

# A TRIBUTE TO PROFESSOR MICHAEL H. HOFFHEIMER

*Larry J. Pittman\**

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## INTRODUCTION

On May 9, 2020, Professor Michael “Mike” H. Hoffheimer retired from a thirty-three-year career of teaching law at the University of Mississippi School of Law. During those years, Mike was a force of nature in his commitment to excellence both in his classroom teaching and in the enormous quantity of legal scholarship that he produced, including law journal articles and books. His law professor colleagues respected him, and his students found him to be very approachable and committed to giving the best legal education possible. His presence extended beyond the Law School to the University at large in his participation in faculty governance on various university-wide committees; to the State of Mississippi in his participation at various law-related conferences; and to the nation in general through the substantial impact that his legal scholarship has had, including the number of times that state and federal courts, including the Supreme Court of the United States, have cited his scholarship in resolving various legal issues. At the core of all of his teaching, scholarship, and service activities as a law professor was an abiding and unwavering commitment to social justice — a commitment that was bone-deep and long suffering.

## I. EARLY YEARS

Mike was born on December 21, 1954, in an upper-middle class family in Cincinnati, Ohio. His father, Harry Max Hoffheimer, Jr. (1912-2006), who was the son of German Jews who planted roots in Cincinnati in the mid to late 1800s, was a WWII Navy Veteran and successful lawyer. Harry Sr. had been a Cincinnati Republican and friend of Warren G. Harding, but Hoffheimer Jr. became a liberal-leaning Democrat at Yale Law School in the 1930s.

Mike’s mother, Charlotte Townsend O’Brien Hoffheimer (1919-1991), joined the U.S. Army after graduating from Smith College in 1941. She served as a captain assigned to army intelligence. Growing up, Mike knew only that she worked at the Pentagon. Only as an adult, after it was declassified, did he learn that his mother worked for the team that broke the Japanese Code. Charlotte grew up Irish Catholic in Albany, New York, but her

mother had ancestors who supposedly traced back to Elder William Brewster of the Mayflower voyage of 1620.

With a father and grandfather who were lawyers and an older brother, Daniel J. Hoffheimer, who would become one of the most eminent lawyers in the state, perhaps it was inevitable that Mike would also become a lawyer. But Mike's younger sister, Mary S. Hoffheimer, went on to become a highly-respected veterinarian, proving that another career was possible. Looking back, Mike remembers visiting his father's law office downtown, meeting Governor DiSalle in Columbus, and watching his father on a podium with John F. Kennedy at an election rally. Such experiences, he now believes, were the types of life events that gave him the confidence and expectation that his life would be full of opportunities that others, including many African Americans and other minorities, would not have — and these events specifically instilled in him the confidence that he, too, could be a lawyer.

During his early years, it was not long before Mike gained first-hand experience of racial discrimination. In his middle-class neighborhood, during 1964, the Perry family moved into a house across the street from the Hoffheimers'.<sup>1</sup> The Unitarian minister who sold the Perrys their house was "vilified"<sup>2</sup> by neighbors, and one woman even went so far as to spit in Mrs. Perry's face.<sup>3</sup> Dr. Nelson Perry was a respected physician, member of the University of Cincinnati Medical School faculty, and a "pioneer in radiation treatments for cancer."<sup>4</sup> The Perrys had three children, and the middle child, Michael Perry, soon became Mike's regular companion and friend.<sup>5</sup> One can only wonder what boys of different races could do if left to their own devices without the ways of the world creeping in. For Michael Perry and Mike that creeping in occurred when the Clifton Meadows Swimming Club, of which Mike and his family were members, would not allow Michael Perry to swim in the club's private pool.<sup>6</sup> Mike was outraged when he

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<sup>1</sup> Michael H. Hoffheimer, *Brown Goes North*, in *LAW TOUCHED OUR HEARTS: A GENERATION REMEMBERS BROWN V. BOARD OF EDUCATION* 225, 225 (Mildred Wigfall Robinson & Richard J. Bonnie eds., Vand. Univ. Press 2009).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 226.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 225.

