

Remembering Randy Bezanson

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On January 25, 2014, the University of Iowa College of Law and the *Iowa Law Review* lost one of their most loyal champions and most distinguished alumni. Professor Randy Bezanson died that Saturday, following a battle with cancer that spanned many more years than his doctors had initially believed possible. I count myself among the countless who are better for having known him.

Randy's time at the Iowa College of Law began thirty years earlier than mine. Holding an undergraduate degree in business from Northwestern University, Randy returned to his home state for law school, enrolling at Iowa in the fall of 1968. Thinking that he would specialize in mergers, he emphasized courses in business and taxation.¹ Constitutional law—the field to which he later would devote such a large proportion of his professional energy—was not yet chief among his passions, nor did he yet expect to spend his career in legal education.² He nevertheless built the kind of record that would open many doors. He served as Editor in Chief of the *Iowa Law Review*, for example, an experience that he later regarded as central to his legal education. A paper that he wrote for Professor Arthur Bonfield was published in the *Drake Law Review*,³ marking the first entry in what would become an enviably rich bibliography. In the spring of 1971, he graduated first in his class.

Randy left Iowa City to take two prestigious clerkships in Washington, D.C., first with Judge Roger Robb on the United States Court of Appeals for the District of Columbia Circuit and then with Justice Harry Blackmun on the United States Supreme Court. It was during his time in Washington—as he immersed himself in constitutional controversies and listened to other clerks talk about their own professional ambitions—that Randy began to

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1. See Kate Corcoran, *Alumni in the Academy*, IOWA ADVOCATE, Fall/Winter 1997, at 9, 11 (recounting a conversation with Professor Bezanson).

2. See *id.*

3. Randall P. Bezanson, *Judicial Review of Administrative Action in Iowa*, 21 DRAKE L. REV. 1 (1971).

think seriously about a career in teaching.⁴ A number of law schools took an interest in him, but his alma mater had the good sense to intervene: Dean Larry Blades telephoned, saying that he had been instructed to make sure Randy didn't go anywhere else.⁵ Randy returned to the Iowa College of Law as a faculty member in 1973, just two years after receiving his degree.

Given the breadth of Randy's talents, it is not surprising that from time to time he would be lured to leadership positions outside the classroom. From 1976 to 1977, he worked as an assistant to then-University President Willard "Sandy" Boyd, for whom the College of Law's present building would later be named. President Boyd called Randy to service again in 1979, naming him Vice President for Finance and University Services, a position that Randy happily held until 1984. The Washington and Lee University School of Law came calling soon thereafter, hiring Randy to serve as Dean beginning in 1988. Randy treasured his time in Lexington and remained a faithful promoter of W&L to the very end, but the dean's office was not where he wanted to spend the balance of his career. From the time he returned to Iowa City in the mid 1990s until his death nearly twenty years later, Randy focused on his twin loves of teaching and writing.

I first met Randy in the fall of 1998, the year I went on the teaching market. Like so many others who make their living in legal education, my job search took me to the Marriott Wardman Park Hotel in Washington, where the Association of American Law Schools has long staged its annual Faculty Recruitment Conference. Aided by a map of the hotel's labyrinth hallways, I found my way to the Iowa suite and tentatively knocked. It was Randy—chairing Iowa's hiring committee that year and looking sharp in a black sweater and dark sport coat—who opened the door.

For the next fifteen years, Randy was never far from the center of my professional life. He sent encouraging comments my way during the balance of the 1998-99 hiring season; he served on my Promotion and Tenure Committee; he read and commented on nearly all of my drafts; with our mutual friend Shelly Kurtz, he counseled me on a host of career matters; I quickly joined the small group of Randy, Shelly, Arthur, and a few others who ventured out of the building for lunch at least once or twice a week, until Randy's health made the faculty lounge a more sensible daily choice; we spoke frequently about constitutional law, a subject we both taught; and he strongly encouraged me to say yes when the *Iowa Law Review* invited me in 2001 to become its faculty advisor.

