

THE MANY LAYERS OF MIKE HOFFHEIMER

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“This school and legal community present wonderful challenges and opportunities. The law school provides a supportive environment.

I hope you will decide to join us. If there are any questions I can answer, please email or call.”

These words are part of a message Mike Hoffheimer wrote on November 11, 2007, to encourage me to accept the offer to join the University of Mississippi School of Law faculty. Though it is just one of many email exchanges with him, I have held on to it as a memento. Reading Mike’s message so many years after never fails to bring a smile to my face. The kind words that accompanied it and his offer of support were exactly in line with what Mike Hoffheimer embodies.

For the twelve years that followed, Mike stayed true to his word. Not only to me, but to many others. Mike was a constant source of support for new and visiting faculty members. With just a few words and an invitation to lunch, he put all at ease and created space for others to occupy. For those who may not know, Mike Hoffheimer is a renaissance man. He is adept at philosophy, plays the viola, is an expert at Bollywood, frequently partners cross departmentally to write about international classics such as *Les Misérables*, and is a jazz and movie aficionado. And, through it all, he is a consummate listener. Those who know Mike have a permanent picture of how intently he listens, absorbing it all, and

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making sure never to substitute his own judgment for the speaker. This rare quality accentuates Mike's wide appeal across the academe as a mentor to junior faculty.

When I received the offer from the University of Mississippi School of Law (UM Law) that November 2007, I had been at the University of Memphis for five years. I had a good impression of UM Law and its faculty but did not yet know my colleagues. Happily, one of my closest friends at the University of Memphis, David Case, had just joined UM Law a year earlier. Still, nothing prepared me for the open heart and home that Mike and his wife, Luanne, and eventually their extended village, would help create for me. By the time I joined UM Law, I had taught at enough institutions that I had built collegial relationships. Mike Hoffheimer, however, is a colleague who exceeds all expectations, in the care he takes to cultivate personal relationships, his generosity with junior faculty, his intellectual openness and his sheer loving heart. To find all of this in one colleague is the jewel of any faculty body.

Mike is many things. He is a brilliant scholar, a rigorous ethicist, a social justice seeker, and a dutiful mentor. I learned all of these wonderful characteristics the minute I came to visit Oxford, Mississippi in 2007. Mike was part of my welcoming group while I contemplated the offer. In fact, our welcome wagon, thanks to a group made of Mike, David Case, Larry Pittman and a few others, were so enthusiastically positive that my accompanying guest at the time mused, partly tongue and cheek, "Oxford sounds like Mayberry!" (a comical reference to the Andy Griffith Show).¹

Oxford was not Mayberry. We were well aware that living in Oxford presented unique challenges for faculty of color. However, the intentionality of colleagues, such as Mike, in making sure we felt included in private life made a tremendous difference. It is that type of deliberateness that likely caused me to stay in Oxford for well over a decade.

Mike and Luanne immediately opened their home to me the minute I permanently moved to Oxford. A few years later, Mike was a positive force again when it came time for me to look for a new house. He seamlessly helped to connect me to someone in his

¹ See *The Andy Griffith Show* (CBS television series 1960-1968).

neighborhood and we became neighbors. For many years, I watched Mike commute by foot the two miles to the office, taking wide, steady steps, his proverbial hat solidly fastened, face facing forward, undaunted by whatever weather came his way. We regularly shared meals, had lively discussions, laughed, and made merry. With Mike and Luanne in one's corner, one never spent a holiday alone. They provided an enclave of love and shelter for many of us in the community who needed it. In a country where the data points show Americans to be isolated and estranged from one another, their openness is something I will always cherish.

Fellow faculty and colleagues were not the only beneficiaries of Mike's generous spirit. Students love him. For twelve years, I saw him actively provide support to students after hours and on weekends. As Associate Dean for Faculty Development and Intellectual Life then, my ledger of attendees at student events showed one reliable and unflappable supporter of student life: Mike Hoffheimer. Students knew Mike's commitment to their success and quality of life, so they came to him often. Among many acts of service to students, Mike served as advisor to the American Constitution Society and served as anchor and staunch advocate for many other student groups. In fact, Mike is known to be the first faculty member, every year, to welcome students to his home in order to provide them with a sense of comfort and belonging during their time away from home. The students, in turn, reciprocated in kind and completely adored him.