<sup>6</sup> *Id.* at 227.

learned Michael had been mistreated, and the pool's whites-only policy bitterly divided the community and the club's membership. Even in Mike's family, there were differences that he remembers:

The crisis in the white community also revealed differences within our family. My father, a lawyer and member of the board, sought to avoid conflict, mediate differences, reduce passions, and change policy at the board level. My mother became active in equal housing politics and joined the NAACP, enrolling my brother, sister, and me as youth members.<sup>7</sup>

Mike, his brother, and sister tried to convince their mother to terminate the family's membership in Clifton Meadows, which she did not immediately do.<sup>8</sup> Eventually, some members of the club brought a lawsuit that ended with a consent decree against future discrimination that was affirmed by the Sixth Circuit Court of Appeals.<sup>9</sup> But the Perrys had moved to another state, and Mike never saw Michael again.<sup>10</sup>

## II. A LIFE OF PROTEST FOR JUSTICE

Perhaps Mike's youthful indignation about the racism at Clifton Meadows played a part in his subsequent life of persistent advocacy for social justice, including his subsequent involvement in the protest against the Vietnam War. As a high school student at the prestigious Phillips Exeter Academy, he helped organize local protests and two trips of students to national protests, one in Washington, D.C. and one in New York City.<sup>11</sup> He remembers being scared when he spoke in the school's auditorium to the entire student body about reasons for opposing the war. Describing his involvement in the Vietnam War protest, Mike recalls:

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 227-28.

<sup>9</sup> *Id.* at 228-29.

<sup>10</sup> *Id.* at 228.

<sup>11</sup> See generally Jeff Leen, *The Vietnam Protest: When World Collided*, WASH. POST (Sept. 27, 1999), <https://www.washingtonpost.com/wp-srv/local/2000/vietnam092799.htm> [<https://perma.cc/8FE6-HK5Y>].

An important formative experience was learning about the war in Vietnam. Within a very short period of time, I went from never having heard of Vietnam, to assuming U.S. foreign policy was justified, to opposing the war. Learning in 1969 about the My Lai massacre (1968), where over 300 unarmed civilian women and children were raped and murdered by U.S. troops, was a horrific, life-changing experience for me and for so many people who had grown up viewing the U.S. as the champion of the right cause. I participated actively in anti-war events in middle school and high school, attending and helping organize many rallies and two national demonstrations. The Vietnam War made me think for myself about American foreign policy. Since then, I have vocally opposed all U.S. wars, and I strongly oppose the creation and use of nuclear weapons and all weapons of mass destruction.

Today, Mike remains sensitive to social justice issues, including the current protest against police violence and killing of African Americans, many of whom were unarmed. While Mike appreciates the extraordinary difficulties and essential value of law enforcement, he also fears the potential for abuse. Mike, himself, while in college, witnessed such abuse when a white friend was attacked by a Baltimore Police Officer and the Officer's civilian friend. Believing they were unobserved, the two assailants arrested Mike's friend and charged him with assaulting a police officer. Due to solid defense work, a neutral witness was found—a young child who saw the unprovoked attack on Mike's friend. Ultimately, Mike's friend was found not guilty; however, nothing ever happened to the Baltimore Police Officer or the Officer's friend who assisted him.

Mike's friend would certainly have been convicted if the child had not witnessed the attack, been found, and testified. Watching the trial impressed Mike with how difficult it can be to defend against police brutality. He realized it would be even more difficult for people without the resources or connections to mount an effective defense.

