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Alfred S. Konefsky
University at Buffalo School of Law, konefsky@buffalo.edu

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JACK HYMAN: STUDENT

ALFRED S. KONEFSKY*

I have lots of trouble trying to understand just why Jack Hyman is retiring. The problem is simple—he is one of the youngest people I know. I should know because I can make a claim that perhaps metaphorically many of my Buffalo colleagues can—Jack Hyman was a student of mine. Understanding that Jack has remained a student throughout his teaching career is, I think, the key to appreciating his role in and impact on this law school.

In the fall of 1979, several faculty members in the university decided to offer an interdisciplinary seminar in constitutional history. We were three at that time—a constitutional historian, a political scientist, and a legal historian. It was obvious that the course needed a constitutional lawyer. When I asked Jack to participate, I knew that he would have to teach it as an additional assignment on top of a demanding course load. He readily agreed, though he extracted from me a number of conditions. First, he said, “You understand I will be taking the course as a student. I’m sure there is a lot I will learn.” And, second, “I probably will not be able to participate very actively—so I hope you’ll bear with me.”

Of course, he violated his own self-imposed guidelines. He came each and every week, did all the reading, took copious notes, asked gentle but penetrating questions, and helped us see connections across the disciplines. He accomplished all this quietly, thoughtfully, and unobtrusively. But perhaps most importantly, he was open. After a career of teaching constitutional doctrine, he was quite comfortable in looking outside the “black box” (as hard as that is) to examine other perspectives that might inform his method. When it finally became time for him to teach his two weeks on the New Deal, he began his first class with, of all things, a slideshow—his slides from photographs of the social and economic conditions of Depression America which led to the New Deal. It was a powerful and moving hour for all of us. In the sec-

* Associate Professor of Law, State University of New York at Buffalo, Faculty of Law and Jurisprudence.

ond hour, of course, we got right back to constitutional doctrine, but Jack had let us know what he thought was at stake in the constitutional cases we discussed.

Jack Hyman has left a significant imprint on this law school. He has created a place where intellectual curiosity is encouraged, and intellectual debate is expected, yet carried on in an unthreatening but challenging manner.** Intellectual openness and tolerance are his trademark. On the personal level, he is approachable about anything, understanding, and concerned. He is a very good listener (on a faculty, I say with a good deal of fondness, of talkers), whose listening eventually leads to well-balanced, well-tempered evaluations. He is in many ways the paradigmatic liberal. Needless to say he was the best student in our course. The very qualities that made him such a wonderful student, open and eager to learn, also have made him the very model of the senior colleague.

** One has only to see his placid but glowing smile fill a room to appreciate his grace and style. I hereby shamefacedly confess to attempting, on a number of occasions, to incite him to smile by teasing him or outraging him, without particularly caring about what I was saying, just to get him to smile.