In my years at UM Law, it is fair to say that Mike is one of the most beloved teachers at the University.

He did the same for his colleagues all over the country. Mike's name in legal education is synonymous with excellence, brilliance and collegiality. I am certain that all of us in this tribute will recount his prolific scholarly achievements, which are numerous and significant in every way. Likewise, generations of us will describe how Mike stood guard to ensure that our communities would prioritize inclusivity. Still, others will elaborate on his layers and his deep thinking that often left us attempting to catch up. We will all confirm these facts about Mike in some form or another. This common agreement on Mike's stellar intellect is a testament to our colleague's depth.

As a member of legal education, I bear immense gratitude for Mike's work to elevate legal education, progress the University of Mississippi School of Law, and hold lawyers to the standards of our profession. Mike, forever the ethicist, is undaunted about our responsibility to the next generation. He does not hesitate to speak the truth, and he demands accountability and critical evaluation of institutional actors. Through him, our students saw a model of conduct of the highest caliber and a demonstration of loving pedagogy in action.

For Mike Hoffheimer to retire from the University of Mississippi is momentous. For the University of Mississippi to have had Mike and Luanne on their faculty is the pith of good fortune. That deserves to be said and recorded. But, for now, do humor me in sketching a brief picture of Mike, the scholar, the colleague, the teacher, and my dear friend.

During his thirty years on the faculty, Mike penned more than seventy-five scholarly monographs, chapters, law review articles, and reviews. To provide an example of the breadth of his scholarly inquiry, consider that his 2015 article, *California's Territorial Turn in Choice of Law*, far from his longest, is seventy-five printed pages with 366 footnotes.² His article in *Ohio State Law Journal* runs sixty-eight pages with 304 footnotes.³

Over the course of his career, Mike published over twenty-seven articles in leading law reviews at prominent law schools, including the University of Cambridge (England), Tulane, Ohio State University, Boston College, Rutgers (three articles), the University of Pittsburgh, the University of Kansas, and the University of Tennessee.⁴ Equally concerned with the impact of

² Michael H. Hoffheimer, *California's Territorial Turn in Choice of Law*, 67 RUTGERS L. REV. 167 (2015).

³ Judy M. Cornett & Michael H. Hoffheimer, *Good-Bye Significant Contacts: General Personal Jurisdiction After Daimler AG v. Bauman*, 76 OHIO ST. L.J. 101 (2015).

⁴ See, e.g., *id.*; Hoffheimer, *supra* note 3; Michael H. Hoffheimer, *Codifying Necessity: Legislative Resistance to Enacting Choice-of-Evils Defenses to Criminal Liability*, 82 TUL. L. REV. 191 (2007); Michael H. Hoffheimer, *The Common Law of Edward Christian*, 53 CAMBRIDGE L.J. 140 (1994); Michael H. Hoffheimer, *Conflicting Rules of Interpretation and Construction in Multi-Jurisdictional Disputes*, 63 RUTGERS L. REV. 599 (2011); Michael H. Hoffheimer, Introduction, *The Early Critical and Philosophical Writings of Justice Holmes*, 30 B.C. L. REV. 1221 (1989); Michael H. Hoffheimer, *The Future of Constitutionally Required Lesser Included Offenses*, 67 U. PITT. L. REV. 585 (2006); Michael H. Hoffheimer, *General Personal Jurisdiction after*

Mississippi laws, he published seven substantive articles and six shorter essays, introductions, or dedications in the *Mississippi Law Journal*.⁵ To capture the extent of his productivity, in the span of just over a year, Mike: (1) published the third edition of *Conflict of Laws: Examples and Explanations*, with substantial revisions;⁶ (2) published an article in *Ohio State Law Journal*, co-authored with Professor Judy Cornett at the University of Tennessee;⁷ (3) published an article in *Rutgers University Law Review*;⁸ (4) co-organized a panel at the Southeast Organization of Law Schools Conference; (5) lectured at the Princeton University's Program in Translation and Intercultural Communication;⁹ (6) was cited as authority by United States Court of Appeals for the Fifth Circuit and by the Texas Court of Appeals;¹⁰ (7) was cited by the Supreme

Goodyear Dunlop Tires Operations, S.A. v. Brown, 60 U. KAN. L. REV. 549 (2012); Michael H. Hoffheimer, *Hegel's First Philosophy of Law*, 62 TENN. L. REV. 823 (1995); Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351 (2005).