### III. JOHNS HOPKINS UNIVERSITY

Mike spent his freshman year at Boston University, which he remembers as the place where he met Paul A. Dunphy. Paul would

become a dear friend and future co-author.<sup>12</sup> Mike then transferred to the Johns Hopkins University, where he majored in philosophy and continued his activism, including participating in a 1976 protest against Hopkins's awarding an honorary degree to the sister of the Shah of Iran— during which Mike was arrested. Charges were dropped, and the protest eventually led to reform in the manner in which Johns Hopkins awards honorary degrees.<sup>13</sup>

Mike also became active in protests against the U.S. involvement in the 1973 coup in Chile, where a military dictator overthrew a democratically-elected government.<sup>14</sup> And he attended events in support of Joan Little, an African-American woman, who was prosecuted for killing a white prison guard who had sexually assaulted her.<sup>15</sup> Little was ultimately acquitted, with her case being the first one in which self-defense was raised successfully by the victim of sexual assault by a prison guard. Her case was also one of the first to use scientific evidence of racial bias in a community to successfully achieve a change of venue for a criminal trial.<sup>16</sup>

In addition to his activism, Mike made time to earn an excellent education at Johns Hopkins. (He graduated with honors in 1977.) He gives special credit to his brilliant housemate Geoffrey

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<sup>12</sup> Paul would become an academic librarian but studied Italian in graduate school and is a serious opera fan. Mike turned to Paul numerous times in his career for help with Italian. Paul translated an appendix to the article Mike coauthored with Anne Quinney, *Fatal Duality: Alexandre Dumas on Garibaldi, Cavour, and the Myth of the Risorgimento* (2010). Over forty years after they met, Paul and Mike coauthored *Rescripting Rousseau's Daphnis et Chloé* (2016). See *infra* Addendum: Articles.

<sup>13</sup> See Mike Bowler, *Degrees of Change at Graduation Commencement: The Pomp Is Traditional, but the Circumstances of the Public Ceremonies Are Sometimes Puzzling. Here's a Spectator's Guide to the Annual Exercises*, THE BALTIMORE SUN (May 22, 1996), <https://www.baltimoresun.com/news/bs-xpm-1996-05-22-1996143071-story.html> [<https://perma.cc/4GTT-JFHK>].

<sup>14</sup> See Hugh O'Shaughnessy, *Chilean Coup: 40 Years Ago I watched Pinochet Crush A Democratic Dream*, THE GUARDIAN (Sept. 7, 2013), <https://www.theguardian.com/world/2013/sep/07/chile-coup-pinochet-allende> [<https://perma.cc/4GP9-5L6R>].

<sup>15</sup> See *Free Joan Little: Reflection on Prisoner Resistance and Movement-Building*, PRISON CULTURE: HOW THE PIC STRUCTURES OUR WORLD... (Jan. 4, 2011), <http://www.usprisonculture.com/blog/2011/01/04/free-joan-little-reflections-on-prisoner-resistance-and-movement-building/> [<https://perma.cc/3C8D-LMCX>].

<sup>16</sup> See *Id.*

V. Sutton<sup>17</sup> and to teachers in the philosophy and in the history of science departments, especially to Owen Hannaway (1939-2006), whom Mike remembers as an insightful historian and gifted classroom teacher, and above all to political science professor Nancy C. M. Hartsock (1943-2015), with whom Mike studied political theory and who was an eminent scholar whose writings greatly influenced the feminist movement.<sup>18</sup>

#### IV. UNIVERSITY OF CHICAGO GRADUATE STUDIES

After college, Mike pursued graduate studies in history at the University of Chicago. He was attracted by the school's reputation for European history and by the prospect of life and political activism in a big city. There he studied with leading scholars Leonard Krieger, Robert Richards, and Karl Weintraub and earned a M.A. (1978) and Ph.D. (1981). He remembers two other important influences: Professor H.S. Harris and Ishmael Flory. He remembers his academic study of the philosopher Hegel was greatly facilitated by a long exchange of letters with Professor H. S. Harris, a scholar at York University in Toronto. Although Mike did not meet Professor Harris for years, he dedicated his book on Gans to Professor Harris. Mike also remembers his important friendship with Ishmael Flory, a longtime civil rights activist and trade union organizer who lived on the South Side. Mike spent time with Ishmael learning about the history of American radicalism and attending or organizing activities from speeches by Angela Davis to rallies against Nazis in the Loop. One event Mike remembers was a large, spirited demonstration in 1979 on the University of Chicago campus protesting a university award to Robert McNamara, who as Secretary of Defense, had overseen the escalation of the war in Vietnam.<sup>19</sup>

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<sup>17</sup> Geoffrey went on to earn a Ph.D. in history of science at Princeton and to publish an important book, *GEOFFREY V. SUTTON, SCIENCE FOR A POLITE SOCIETY: GENDER, CULTURE, AND THE DEMONSTRATION OF ENLIGHTENMENT* (1997).

