

# Quintin Johnstone\*

Ralph K. Winter, Jr.†

In preparing these remarks, I was struck by how difficult it is to compose an effective retirement speech. This was not the case because of the subject, whom I have known and liked for years and who has surely left his mark, but because of the ambiguous nature of the event. The retiree, after all, is not through working, but only through going to faculty meetings; Quintin will continue to prosper. The ambiguity of the occasion thus left me uncertain about whether to cheer or to wail and wondering what the audience and, most of all, the retiree expects. I then realized that I was confusing a retirement speech with a eulogy. My problems were over. What the hell, if Quintin wanted a eulogy, he should have done something about it.

In talking about Quintin, I must note that his career was marked by the pursuit of two lost causes. The first is Yale basketball. He has probably been the most loyal fan the basketball team has had over the years, displaying by his steady attendance at home games a compassion for the hopeless shaped by a touch of masochism.

The second lost cause led to an event which is part of the legend of the school. Quintin has persistently sought to increase the number of people teaching in the area of property law at Yale, that is, to see that a second person was hired. He has been successful in that venture on only one occasion.

Many years ago, at a meeting of the Governing Board, a spirited but inconclusive debate was taking place over whether to hire a graduate of this school who was interested in teaching property law. Many faculty who remembered the fellow expressed doubt about his potential as a law teacher and as a scholarly contributor in the property area. However, Quintin took the floor and spoke eloquently and passionately about his being the lone property teacher at the school and of the need for more people in that area. He persuaded the Board of the importance of the field and of the contribution that the person in question would make to the study and teaching of property law. He carried the day. Thus was

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\* Much of this Tribute was delivered at a retirement dinner in honor of Professor Johnstone, May 10, 1985.

† Circuit Judge, United States Court of Appeals for the Second Circuit; Professor (Adjunct) of Law, Yale University.

Charles Alen Reich invited to become a member of the Yale Law faculty. The rest is history.

Quintin's retirement may be good for him, but it will surely weaken the school. It will, for example, leave major administrative gaps. He has worked tirelessly as Chairman of the Admissions Committee, a post which, I can attest from personal experience, entitles one to long hours of reading files, endless meetings to deal with suggestions for changes in the process, and daily crises, real or imagined. In return for this, one gets the indifference of one's colleagues, the hostility of activist students, and the undying enmity of the 3-4,000 students, and their 6-8,000 parents, who are not admitted annually. I wouldn't say this matches watching every home basketball game at Yale, but it is certainly close to it as a thankless task.

Quintin also served for some years as Chairman of the Graduate Committee. He was, on those occasions, the heart and soul of the graduate program. His accomplishments were genuinely extraordinary and went far beyond being efficient in the paper-moving sense. When I first came on the faculty, the graduate program was very controversial, even to the extent that many favored its abolition. Because Quintin was not only efficient but also discriminating in the goals he set and in the students he selected for admission, he brought about a substantial improvement in the program. More importantly, he legitimated it by quieting the apprehension that the program served no academic function. As Chairman of the Graduate Committee, Quintin was compassionate in his dealings with graduate students, caring about their progress and working to see that they were placed in teaching positions throughout the country.

It hardly needs emphasizing that Quintin's retirement leaves an even bigger hole in the curriculum than in the administration. You may not realize it, but there are a number of courses taught at Yale Law School that are not essential to a legal education. I will forego naming them, not because of the fear of offending colleagues, but because of time limitations. Those are, in any event, not the courses that Quintin taught. Real property, land finance and conveyancing, and land planning are subjects that have a professional and academic significance essential to a law school curriculum. For years, the school has been dependent upon him to fulfill these needs, and, because he has done that so well, has rather taken the fulfillment of these essentials for granted.

Those days are now gone. Indeed, the simultaneous retirement of Quintin and Joe Bishop must be, in terms of number of students taught each year, the equivalent of a loss of 20% of the faculty.

Quintin is also one of the few law professors who has thought systematically about the role and shape of legal education itself. His career was

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marked from the beginning by the perception that legal education and the legal profession are somehow related. At Yale, however, holding that particular perception amounts to taking quite an intellectual risk. Quintin was more concerned with the relation of legal education to the profession than any other member of the faculty, save perhaps Geoffrey Hazard. His teaching and his publications involve both a concern about and a study of the profession. His book, *Lawyers and Their Work*, was a factual analysis of the legal profession in two countries. At another level, Quintin was also concerned with the relationship of the school to the organized bar. He prepared a survey for the Connecticut Bar Foundation of the changing trends in the profession, which was quite influential within the state and around which a statewide conference was organized.

Quintin's positions on policy issues within the school also reflected his belief that legal education and the profession are related. He never shared the prevailing attitude that our students are so good that it doesn't matter what they study or what they do during their three years at the Yale Law School. Nor did he share the conviction that the school should restrict contacts between potential employers and consenting students or that the students ought somehow be prevented from seeking employment at odds with the prevailing ideological dogma of the faculty.

Quintin's concern over the profession was by no means the limit of his views on legal education. He was, within the institution, a strong supporter of empirical work and interdisciplinary approaches to law. He also felt responsibility to the world at large. He thus served as Dean of the Haile Sellassie, now Addis Ababa, Law School in Ethiopia from 1967 to 1969 in an effort to let others draw upon his experience and ideas about legal education.

Quintin often adopted the demeanor of the country cousin, thus taking advantage of the widespread view of the faculty that the area between the Hudson River and the West Coast is largely uninhabited wilderness. Although he has never, to my knowledge, claimed to have grown up in a prairie log cabin reading law by a fire, neither has he strongly denied it. In fact, I have seen the Johnstone homestead, a large house virtually on the University of Chicago campus. Notwithstanding his adopted demeanor, his dedication to professionalism and to the study of legal education and his support of interdisciplinary and empirical work reflect the sophistication of a graduate of the University of Chicago and its law school.

As a person, Quintin was always candid with his colleagues and never one to leave doubt or mislead about where he stood. This was the natural result of native honesty and a non-manipulative approach to people. He was a source of tart but understated humor and no respecter of intellec-

tual posturing. He has been a major stone in the foundation of the school and one that will not be easy to replace. That is the mark of a successful career and of this school's great obligation to him. And it is the reason that we are sorrowful in seeing him retire but fully appreciative of having had him as a colleague. If you want more than that, Quintin, it will have to be in a eulogy.