On a faculty long known for its strong commitment both to the classroom and to scholarship, Randy was a perfect exemplar. He was among Iowa's most productive writers, authoring or coauthoring eight books and scores of articles, chapters, and other scholarly writings. He also was one of

4. See Corcoran, *supra* note 1, at 11.

5. See *id.*

Iowa's finest teachers, marked by his receipt in 2009 of the University-wide President and Provost Award for Teaching Excellence. The fact that Randy was powerfully devoted both to teaching and to writing was not a coincidence, nor did Randy believe it ought to be a coincidence for other members of the faculty. He was deeply persuaded that, for students and faculty alike, nothing disciplines and improves the mind more reliably than continually working hard to write analytically and well. Rather than teach large-enrollment courses in which students would not be required to write anything until the day of their final examination, for example, Randy far preferred to teach smaller groups, so that he could painstakingly work individually with each student on producing ever-improving drafts over the course of the semester.

The profound link that Randy perceived between teaching, learning, and writing rested at the heart of some of his views regarding the *Iowa Law Review*. Although his own name had appeared atop the masthead when he served as the *Review's* Editor in Chief, Randy held that the most important members of the editorial board were the Note & Comment Editors. They were the ones, after all, who worked most closely with the Student Writers as they selected their writing topics and then battled through draft after difficult draft until—if all went well—they had produced something worthy of publication. And publication was in fact what Randy believed should (more often than not) be the result of a Student Writer's hard work. As a general rule of thumb, Randy maintained that the *Review* should favor publishing more student-written content rather than less, regardless of any consequences it might have for citation counts and journal rankings. Taken from start to finish, the publication experience offered students a superior educational opportunity, and in Randy's mind there was nothing more important than that.

Randy's convictions about the relationship between teaching and writing also animated his views about Iowa's long-celebrated small-section program. Iowa was one of the first law schools in the country to emphasize the importance of teaching writing in students' first year. For many years, 1Ls at Iowa took one of their doctrinal courses each semester in a small-section format, taught by tenured or tenure-track faculty. The instructor in a small-section course was required to use writing assignments—such as legal memoranda or appellate briefs—as a vehicle for teaching some of that course's doctrinal and analytic content. To say that Randy enjoyed his small-section teaching would put it mildly. He took tremendous pleasure in doing the hard work of reading students' writing, using drafts to identify weaknesses in students' analytical thinking, and counseling students about the things they needed to do in order to improve their performance.

Randy's writing assignments, moreover, were famously demanding. Holding an unshakeable faith in his students' potential, he was convinced that—with sufficiently patient instruction—no analytic drafting task was too

difficult for Iowa's first-year students. It was not uncommon, for example, for Randy's students to find themselves writing briefs dealing with sovereign immunity, injunctive relief, and *Ex parte Young*,⁶ complex subjects typically reserved for advanced courses in federal jurisdiction. After Randy persuaded me that our first-year students would indeed rise to such challenges, we sometimes joined forces in creating our writing assignments and then talked throughout the semester about our students' struggles and successes.

For a variety of reasons, a majority of the faculty ultimately decided to move toward a system in which several new faculty would be hired for the sole purpose of teaching freestanding first-year courses in research and writing. Shelly Kurtz and I co-chaired the committee that began to lay the groundwork for replacing the small-section program with what would become Iowa's Legal Analysis, Writing and Research program. Randy opposed the change, prompting frequent lunchtime and hallway conversations—always collegial, but sometimes tense—about the wisdom of making that curricular shift. Randy dearly loved teaching Constitutional Law I in the traditional small-section format (and he was unsurpassably good at it), and he feared that the new faculty we hired to teach in the LAWR program would be less analytically rigorous—and more concerned with punctuation, grammar, and the like—than those who had taught in the small-section program. Others of us were much more optimistic about the analytic quality of the LAWR faculty we could hire, but we certainly shared Randy's convictions about the preeminent importance of using writing to improve first-year students' analytic thinking. On the strength of his admiration for the LAWR faculty we ultimately landed, Randy came to see the great value of the program. But he always mourned the loss of his small-section course in constitutional law.

Randy had some concerns about the overall direction of American legal education. The all-pervading purpose of a law degree, in his view, was to transform students' minds, stripping students of their loose mental habits and their reliance upon unexamined premises and methods, and forcing students instead to develop the kind of analytic firepower that would render them a force to be reckoned with when they ventured out into the larger world. Teach students how to think deeply and clearly, Randy believed, and everything else would fall into place quickly enough once students entered the workplace. Because it typically takes a great deal of time and individualized attention to instill those analytic competencies, Randy was troubled by the notion that law schools might reduce the length of time that it takes to earn the J.D. degree. He was especially disturbed by the national movement toward a greater emphasis on externships (which he regarded as "outsourcing" the faculty's own obligations) and various practice-oriented

6. *Ex parte Young*, 209 U.S. 123 (1908).

skills. Randy believed that the most ambitious law schools should instead redouble their investment in faculty-taught, writing-intensive, analytically demanding courses and seminars.