<sup>18</sup> See generally Catherine G. Quinn, *Passing of Nancy Hartsock*, UNIV. OF WASH. DEPT OF POL. SCI. (Apr. 28, 2015), <https://www.polisci.washington.edu/news/2015/04/28/passing-nancy-hartsock> [<https://perma.cc/Q2H8-DHZY>].

<sup>19</sup> See Gordon Crovitz, *Award to McNamara Puts University of Chicago in Uproar*, WASH. POST (May 22, 1979), <https://www.washingtonpost.com/archive/politics/1979/05/22/award-to-mcnamara-puts-university-of-chicago-in-uproar/2c832742-7f49-4790-aa6d-e5b3a23dcd8/> [<https://perma.cc/S467-YLJ7>] ("The University of Chicago's decision to honor Robert S.

In graduate school, Mike worked at the University's library, first driving a van and then cataloguing serials. As an employee, Mike played an active role in supporting the successful drive to unionize the University's clerical workers. He attended a course on trade union organizing offered by the Service Employees International Union through Roosevelt University, and he helped edit a pro-union newsletter during the organizing campaign.

Reflecting on his experiences at the University of Chicago, Mike fondly recalls the diversity of students, many from Africa and Latin America, with whom he socialized and from whom he learned much about history, culture, and life — experiences that reaffirmed his belief in the benefits of a diverse student body.

Although Mike considered applying to law school back in college, it was in graduate school, and especially through conversations with his brother Dan, that he developed a renewed interest in law school and decided to attend the University of Michigan Law School after completing his Ph.D. at Chicago.

#### V. UNIVERSITY OF MICHIGAN LAW SCHOOL

Mike's sister Mary has faithfully supported him at trying times in his life. One such occasion was the move to law school. After witnessing Mike's grinding the gears on the rental truck, Mary insisted on taking the wheel and the gear shift and drove him from Chicago to Ann Arbor.

During orientation, Mike met Robert C. Stoddart who would become one of Mike's good friends and future collaborators.<sup>20</sup> For the summer after his first year, Mike interned for the office of the Illinois Appellate Defender where he interviewed clients, reviewed trial transcripts, and helped research and draft briefs. He continued to work part time for the Appellate Defender after returning to school in the fall. During his second year, he joined the *University*

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McNamara Tuesday for his 'contributions to international understanding' is drawing the biggest protest on the Midway campus since students took over the administration building 10 years ago to protest the Vietnam war he once helped manage.').

<sup>20</sup> Bob had a Ph.D. in classics and had been on the faculty at the University of South Dakota. Mike would consult Bob for help with Latin on many occasions, and Bob translated the manuscript appended in Mike's book, *JUSTICE HOLMES AND THE NATURAL LAW* at 129-32 (1992). See *infra* Appendix: Books.



of *Michigan Journal of Law Reform*, and he went on to serve as an articles editor for the *Journal* during his third year.

He enjoyed law school from the beginning, and followed his interest in history by taking all of the courses he could from Thomas A. Green, a scholar of English legal history. Mike grew curious about the possibility of law teaching as a way of combining his training in history and law, so he sought Professor Green's advice and followed his recommendation that Mike should practice law for three years before trying to find a job in law teaching.

Although Mike enjoyed the give and take of the Socratic method, he had good friends in law school who strongly disliked the stress and display involved in classroom performance. He noted at the time that many of the Socratic method's most thoughtful critics were women, and this alerted him to gendered aspects of the classroom experience that he would keep in mind when he began to teach.

