Monroe Freedman: Servant Leader, Bridge Builder

By Susan Fortney

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My college mentor shared the following advice: “Figure out what you care about and live a life that shows it.”¹ Those words echo in my mind as I write this tribute to Monroe Freedman, our beloved mentor and friend. The quotation aptly captures Monroe’s approach to his life and work. His values clearly informed the manner in which he navigated professional and personal opportunities and challenges. He was an unwavering advocate of others, especially those who were in need and marginalized.

Monroe’s influence and accomplishments are far-reaching. Other articles in this collection discuss his contributions in specific contexts, such as jurisprudential thought, the law of lawyering, and legal education. Noteworthy in all areas is the manner in which Monroe engaged the profession. Monroe was not satisfied with writing articles that would be read by persons in the academy. He authored many seminal works that tackled difficult questions encountered by lawyers in the trenches. His article Professional Responsibility of the Criminal Defense Lawyer: The Three Hardest Questions, is among the legal ethics articles most recognized by practicing lawyers.²

In working with students, practitioners, and others in the academy, Monroe helped bridge the disjunction between those in the academy and those in the profession.³ Monroe challenged impractical theory that was unrelated to the concerns of practicing lawyers and judges. As observed by Professor Alan M. Dershowitz, “Monroe brought to the academy the realistic complexity of what lawyers actually face.”⁴

For their recent book, HOW CAN YOU REPRESENT THOSE PEOPLE?, Monroe and his co-editor Abbe Smith assembled a virtual who’s who of distinguished criminal justice lawyers to answer the perennial cocktail party question posed by lay people baffled by the prospect of a lawyer enabling a “guilty person to go free.”⁵ The book’s essays provide illuminating insights that help nonlawyers better appreciate the important role and difficult work of criminal defense lawyers. The essays also are excellent reading for all lawyers – those who work in the criminal justice field as well as ones who practice in other areas.⁶

Monroe assisted students in bridging the gap between law school and law practice. For example, he co-wrote Contracts class materials that introduced ethics issues and practical lawyering lessons.⁷ Referring to the materials as a “tour d’force effort to integrate ethics, practical lawyering, the UCC and legal theory,” Hofstra Law Professor Norman I. Silber noted that “the very first case is about a retainer agreement, and it raises deep ethical issues as it introduces students to fundamental law regarding damages, to the appellate process, and to the realities of being a lawyer.”⁸
In both practitioner and academic circles, Monroe was a formidable leader, with many regarding him as a father of modern legal ethics as an academic subject. Over the years, Monroe held various leadership positions, including serving as the second dean of Hofstra University School of Law. Even when Monroe was not working in an elected or appointed leadership role, he continued to provide advice, inspiration, and guidance to his Hofstra colleagues and many in the wider legal community. Monroe was an extraordinary leader who positively influenced others, as well as the larger organization, by setting the ethical tone for discourse and decision-making.

In writing and working with others, what type of leader was Monroe? To tackle that question, one could consider various leadership theories as well as traits and behaviors associated with ethical leadership. Having worked with Monroe at Hofstra and observed his dealings nationally and internationally, I believe that the conceptualization of a “servant leader” best fits the manner in which Monroe conducted himself and perceived his responsibility to others. As described by Professor Neil Hamilton, Professor of Law and Director of the Holloran Center for Ethical Leadership in the Professions at University of St. Thomas School of Law:

Servant leadership, originally articulated by Robert Greenleaf, encourages leaders to serve others’ highest priority needs, helping others to reach their potential to be their better selves, to be what they are capable of becoming. Servant leaders, Greenleaf notes, also ask with respect to any decision “what is the effect on the least privileged in society . . . ?”

The virtues of stewardship, empathy, and commitment to the growth of others distinguish a servant leader. In urging law professors and senior lawyers to assist others to develop, Professor Hamilton suggests that they do so by modeling servant leadership and serving as mentors.

On a daily basis, Monroe fostered others’ growth and development as leaders by both embracing and modeling servant leadership. As explained by one former Hofstra law student, Monroe taught by example:

In addition to being an incredible attorney and professor, Monroe lived his life as an example of the sort of person we should all aspire to be. Two moments stand out for me personally: the first was when Monroe invited me to his family’s Passover dinner in . . . because I didn’t have one of my own to attend. At the time, he didn’t know me from a fly on the wall—I wasn’t even a student of his—but he still didn’t hesitate to extend the offer. It remains one of the best Passovers I’ve ever attended, not only because of the opportunity to break bread with such an incredible man, but because I got to see firsthand the extent of the respect, love, and admiration that one family can have for a patriarch when he has truly earned it.