⁵ Michael H. Hoffheimer, *Aaron Storer Condon: Socratic Memorabilia*, 82 MISS. L.J. 1239 (2013); Michael H. Hoffheimer, *Dedication*, 63 MISS. L.J. 1 (1993); Michael H. Hoffheimer, *Dedication to Larry S. Bush*, 71 MISS. L.J. (2001); Michael H. Hoffheimer, *George C. Cochran: Constant Constitutionalist*, 85 MISS. L.J. 965 (2017); Michael H. Hoffheimer, *Holmes, L.Q.C. Lamar, and Natural Law*, 58 MISS. L.J. 71 (1988); Michael H. Hoffheimer, *John Robin Bradley: Biographia Literaria*, 82 MISS. L.J. 751 (2013); Michael H. Hoffheimer, *Lesser Included Offenses in Mississippi*, 74 MISS. L.J. 135 (2004); Michael H. Hoffheimer, *L.Q.C. Lamar 1825-1893*, 63 MISS. L.J. 5 (1993); Michael H. Hoffheimer, *Mississippi Conflict of Laws*, 67 MISS. L.J. 175 (1997); Michael H. Hoffheimer, *Mississippi Courts: 1790-1868*, 65 MISS. L.J. 99 (1995); Michael H. Hoffheimer, *Murder and Manslaughter in Mississippi: Unintentional Killings*, 71 MISS. L.J. 35 (2001); Michael H. Hoffheimer, Kris Gilliland & Lynn Murray, *Pre-1900 Mississippi Legal Authority*, 73 MISS. L.J. 195 (2003); Michael H. Hoffheimer, *Remembering Richard L. Barnes*, 83 MISS. L.J. 445 (2014); Michael H. Hoffheimer, *Robert A. Weems: The Lawyer's Law Professor*, 82 MISS. L.J. 801 (2013); Michael H. Hoffheimer, *Samuel M. Davis: Teacher, Scholar, Dean*, 85 MISS. L.J. 909 (2016).

⁶ MICHAEL H. HOFFHEIMER, *CONFLICT OF LAWS: EXAMPLES AND EXPLANATIONS* (Wolters Kluwer 3d ed., 2016).

⁷ Cornett & Hoffheimer, *supra* note 4.

⁸ Hoffheimer, *supra* note 3.

⁹ Michael H. Hoffheimer, *Creating Copyright for Translators in the Nineteenth Century*, Program in Translation and Intercultural Communication, Princeton University (Oct. 5, 2015).

¹⁰ See *Ortega v. Stephens*, 784 F.3d 250, 253 (5th Cir. 2015) (citing Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351, 356 (2005)); *Booth v. Kontomitras*, 485 S.W.3d 461, 479 (Tex. Ct. App. 2016) (citing Michael H. Hoffheimer, *General Personal Jurisdiction After Goodyear Dunlop Tires Operations, S.A. v. Brown*, 60 U. KAN. L. REV. 549, 601 (2012)).

Court of the United States;¹¹ (8) was appointed Jamie L. Whitten Chair in Law and Government; and (9) was cited in numerous law reviews, treatises, and legal publications to mention.¹²

The extensive record of court's citations of Mike's research is another measure of its importance and efficacy. Judicial opinions seldom cite law review articles. And, most authors are never cited by a court. It is thus significant that Mike's articles are cited by the United States Court of Appeals for the Fifth and Tenth Circuits;¹³ by state supreme courts in Delaware, Kansas, Michigan, Mississippi, Nebraska, Pennsylvania, West Virginia, and

¹¹ See, e.g., *BNSF Ry. Co. v. Tyrell*, 137 S. Ct. 1549, 1561 n.1 (2017) (Sotomayor, J., concurring and dissenting in part) (citing Judy M. Cornett & Michael H. Hoffheimer, *Good-Bye Significant Contacts: General Personal Jurisdiction After Daimler AG v. Bauman*, 76 OHIO ST. L.J. 101 (2015)).