Mike graduated cum laude from the University of Michigan Law School in 1984.

## VI. THE PRACTICE OF LAW

After his second year of law school, Mike clerked for Frost & Jacobs (now Frost, Brown and Todd), and he accepted a position as an associate with the firm after graduation. Three of the firm's partners — Frederick J. McGavran, Joseph J. Dehner, and D. Michael Poast — were especially important mentors who early on assigned Mike significant responsibility and offered concrete, constructive feedback. Within days of passing the bar exam, Joe asked Mike to take over a jury trial when the construction dispute did not settle. Mike remembers his relief when the jury returned a verdict that exceeded the settlement offer tendered the morning of the trial. Fred enlisted Mike's help in psychiatric malpractice cases and in one plaintiff-side personal injury case that would not settle. Michael Poast enlisted Mike's participation in defending a high-profile catastrophic injury case.

Mike remains grateful to the firm for allowing him to accept court appointments as a public defender in state and federal cases where charges ranged from first degree murder to theft. Three cases went to jury trial with the verdicts of guilty (1), not guilty (1), and

hung jury (1). Mike also gained additional experience with pro bono appointments in civil cases referred by legal services.

While practicing law, Mike was active in community and civic work. He served as a member of the board of Planned Parenthood of Cincinnati. He also taught an evening course on agency and partnership at the University of Cincinnati College of Law as an adjunct faculty member.

## VII. THE EXAMINED LIFE OF A LAW PROFESSOR AT THE UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW

### A. *Commitment to Teaching, Excellent Legal Scholarship, and Diversity*

Mike credits Professor Larry Bush and Professor John Robin Bradley for recruiting him to come to the University of Mississippi School of Law. Upon becoming a law professor at this law school, Mike was aware of two primary issues. The first major challenge was the need for the Law School to follow national standards for legal scholarship. Mike and a group of professors who started their teaching careers at or near the same time, including Professors Ronald J. Rychlak, Timothy L. Hall, and Richard L. Barnes, formed a new generation of faculty who were devoted to producing nationally-accepted law review articles, books, and other legal scholarship. The tradition of producing top-quality legal scholarship is now well established at the Law School.

The second major challenge at the Law School was a lack of diversity. Mike believed that there was a critical need for the Law School to be more inclusive and welcoming of African-American and other minority students and professors. Previously in his life, he had experienced opinions that African Americans were not only intellectually inferior but also morally inferior. In elementary school, he heard people say that highly successful African Americans like the Perrys were “exceptions.” Mike believes that this way of thinking is a major feature of systemic racism. During his teaching and through his participation in faculty governance, Mike was one of the consistent leaders of efforts to increase diversity and inclusion at the Law School. For over thirty years — from one law school dean to another — Mike along with a core group of law professors, including Richard L. Barnes, John Robin Bradley,

Larry Bush, George C. Cochran, Donna D. Davis, and Larry J. Pittman, led a persistent and sometimes contentious battle to maintain and increase the number of African-American students and faculty at the Law School, including fighting against efforts to move the school up the U.S. News and World Report rankings by increasing the LSAT scores or other criteria for admission in ways that would adversely affect African Americans' admissions. Mike and the professors aligned with him who favored more diversity and inclusion did not see the goals of diversity and quality as mutually exclusive; they felt strongly that the Law School should err on the side of having admissions standards that, to the greatest extent possible, would promote more diversity and inclusion. Mike was especially sensitive to the admission of a critical mass of African-American students, given the Law School's, the University of Mississippi's, and the State of Mississippi's historical discrimination against African Americans. The fruits of collective efforts to obtain and maintain a more diverse law school student body helped the Law School move in the right direction by creating a consensus in support of diversity reflected in numerous policies and culminating most recently in the 2020-2023 Strategic Plan for Diversity, Equity, and Inclusion that establishes goals for increased diversity of students, faculty, and staff at the Law School.<sup>21</sup>

By participating in faculty recruitment over the decades, Mike also worked to assure that qualified minority candidates were considered. He encouraged the Law School to reach out to minority candidates, and he challenged job descriptions and procedures that could have a negative impact on hiring minorities.