Many people have shared similar stories, illustrating Monroe’s impact and influence as a servant leader. Their accounts consistently depict how he recognized the dignity of others and demonstrated his commitment to fostering others’ growth. In different settings and spheres, the comments provide glimpses into how Monroe respected, supported, and motivated others.
Starting with his work as the second dean of Hofstra Law School, Monroe’s vision shaped the course of the law school by impressing on faculty members their role in the profession and society. This trait is depicted in the following story by Eric Lane, the current Dean of Maurice Deane School of Law and the Eric J. Schmertz Distinguished Professor of Public Law and Public Service there:

When I was hired 38 years ago by Monroe, then dean, I asked him “What are your expectations for me?” He gave me only two directives: Be a great teacher and make a difference. No person has embodied these ideals, both personally and professionally, better than Monroe. 16

As a colleague, Monroe was very supportive, readily offering assistance. Many colleagues could share stories similar to the following post by David N. Yellen, Dean and Professor at Loyola University (Chicago) School of Law:

I will always remember and appreciate Monroe’s generous support and encouragement when I was a young professor at Hofstra. Years later, when I was dean there, he chose to give up his Chair, so that Roy Simon could have it. An exceptional man.17

Monroe’s influence and support of professional colleagues was far-reaching, extending to academics and practitioners around the world. After his death, a number of legal ethics professors shared their experiences with Monroe’s generosity, describing how he provided unsolicited observations and guidance on their scholarship.18

Without question, Monroe was dedicated to serving others, wholeheartedly committed to helping clients and community members achieve their potential. Although there are many stories of Monroe’s dedication to clients and others, I use the following account from a former client, turned law student, turned lawyer, turned law professor. Janis L. McDonald, Professor of Law at Syracuse University School of Law, shared the following after Monroe’s death:

I have lost a life long friend teacher mentor and so much more. I first met Monroe in 1971. I was terrified. I was sitting in a jail cell with 15 other women of the 1100 arrested on capitol steps during May Day anti war demonstrations; he fought for several days to get access to us. He was the first lawyer I ever met personally. I got a call one night in 1974 and this wonderful man convinced me to come to Hofstra . . . Monroe kept mentoring me . . . He followed my civil rights career he mentored me through my bi-racial adoption and came to visit my son and I in Syracuse where I have taught for over 20 years and now co-direct the Cold Case Justice Initiative.19

As many have attested, Monroe epitomized the servant leader who freely gives time and support to others. I hope that the many people whom Monroe touched will continue to be sustained by Monroe’s ethic of service.
Although Monroe is not physically present, he lives on through his writings, legal work, and most importantly, through the efforts of those whom he moved to make a difference and to practice law ethically. Eric M. Freedman, Siggi B. Wilzig Distinguished Professor of Constitutional Rights at Hofstra, beautifully communicated this exhortation:

There was not good cause in the academic, practice or personal spheres which he would not give his wholehearted and generous support . . . And although he had long ago earned the right to do less while letting others do more, he never saw things that way . . . As he rests now, let us all be inspired to continue his work of making the world a better place.20

Thank you, Monroe, for your service, inspiration, vision, and enduring spirit.

Endnotes

1. My mentor from college is Dr. Coleen Grissom, the former Dean of Student Affairs and Vice-President at Trinity University. Her webpage includes the quotation from John Hoyt, the former president of the Humane Society, available at https://new.trinity.edu/faculty/coleen-grissom.


5. As noted by one author, “the question” is one posed by people who are “well meaning in their concerns about criminal justice but who harbor fundamental misperceptions about the work.” David Singleton, Gideon’s Army (HBO television broadcast July 1, 2013) CHAMPION, May 2013, at 94.


8. Email from Professor Norman I. Silber to Susan Fortney (May 9, 2015) (on file with author).

9. See, e.g., Fox, supra note 4 (quoting Alan M. Dershowitz).


11. See id. at 384-85.

12. Id. at 394.

13. “The servant leader, guided by the moral insight . . . is committed to fostering the growth of others and personal conscience over a lifetime.” Id. at 388.


16. Email from Dean Eric Lane to Hofstra Law Community (Feb. 26, 2015) posted on LEGAL ETHICS FORUM, supra note 15.

17. David N. Yellen, LEGAL ETHICS FORUM, supra note 15.

18. For example, Robert Vischer, the Dean and Professor at St. Thomas University School of Law (Minnesota) posted the following: On several of my earliest articles . . . I received unsolicited feedback from Monroe — not empty platitudes or a passing comment — but serious engagement (often pushback) on big ideas. That a scholar of his stature would take the time to read and respond to what I had to say (even when he disagreed with it) was a great confidence boost. He was a model of rigorous, lifelong engagement with ideas, whether those ideas came from other giants in the field or from an assistant professor he’d probably never even heard of. Very generous.Id.