¹² See, e.g., Patrick J. Borchers, *Extending Federal Rule of Civil Procedure 4(K)(2): A Way to (Partially) Clean up the Personal Jurisdiction Mess*, 67 AM. U. L. REV. 413, 415 n.8 (2017) (citing Michael H. Hoffheimer, *General Personal Jurisdiction After Goodyear Dunlop Tires Operations, S.A. v. Brown*, 60 U. KAN. L. REV. 549, 572-73 (2012)); Arthur R. Miller, *What Are Courts for? Have We Forsaken the Procedural Gold Standard?*, 78 LA. L. REV. 739, 747 n.17 (2018) (citing Judy M. Cornett & Michael H. Hoffheimer, *Good-Bye Significant Contacts: General Personal Jurisdiction After Daimler AG v. Bauman*, 76 OHIO ST. L.J. 101 (2015)).

¹³ See, e.g., *Ortega*, 784 F.3d at 253 (citing Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351 (2005)); *United States v. Fraser*, 647 F.3d 1242, 1245 (10th Cir. 2011) (citing Michael H. Hoffheimer, *Codifying Necessity: Legislative Resistance to Enacting Choice-of-Evils Defenses to Criminal Liability*, 82 TUL. L. REV. 191, 226 (2007)).

Wyoming;¹⁴ and by intermediary appellate courts in California, Illinois, Indiana, Mississippi, Texas, and Wisconsin.¹⁵

Specifically, judges have noted that Mike's work on lesser-included offenses is especially helpful. For example, Justice Carlson referred to "the excellently written article of Professor Michael H. Hoffheimer" in a 2004 dissenting opinion.¹⁶ And a 2005 opinion by Mississippi Court of Appeals Judge Griffis observed, "[r]ecently, Professor Michael H. Hoffheimer, of the University of Mississippi School of Law, authored an excellent article that discusses the different tests that are used to determine if a lesser-included

¹⁴ See, e.g., *Williams v. State*, No. 342, 203, 2014 WL 708445, at *2 n.12 (Del. 2014) (citing Michael H. Hoffheimer, *Codifying Necessity: Legislative Resistance to Enacting Choice-of-Evils Defenses to Criminal Liability*, 82 TUL. L. REV. 191, 194 (2007)); *State v. Schoonover*, 133 P.3d 48, 63 (Kan. 2006) (citing Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351, 401 (2005)); *People v. Ream*, 750 N.W.2d 536, 546 (Mich. 2008) (citing Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351, 413-14 (2005)); *Hall v. State*, 127 So. 3d 202, 206 n.5 (Miss. 2013) (quoting Michael H. Hoffheimer, *Lesser Included Offenses in Mississippi*, 74 MISS. L.J. 135, 143 (2004)); *State v. Sinica*, 764 N.W.2d 111, 116 n.5 (Neb. 2009) (citing Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351, 354 (2005)); *Commonwealth v. Sims*, 919 A.2d 931, 938 (Pa. 2007) (quoting Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351, 357-58 (2005)); *Morris v. Crown Equip. Corp.*, 633 S.E.2d 292, 309 n.3 (W.Va. 2006) (quoting Michael Hoffheimer, *Mississippi Conflicts of Law*, 67 MISS. L.J. 175, 321 (1997)); *Engberg v. Meyer*, 820 P.2d 70, 139 (Wyo. 1991) (Cardine J., concurring) (citing Michael H. Hoffheimer, *Requiring Jury Instructions on Eyewitness Identification Evidence at Federal Criminal Trials*, 80 J. CRIM. L. & CRIMINOLOGY 585 (1989)).

