

6-1-1987

Eugene Gressman: An Appreciative Recollection

John H. Pickering

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

Recommended Citation

John H. Pickering, *Eugene Gressman: An Appreciative Recollection*, 65 N.C. L. REV. 871 (1987).

Available at: <http://scholarship.law.unc.edu/nclr/vol65/iss5/6>

This Comments is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized administrator of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.

EUGENE GRESSMAN: AN APPRECIATIVE RECOLLECTION

JOHN H. PICKERING†

The last time Eugene Gressman and I participated in an occasion such as this we were former law clerks paying homage to our late beloved mentor, Justice Frank Murphy.¹ Happily, Gene is still very much alive and able to enjoy the affection and admiration we all have for him.

For over fifty years I have known Gene as a classmate, friend, and valued colleague. We first met in the fall of 1934 at the rooming house where we were to spend our freshman year at the University of Michigan. We were two lonely eighteen-year-olds from small midwestern towns who had come a week early to participate in an orientation camp. In the quaint fashion of that day, the orientation was for those who presumably needed it the least—so-called high school leaders. Understandably, we “leaders” returned from orientation somewhat full of ourselves, but we were quickly brought back to earth when we found the rooming house had filled up with other freshmen who, like ourselves, planned to go to law school under the depression-spawned combined curriculum program. That program permitted college and law school to be completed in six years if one met rigid curriculum prerequisites and maintained a high level of academic performance.

Our rooming house was almost an ideal training ground for running that arduous course. It was a model of rectitude, operated by a formidable widow with the assistance of her spinster daughter. Quiet was the order of the day, and of the night. The atmosphere was conducive to study while there, and to escape whenever possible. Gene found his escape by joining the debating team where he could speak up and even shout without drawing a reproof from Ma Gurley, our redoubtable landlady.

Whether because of our rooming house, or sheer economic necessity, most of us who met there in the fall of 1934 did manage to complete college and law school in six years. No one did so more successfully than Gene. By our time in law school, with his quiet manner and scholarly bent, Gene became known as the “Professor.” We all assumed that he was headed for a distinguished career as a law school teacher, and so he was after a long and fruitful detour.

In Gene’s day the Michigan Law Review was run by the faculty. Top students were “galley” slaves in a real sense. They had to produce a printable quota of notes and comments, satisfactory to the faculty committee, in order to graduate. The Law Review came out on time, but the students on the Review were hard put to meet their quota and keep up their studies. In recognition of

† Partner at Wilmer, Cutler & Pickering, Washington, D.C. A.B. 1938, J.D. 1940, University of Michigan.

1. See *Mr. Justice Murphy—A Note of Appreciation*, 48 MICH. L. REV. 742 (1950).

his energy and intellect, the faculty chose Gene for the first student Executive Committee of the Law Review, to begin the transition from faculty to student control that now characterizes the Michigan Law Review and most similar publications.

Our law school class faced a highly uncertain future. Not only were jobs hard to find, but on the day we graduated France fell to Hitler's Reich in World War II. Somehow, most of us managed to survive and our class went on to produce its share of judges, public officials, successful private practitioners, corporate executives, teachers, and even one law school dean. But no one in our class has done more for the profession and for legal scholarship than this quiet, unassuming man from Ohio whom we know and love as Gene.

Gene was the third member of our class to clerk for Justice Murphy. No one ever served a Justice or the Supreme Court with more devotion and ability than Gene did through the five years he clerked for Justice Murphy during World War II and the immediate post-war period. By virtue of his dedicated service Gene earned the respect and trust of the other Justices. Also, just as he had been the "Professor" to his classmates, he became the "Judge" to his fellow law clerks with whom he was always ready to share his experience and wisdom. Two of those colleagues now sit on the Court themselves, Justices White and Stevens.

After Gene left the Court it was almost inevitable that—despite the demands of a growing family and a busy practice—he would co-author the definitive work on practice before the Supreme Court of the United States. *Stern and Gressman*, from its original publication in 1950 to the monumental sixth edition in 1986, has been the "bible" for the Supreme Court Bar and even for the Court itself. One of the most helpful suggestions, repeated in each edition, has been: "Ask the Clerk's Office" when confronted with a procedural question.² Knowledgeable practitioners add a further suggestion: "When in doubt, ask Gene." And many have done so to their benefit.

But Gene has not been just a scholar and a treatise writer. He has also been a respected and leading advocate before the Supreme Court, where the trust and respect he earned while clerking has continued. The State of Louisiana and the United States House of Representatives, among others, have engaged him to argue landmark Constitutional cases.³ Teaching has also had a special attraction for Gene. After numerous part-time teaching experiences at leading law schools, Gene was finally lured into full-time teaching by the University of North Carolina. For more than a decade students at North Carolina's law school have had the benefit of his experience and insight and have seen his devotion to the ideals of law and learning on which our civilized society depends. It has been a happy and fruitful experience for the school and for Gene.

As someone who knew Gene when, it is wonderful to join in paying Gene the tribute he so richly deserves for all that he has done for the profession and

2. See R. STERN, E. GRESSMAN & S. SHAPIRO, *SUPREME COURT PRACTICE* 14 (6th ed. 1986); R. STERN & E. GRESSMAN, *SUPREME COURT PRACTICE* 6 (1950).

3. E.g., *INS v. Chadha*, 462 U.S. 919 (1983); *Maryland v. Louisiana*, 451 U.S. 725 (1981).

the public it serves. Although he is leaving North Carolina, we are delighted that he will continue to teach and to argue before the Court he loves. As Justice Holmes once said—in rather a different context—“Oh, to be seventy again!” Gene, like OWH, you are just getting started!