Mike and some other faculty members were instrumental in advocating for the hiring of Dean Louis Westerfield in 1994, the first, and so far only, African-American dean of the Law School. The hiring faced some ugly internal and public opposition despite the fact that Dean Westerfield had previously served as dean at two other law schools and had been the first African American to earn

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<sup>21</sup> Mike and Professor Larry J. Pittman also worked behind the scenes to make the Law School more welcoming. They were responsible for the images of the first two African-American graduates being placed in a prominent display on the wall of the law building — and also for the removal of the large portrait of a slaveowner that formerly hung in a prominent position in the lobby.

tenure at the Law School a number of years before he returned to serve as dean.<sup>22</sup>

When reflecting on efforts to achieve more diversity at the Law School, Mike also recalls the commitment of Dean Thomas A. Edmonds who was instrumental in the Law School's hiring of Professor Robert N. Davis. Although Dean Edmonds faced some criticism at the time, Professor Davis would become the second African American to earn tenure at the Law School and earn promotion to full professor. After teaching at the Law School and at Stetson University College of Law, Professor Davis was appointed judge of the United States Court of Appeals for Veterans Claims and served as Chief Judge from 2016 until his retirement in 2019.<sup>23</sup>

### *B. Classroom Teaching*

Mike was a dedicated and committed professor who spent much time helping students grasp foundational principles and keeping them up-to-date on changes in the law. His approach to teaching included letting students know in advance when they would be called on because he believed doing so reduced the performance anxiety that he remembered some students experiencing at Michigan when they were "cold called." In describing his approach to teaching, Mike states:

In general, I hoped to make the materials as accessible as possible and wanted students to learn the importance of social and historical context in learning law. Some students who knew of my liberal values may have been surprised by how seriously I took the literal language of statutes and cases. I wanted them to learn deeply the basic rules and structure of the law in areas that we covered. But I also hoped they would learn to see how those rules arose in particular contexts and evolved over time even when the courts thought they were being most conservative.

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<sup>22</sup> See The Associated Press, *Louis Westerfield, Black Law Dean*, 47, N.Y. TIMES (Aug. 26, 1996), <https://www.nytimes.com/1996/08/26/us/louis-westerfield-black-law-dean-47.html?campaignId=6WYWY> [<https://perma.cc/VWM9-LWSQ>].

<sup>23</sup> *Judge Robert N. Davis, About the Court*, U.S. CT. OF APP. FOR VET. CL., <http://www.uscourts.cavc.gov/davis.php> [<https://perma.cc/P86F-94CT>].

By employing the case method to establish the limits of a specific case's holding and to explore its implication for future cases, Mike was influenced by his own law school courses in criminal law and contracts with Professors Francis Allen and Philip Soper. Important practical aspects of classroom management, course organization, and evaluation, he learned from a visiting instructor who would become a career-long friend, Michael Vitiello, and from senior colleagues and friends on the law faculty, especially John Robin Bradley, Aaron Condon, Bill Champion, Guff Abbott, and Bob Weems.

Another major feature of Mike's teaching was his effort to increase the diversity of law teaching at the Law School by inviting leading judges and attorneys to be guest lecturers in his classes. He states:

One important way I tried to bring diversity to teaching was by inviting guest lecturers from groups that had been historically excluded from law. African American judges who brought critically important perspectives to my classes included Judge Constance Baker Motley, Judge James E. Graves, Jr., Judge Tyree Irving, and most recently, Judge Latrice A. Westbrook. Most important, the legendary Constance Slaughter Harvey became a regular visitor to my classes. She first spoke to a legal history class many years ago. Over the years, she has become a friend. My *Conflicts* book is dedicated to the two greatest lawyers I know: my brother Dan and Connie. She returned at least once a year to speak to different classes, and her visits were the high point of my academic year. Other class visitors were Judge Andrew Howorth, Magistrate Judge Allan Alexander, and Justice James Maxwell. Justice Josiah Coleman is the appellate judge who spoke most often to my classes over the years. He impressed on students the importance of attention to detail and of good, clear writing. And I was fortunate to have outstanding class presentations by lawyers John Dunbar and Hale Freeland.