¹⁵ See, e.g., *Phillips v. Honeywell Int'l Inc.*, 217 Cal. Rptr. 3d 147, 153 (Cal. Ct. App. 2017) (citing Michael H. Hoffheimer, *California's Territorial Turn in Choice of Law*, 67 RUTGERS L. REV. 167, 191 n.125 (2015)); *Allianz Ins. Co. v. Guidant Corp.*, 869 N.E.2d 1042, 1057 (Ill. App. Ct. 2007) (citing Michael Hoffheimer, *Mississippi Conflicts of Law*, 67 MISS. L.J. 175, 214 n.118 (1997)); *Jones v. State*, 749 N.E.2d 575, 586 (Ind. Ct. App. 2001) (citing Michael H. Hoffheimer, *Requiring Jury Instructions on Eyewitness Identification Evidence at Federal Criminal Trials*, 80 J. CRIM. L. & CRIMINOLOGY 585, 598 n.44 (1989)); *McCarty v. State*, 247 So. 3d 260, 267-68 n.4 (Miss. Ct. App. 2017) (quoting Michael H. Hoffheimer, *Lesser Included Offenses in Mississippi*, 74 MISS. L.J. 135, 165-66 (2004)); *Booth v. Kontomitras*, 485 S.W.3d 461, 479 n.8 (Tex. Ct. App. 2016) (citing Michael H. Hoffheimer, *General Personal Jurisdiction After Goodyear Dunlop Tires Operations, S.A. v. Brown*, 60 U. KAN. L. REV. 549, 601 (2012)); *State v. Nicholson*, 435 N.W.2d 298, 303 n.8 (Wis. Ct. App. 1988) (citing Michael H. Hoffheimer, *Habeas Corpus Review of State Trial Court Failure to Give Lesser-Included Offense Instructions*, 16 U. MICH. J.L. REFORM 617 (1983)).

¹⁶ *State v. Shaw*, 880 So. 2d 296, 305 n.2 (Miss. 2004) (Carlson, J., dissenting) (citing Michael H. Hoffheimer, *Murder and Manslaughter in Mississippi: Unintentional Killings*, 71 MISS. L.J. 35 (2001)).

offense is actually present and makes some recommendations for consideration by the Mississippi Supreme Court.”¹⁷

Mike’s scholarship also attracted the attention of fellow law professors. Citations to his work appear in over 150 law review articles from schools including Yale Law School, the University of Chicago Law School, Stanford Law School, the University of Michigan Law School, the University of Virginia School of Law, NYU School of Law, the University of Texas, the University of Pennsylvania School of Law, Duke University School of Law, Georgetown University, the University of Florida, Tulane University Law School, Rutgers Law School, Cardozo School of Law, William and Mary Law School, Hastings College of Law, and the University of Pittsburgh School of Law.¹⁸ According to a

¹⁷ Al-Fatah v. State, 916 So. 2d 584, 590 (Miss. Ct. App. 2005) (citing Michael H. Hoffheimer, *Lesser Included Offenses in Mississippi*, 74 MISS. L.J. 135 (2004)).