One of Randy's great charms was that, on these and other matters, he never made a secret of his views. He was the only tenured member of the faculty who had earned his own law degree at Iowa, and I think this afforded him a special kind of standing to challenge and cajole the faculty whenever he thought it appropriate. After all, in our conversations about curricular emphases and other law-school matters at Iowa, we were talking about the future of his own law school. By long tradition, for example, the Iowa faculty has an "open-door policy"—a policy that encourages students to stop by their professors' offices whenever they would like. Randy would sometimes walk the halls in the late afternoon, then report to the faculty on precisely how many faculty office doors he had found literally open. (If you were in your office but had the door closed, it didn't count.) He also tracked the faculty's annual scholarly productivity and reported on his findings. In one of my last face-to-face conversations with him, Randy gave me some of his notes on the Iowa faculty's scholarly output and said that he hoped I might take an interest in carrying on the project.

For the faculty as a whole, one of our prevailing memories of Randy undoubtedly will be of him sitting at the head of the faculty lunch table, doing his best to set the conversation's agenda. "I have a topic," he often would declare upon taking his seat, and off we would go—sometimes wonderfully unconstrained by knowledge of the relevant facts—in a debate about a case recently argued before the Court, a hypothetical legal problem that a newspaper story had provoked in Randy's mind, or some other analytically tricky subject. To the amused consternation of some whose own specialties lay elsewhere, constitutional law figured prominently in the topics that Randy would propound. Once the conversation was up and running, Randy relished playing the role of the contrarian. If others at the table managed to form a consensus of any kind, one could be nearly certain that Randy would challenge it. He was, as Arthur Bonfield often said, a pistol.

In the quiet of Randy's office after his death, one finds numerous reminders of Randy's extraordinary loves, accomplishments, and contributions. Bound copies of the *Iowa Law Review's* volumes 55 and 56, into which Randy and his fellow writers and editors poured so much work more than four decades ago. A photograph of the *Iowa Law Review's* editors during Randy's year at the helm. An *Iowa Law Review* certificate signed by Dean David Vernon, who later would become a dear friend of Randy's and whose name would grace the professorship that Randy held at the time of his death. Diplomas from Northwestern University and the University of Iowa. Bound volumes of the opinions authored by Judge Robb and Justice Blackmun during the years Randy served them. Several signed portraits of the United States Supreme Court's justices. A photograph of Randy, Justice

Lewis Powell, and their spouses. A framed copy of a grateful resolution adopted by Washington and Lee's Board of Trustees, with a bound copy of W&L keepsakes sitting on a table nearby. A plaque marking his receipt in 2006 of the *Iowa Law Review's* Distinguished Alumni Award. A certificate marking his receipt in 2009 of the University of Iowa's highest teaching honor. Copies of all of his books, and a wall-long shelf crammed with reprints of his articles. In a file drawer, a stack of hand-drawn maps to the Iowa City home where Randy and his recently deceased wife Elaine once entertained so many gatherings of his first-year students. A painting by his daughter at the age of five. A poem by his son at the age of eight, titled "My Dad." On his desk, a form inquiring about his preferred teaching assignments for the 2014-15 academic year. On a shelf nearby, the constitutional law casebook he favored, filled with marginal comments and questions, echoes of a voice now lost.

On the main floor of Iowa's Boyd Law Building, one finds portraits of Iowa faculty who devoted at least twenty-five years of their lives to teaching. One floor down, in the west wing of the building, one finds annual photographs of the student body and faculty dating back well into the nineteenth century. Over in the east wing, the hallway is lined with photographs of the *Iowa Law Review's* editorial boards and their deans and faculty advisers, including photos taken in the late 1970s when Randy advised the journal (becoming the only former editor of the *Review* ever to do so). It is in the nature of things that the day will come when no one in the building has any personal recollections of the man identified in these images as Professor Randall P. Bezanson. But for me and for so many others, Randy was intrinsic to our experience of the Iowa College of Law. Randy's students and other friends and colleagues will have their own favored recollections of Randy, and certainly none of those recollections is less important than my own. But I do indeed have my own. It is of a vibrant Randy Bezanson opening the door to the Iowa suite in the Marriott Wardman Park Hotel, eager to introduce me to his Iowa Law family.