Lastly, Mike believes that the practice of law is a privilege and that it is important for law students to understand that legal practice involves the responsible use of power over people's lives. He incorporated considerations of the ethical role of lawyers into all of his courses. In one class, he might discuss duties to research the

merits of a case under Rule 11. In another case, he might raise the question of whether lawyers should represent children bringing suits to invalidate their own parents' marriages even if the children had sufficient grounds. Sometimes the consideration of ethics was less obvious. He explains:

I regularly incorporated discussions of professional responsibility into doctrinal classes. In Conflicts, I might begin with the *Dred Scott* dissents, which identified faulty conflict of laws reasoning in the majority opinion; and I also might highlight the fact that conflicts law emerged from North American cases attempting to preserve the legal unity of a country by demarcating the enforcement of legal rights over enslaved people litigated between slave and free states.

Mike's approach was hardly abstract. He reviewed Mississippi Bar Exams to stay aware of the Bar's expectations, adjusted coverage to address the Bar's concerns, and provided teaching supplements online, updated annually, that summarized black letter rules students needed to master.

### C. Legal Scholarship and Service

Mike is probably one of the two most productive law professors in the law school's history, with a consistent output for three decades of law review articles, reviews, books, and other legal scholarship.<sup>24</sup> His books illustrate the range of his interests: *Conflict of Laws Examples and Explanations* (a student-friendly treatise now in its fourth edition), *Justice Holmes and the Natural Law* (a monograph that closely studies Justice Holmes's early intellectual biography), and *Eduard Gans and the Hegelian Philosophy of Law* (a critical translation of a German philosophical text on law). The only book any of his students had ever heard of before law school is *Fiddling for Viola* (a collection for amateur musicians that has sold over 10,000 copies).

His extensive law review articles focus on areas of his teaching expertise, such as conflict of laws, civil procedure, and criminal law, but they also reflect some of his broader interests in history and

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<sup>24</sup> See Appendix. Mike thinks top honors should go to his friend Professor Ronald J. Rychlak, who joined the faculty the same year as Mike.

culture with topics ranging from Alexandre Dumas to Bollywood. When writing law review articles, Mike focused on issues and made arguments that he hoped would encourage courts to move the development of law in certain directions when resolving legal issues. He consistently argued that courts should view legal issues, and their resolutions, in historical, social, and political contexts — a view that is consistent with his extensive background in the study of history.

Mike's research projects reflected different motivations. He was attracted to Hegel because of the challenge presented by Hegel's writings and because people in the 1970s relied on Hegel's philosophy to support theories for social change. He wrote about Justice Oliver Wendell Holmes, Jr., because Holmes was a hero to Mike's father and to his father's generation of the 1930s and 1940s. Holmes championed a version of scientific legal thinking that became prominent during the New Deal that supported judicial deference to legislation. Mike's book, *Justice Holmes and the Natural Law*, focused on Holmes's early life and the evolution of Holmes's new approach to sources of law.<sup>25</sup>

Mike's service to the University included longstanding tenure on the graduate council. At the law school, he chaired the speakers committee for many years and helped bring prominent judges and scholars to campus, such as Judge Constance Baker Motley and Professor Ronald Dworkin. Mike was a founding member and faculty advisor to the local chapter of the American Constitution Society (a liberal and progressive law group) and OutLaw (a LGBT and allies group). His concern with the quality of bar examinations led him to author bar exam questions for the states of Arizona, California, Colorado, and Minnesota. In fact, the California Bar Exam repeatedly used questions he drafted on criminal law and civil procedure. Mike regularly offered CLEs and CJsEs and never declined a request to offer such courses.