¹⁸ See, e.g., Guyora Binder, *The Origins of American Felony Murder Rules*, 57 STAN. L. REV. 59, 175 n.633 (2004) (citing Michael H. Hoffheimer, *Murder and Manslaughter in Mississippi: Unintentional Killings*, 71 MISS. L.J. 35, 54-75 (2001)); Gabriella Blum, *The Laws of War and the “Lesser Evil,”* 35 YALE J. INT’L L. 1, 32 n.151 (2010) (citing Michael H. Hoffheimer, *Codifying Necessity: Legislative Resistance to Enacting Choice-of-Evils Defenses to Criminal Liability*, 82 TUL. L. REV. 191, 244-46 (2007)); Gabriel J. Chin & Scott C. Wells, *The “Blue Wall of Silence” as Evidence of Bias and Motive to Lie: A New Approach to Police Perjury*, 59 U. PITT. L. REV. 233, 293 (1998) (citing Michael H. Hoffheimer, *Requiring Jury Instructions on Eyewitness Identification Evidence at Federal Criminal Trials*, 80 J. CRIM. L. & CRIMINOLOGY 585, 585 & n.1 (1989)); Brooke D. Coleman, *Civil-izing Federalism*, 89 TUL. L. REV. 307, 322 n.66 (2014) (citing Michael H. Hoffheimer, *General Personal Jurisdiction After Goodyear Dunlop Tires Operations, S.A. v. Brown*, 60 U. KAN. L. REV. 549, 550-51 (2012)); Anne C. Dailey, *Holmes and the Romantic Mind*, 48 DUKE L.J. 429, 435 n.31 (1998) (citing Michael H. Hoffheimer, *The Early Critical and Philosophical Writings of Justice Holmes*, 30 B.C. L. REV. 1221, 1227-28 (1989)); Robin J. Effron, *The Lost Story of Notice and Personal Jurisdiction*, 74 N.Y.U. ANN. SURV. AM. L. 23, 87 n.247 (2018) (citing Michael H. Hoffheimer, *The Stealth Revolution in Personal Jurisdiction*, 70 FLA. L. REV. 499 (2018)); William Ewald, *Comparative Jurisprudence (I): What Was It Like to Try a Rat?*, 143 U. PA. L. REV. 1889, 2119 (1995) (citing MICHAEL H. HOFFHEIMER, EDUARD GANS AND THE HEGELIAN PHILOSOPHY OF LAW (1995)); Cody J. Jacobs, *In Defense of Territorial Jurisdiction*, 85 U. CHI. L. REV. 1589, 1623 n.209 (2018) (citing Michael H. Hoffheimer, *General Personal Jurisdiction after Goodyear Dunlop Tires Operations, S.A. v. Brown*, 60 U. KAN. L. REV. 549, 562 (2012)); Susan R. Klein, *Identifying and (Re)Formulating Prophylactic Rules, Safe Harbors, and Incidental Rights in Constitutional Criminal Procedure*, 99 MICH. L. REV. 1030, 1064 n.155, 1065 n.163 (2001) (citing Michael H. Hoffheimer, *Requiring Jury Instructions on Eyewitness Identification Evidence at Federal Criminal Trials*, 80 J. CRIM. L. & CRIMINOLOGY 585 (1989)); Allison Orr Larsen, *Bargaining Inside the Black Box*, 99 GEO. L.J. 1567, 1575 n.31, n.32 (2011) (citing Michael H. Hoffheimer, *The Future of Constitutionally Required Lesser Included Offenses*, 67 U. PITT. L. REV. 585, 590-91, 594 (2006)); *id.* at 1602 n.197 (citing Michael H. Hoffheimer, *The Rise and Fall of Lesser*

WestLaw search, thirty-nine secondary legal sources cite Mike Hoffheimer's work in the past twelve months, and thirty in the year before.¹⁹ According to Google Scholar, he is cited 385 times with 142 citations since 2011.²⁰

Over the years, Mike contributed his expertise in public comments on proposed rules and in private communications with scholars and judges. One example became public when a December 2014 *Harvard Law Review* article cited and quoted a letter from Professor Hoffheimer to Supreme Court Justice White from 1992

