal academics is to have their name turned into an adjective. For the rest of the semester, a group of students were determined to work the term "Redishian" into the classroom discussion as often as possible.

Every student of Marty's will always remember his frequent references to "epistemological humility" and his other distinctive turns of phrase: "Whose Constitution are you interpreting, ours or utopia's?" "Is it just a matter of whose ox is being gored?" "Rights don't have rights; people have rights." "That proves too much." And of course, "A wet bird flies at night," the phrase he used to describe language of a judicial decision that he thought represented a type of code that only the cognoscenti understood. Some enterprising students even turned some of Marty's most memorable sayings into a bingo card and waited every class

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\* John H. Chestnut Professor of Law, Communication, and Computer & Information Science and Founding Director of the Center for Technology, Innovation and Competition, University of Pennsylvania.

to see who, if anyone, would be lucky enough to get five in a row. I am sure all of this was lost on Marty. Now that I am a law professor myself, I am amazed by how little professors know about what goes on in their classrooms.

Any class taught by Marty from Highland Park could not pass without some mention of sports. The most memorable such occasion occurred following the University of Michigan's loss to the University of North Carolina in the NCAA basketball tournament after its biggest star called timeout at the end of the game even though the team did not have any remaining. One Michigan graduate played it up to the hilt, arriving dressed completely in black and casually putting his feet on the desk in front of him to brace himself for the expected onslaught. Marty did not disappoint, calling timeout in the middle of class and questioning whether Michigan taught students how to count to three.

I also had the good fortune to take federal jurisdiction and free speech theory from Marty. This allowed me to get to know him on a completely different level. Our classroom discussions and office chats were always a treat. Every visit would involve a vigorous exchange of ideas. Marty was never one to tolerate sloppy thinking or slipshod reasoning. He treated me with the intellectual respect he would have given a colleague even though I was only a student.

We continued our dialogue during my occasional visits to the law school after graduation. Over time, he became one of my mentors. He supported me as I pursued my clerkship with Justice Kennedy and chased my dream of becoming a law professor. Once I began teaching, I learned from the way he organized his research to review all of the major issues in a particular field from a unified perspective, whether it was the First Amendment, federal courts, separation of powers, or civil procedure. In many ways, his work has served as a model for me as I have shaped my own research agenda.

One last thought about that first-year con law class: he gave me the worst grade I received during my three years at the law school. But in retrospect, even that turned out to be more silver lining than cloud. The only way I could have avoided that grade was to have been in a different class, in which case I would have missed the beginning of what for me has turned out to be a very special relationship. Moreover, it allows me to tell my current students with complete conviction that their relationship with me and their other professors is determined by the quality and depth of their overall interactions with us and not just by the grades that appear on their report cards. If they have any doubts, all I have to do is point to Marty Redish.