#### VIII. FAMILY LIFE

Mike and Luanne Buchanan met when they were both graduate students at Chicago and got married in 1985. After earning a Ph.D. in romance languages from the University of

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<sup>25</sup> See *supra* note 20 and accompanying text.

Chicago, Luanne held faculty positions teaching Spanish at five different colleges. The same day Mike retired, Luanne retired from her position as instructional associate professor of Spanish at the University of Mississippi and from her position as secretary-treasurer of the campus chapter of Phi Beta Kappa, which she helped found. She had previously served the University as coordinator of the study abroad program and as director of academic programs for the UM campuses in Tupelo and Southaven.<sup>26</sup>

Mike describes Luanne as his best friend and an ally with whom he has collaborated when making all of life's major decisions. Mike is quick to express appreciation for Luanne's support of their decision to move to Oxford and start his long, law-teaching career at the Law School. She visited Oxford during his job interview; and in agreeing to move to Oxford, she gave up a tenure-track faculty position at Northern Kentucky University for a nontenured position at Memphis State University.

Mike and Luanne jointly participated in countless political campaigns and protests throughout their married lives, including registering voters, attending rallies against the old Mississippi flag, and joining demonstrations against U.S. involvement in various wars. While Luanne and their daughter traveled to D.C. to participate in the women's march on January 21, 2017, Mike attended the rally at the Oxford square.

Luanne has supported Mike's legal and academic work in many ways, from working as a private detective on a criminal case in Cincinnati to providing expert editorial advice. Luanne and Mike also collaborated as co-authors on published articles.<sup>27</sup>

They have two children, both born after Mike and Luanne moved to Mississippi. Joseph, born in 1988, graduated from Oxford High School, obtained a B.A. from Vassar College in New York and a Master's in City and Regional Planning degree from the University of North Carolina at Chapel Hill. He is currently

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<sup>26</sup> See generally *Luanne Buchanan, Faculty Profile*, UNIV. OF MISS., <https://olemiss.edu/people/lbuchana> [<https://perma.cc/A4ZS-PQAN>].

<sup>27</sup> See LUANNE BUCHANAN & MICHAEL H. HOFFHEIMER, *La TRADUCCIÓN "HACIA ARRIBA"* en *Dafnis y Cloe* de Juan Valera, *Anales Galdosianos* 25-43 (Vol. 51 2016); JOSÉ ORTEGA & GASSET, *Hegel and America*, 63-81 (Luanne Buchanan & Michael H. Hoffheimer trans., Vol. 25 1995).



employed as a planner for the town of Hillsborough, North Carolina.

Jean, born in 1991, attended Oxford Middle School, graduated high school from Hotchkiss School, a boarding school in Connecticut, and obtained a B.A. from Smith College in Massachusetts. Jean then returned to Mississippi to teach in the Mississippi Teacher Corps, earning a Master of Arts in Teaching while teaching full-time in the Aberdeen public schools. She currently teaches seventh grade English at Farmington Junior High School, a public school in Farmington, Arkansas.

#### CONCLUSION

Looking towards the future, Mike is confident that the next generation is up to the challenges ahead. If anything, he worries young people are not given opportunities and responsibilities early in their careers. He expresses concern over the large amount of debt many law students accumulate to get a legal education and worries the burden may adversely influence their future careers and life choices. He also voices alarm about the negative effects of the politicization of the courts, especially the Supreme Court. In the courts and elsewhere, he sees a continuing need for more diversity.

In retirement, Mike will continue his involvement in various community activities. For example, he did volunteer work for the University of Mississippi's COVID-19 contact tracing efforts. He is enjoying the opportunity to pursue cultural interests and to engage in research that does not need to result in publication. Presently, Mike and Luanne reside in Asheville, North Carolina.

The Law School is honored to have had the service of such an eminent scholar as Professor Michael H. Hoffheimer. Best wishes that his future efforts be just as bright and meaningful as his past efforts.

## APPENDIX:

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