Included Offenses, 36 RUTGERS L.J. 351, 358 n.13 (2005)); Tanya J. Monestier, *Registration Statutes, General Jurisdiction, and the Fallacy of Consent*, 36 CARDOZO L. REV. 1343, 1374 n.150 (2015) (quoting Michael H. Hoffheimer, *General Personal Jurisdiction after Goodyear Dunlop Tires Operations, S.A. v. Brown*, 60 U. KAN. L. REV. 549, 601 (2012)); Samuel P. Newton, *Kidnapping Reconsidered: Courts Merger Tests Inadequately Remedy the Inequities Which Developed from Kidnapping's Sensationalized and Racialized History*, 28 WM. & MARY BILL RTS. J. 635, 669 n.312 (2020) (quoting Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351, 371 (2005)); Austen Parrish, *Personal Jurisdiction: The Transnational Difference*, 59 VA. J. INT'L L. 97, 99 n.4 (2019) (quoting Michael H. Hoffheimer, *The Stealth Revolution in Personal Jurisdiction*, 70 FLA. L. REV. 499, 505 (2018)); Thomas M. Tomlinson, *Pattern-Based Memory and the Writing Used to Refresh*, 73 TEX. L. REV. 1461, 1475 n.91 (1995) (citing Michael H. Hoffheimer, *Effect of Particularized Instructions on Evaluation of Eyewitness Identification Evidence*, 13 LAW & PSYCHOL. REV. 43, 55 (1989)); Anders Walker, *The New Common Law: Courts, Culture, and the Localization of the Model Penal Code*, 62 HASTINGS L.J. 1633, 1653 n.131 (2010) (citing Michael H. Hoffheimer, *Codifying Necessity: Legislative Resistance to Enacting Choice-of-Evils Defenses to Criminal Liability*, 82 TUL. L. REV. 191, 196 (2007)); Camilla Cohen, *Goodyear Dunlop's Failed Attempt to Refine the Scope of General Personal Jurisdiction*, 65 FLA. L. REV. 1405, 1407 n.14 (2013) (citing Michael H. Hoffheimer, *General Personal Jurisdiction after Goodyear Dunlop Tires Operations, S.A. v. Brown*, 60 U. KAN. L. REV. 549, 551-52 (2012)); Jordan Padover, *State Constitutional Law—Criminal Procedure—The Constitutional Guarantee of Protection Against Double Jeopardy is not Violated When a Defendant is Convicted of, and Punished for, Separate Offenses That Contain Different Elements*, 40 RUTGERS L.J. 969, 983 n.89 (2009) (citing Michael H. Hoffheimer, *The Rise and Fall of Lesser Included Offenses*, 36 RUTGERS L.J. 351, 413-14 (2005)); *id.* at 993 (quoting 36 RUTGERS L.J. at 366-67).

¹⁹ Search Results, Michael H. Hoffheimer Citations Secondary Sources, THOMSON REUTERS WESTLAW, [https://1.next.westlaw.com/Search/Results.html?query=Hoffheimer&jurisdiction=ALLCASES&contentType=ANALYTICAL&querySubmissionGuid=i0ad7401400000177969c554ec01ca125&categoryPageUrl=Home%2FSecondarySources&searchId=i0ad740140000177967e08907a285b77&transitionType=ListViewType&contextData=\(sc.Search\)](https://1.next.westlaw.com/Search/Results.html?query=Hoffheimer&jurisdiction=ALLCASES&contentType=ANALYTICAL&querySubmissionGuid=i0ad7401400000177969c554ec01ca125&categoryPageUrl=Home%2FSecondarySources&searchId=i0ad740140000177967e08907a285b77&transitionType=ListViewType&contextData=(sc.Search)) [https://perma.cc/5K7T-7JXQ] (last visited Mar. 9, 2021).

²⁰ Search Results, Michael H. Hoffheimer Citations, GOOGLE SCHOLAR, https://scholar.google.com/scholar?hl=en&as_sdt=0%2C25&q=Michael+H.+Hoffheimer&btnG= [https://perma.cc/MB9Y-87EX] (last visited Mar. 9, 2021).

identifying a minor error in a Supreme Court opinion.²¹ Mike did not intend to make the letter public, and the article noted that the opinion was subsequently amended to correct the error.²²

In addition to his record of legal scholarship, Mike maximized his training in history and philosophy by publishing books, chapters, articles, and translations that bridge the gap between law and humanities. From Hegel to Bollywood, these publications pay special attention to how varied norms affect cultural practices.²³ They also paint a holistic and broad picture of law and what it could be. Mike's foray in this area includes an intellectual biography of Justice Holmes and a critical translation of a legal treatise by Eduard Gans, an influential follower of Hegel. His studies of Hegel appear in renown journals and books published by Kluwer, Cornell, and Northwestern University presses.²⁴ His historical research on the origins of Hegel's theory of race is repeatedly cited in discussions of Hegel's philosophy of history.

Similarly, Mike's record of service to the UM Law School and University as a whole is voluminous. Among many examples are his acts of service for other colleagues and to the legal profession. For instance, he solicited collaboration in translating a Greek document from Professor Robert A. Stoddart, a classics scholar and government tax lawyer.²⁵ He coauthored a short article on Mississippi law reform with James L. Robertson, a former Mississippi Supreme Court Justice.²⁶ He also encouraged private scholar and filmmaker, Nilu Gavankar, to publish a book on the

²¹ Richard J. Lazarus, *The (Non)Finality of Supreme Court Opinions*, 128 HARV. L. REV. 540, 564 n.119 (2014) (quoting Letter from Michael H. Hoffheimer, Assoc. Professor of Law, Univ. of Miss. Law Sch., to Byron R. White, Assoc. Justice, Supreme Court of the United States (July 7, 1992), White Papers BII: 174/F8) ("As pointed out by an academic in a letter to Justice White, '[t]he context suggests that the sentence needs a negative, which is omitted' and should instead say, 'It is [not] illogical to think'").

²² *Id.* ("Subsequent Court publications of the Court's opinion in *Fordice* rewrote the sentence to state 'It is logical to think'").

²³ See, e.g., Michael H. Hoffheimer, *Hegel's First Philosophy of Law*, 62 TENN. L. REV. 823 (1995); Michael H. Hoffheimer, *Bollywood Law: Commercial Hindi Films with Legal Themes*, 98 LAW. LIBR. J. 61 (2006).

²⁴ See, e.g., MICHAEL H. HOFFHEIMER, EDUARD GANS AND THE HEGELIAN PHILOSOPHY OF LAW (Kluwer Acad. Publishers 1995).

²⁵ Michael H. Hoffheimer, Introduction, *The Early Writings of Justice Holmes*, 30 B.C. L. REV. 1221 n.* (1989).

²⁶ James L. Robertson & Michael H. Hoffheimer, *Bar Committee Undertakes Rewrite of Criminal Code*, 40 MISS. LAW. 12, 12 (1994).

careers of her family members who were prominent in the Indian film industry, a book for which he also wrote the foreword.²⁷ And, he cowrote a chapter with his then-high-school-age son, Joseph, on the philosophy of the Beatle, George Harrison.²⁸

In addition to various committee loads, Mike also served Oxford and Mississippi by co-organizing the Oxford Shakespeare Festival Symposium. As an ardent supporter of civil rights, he was an active member of the University's Civil Rights Committee that organized events commemorating the 50th anniversary of the desegregation of the University of Mississippi. He is a founding member of and adviser for the law school student LGBTQ and the American Constitution Society organizations.

Far and above all of that, on July 2015, Mike became a member of my family. I was pregnant with my first and only child that summer and had been in ill health. All throughout my pregnancy, Mike and Luanne wrapped me with care and watched over me like only family would. The week before my daughter arrived dramatically and prematurely, they had me over for dinner, feeding me copious amounts of food, as was their habit.

Two days later, I underwent sudden labor, leaving me and my unborn child in precarious conditions. I was alone, could not move nor drive myself to the hospital. Any delay in accessing care would have signified dire consequence for both my child and myself. In my stupor, I remembered to call Mike and Luanne. I cannot imagine how Mike arrived as fast as he did. All I remember is Mike's reassuring face by my side as the ambulance loaded me to rush to the hospital. Having Mike's friendly face in that ordeal made all of the difference.

Mike saved my life that day. And what more, I truly believe that Mike is such that he would have acted similarly for anyone who needed it.

After fourteen years, Mike has obviously become a family member and a close friend. His friendship is a joyful surprise that transcended my time at the University of Mississippi. It is also a

²⁷ See Michael H. Hoffheimer, *Foreword: A Creative Monsoon*, *THE DESAI TRIO AND THE FILM INDUSTRY OF INDIA* vii-xiii (Author House 2011).

²⁸ Michael H. Hoffheimer & Joseph A. Hoffheimer, *George on Being and Somethingness*, in *THE PHILOSOPHY OF THE BEATLES* 125-36 (Open Court Publishing Co. 2006).

testament to the environment Mike, and the many faculty members serving with him, helped create at the law school. Thanks to Mike's model, UM Law became a place where relationships are nurtured and where lasting bonds can be formed. The University of Mississippi is indeed a far better place because Mike taught there.