

A DEDICATION TRIBUTE TO FRANK W. MILLER

DALE SWIHART*

In sports jargon Frank W. Miller, James Carr Professor of Criminal Jurisprudence, has been, and is, a “franchise player” for Washington University School of Law. He joined this faculty in 1948, and upon his “formal” retirement date in 1991, he will have completed forty-three years of continuous service at Washington University. That is rare indeed for one, such as he, who is extraordinarily gifted and coveted by other institutions. His contributions to our University and to the profession would be remarkable if one considered each area of his performance—scholarship, teaching, and faculty service—individually and without reference to the whole record. A complete view of his career during the past forty-three years reveals a model that richly deserves both applause and emulation. I am pleased that the *Law Quarterly* is joining in the applause by dedicating this issue to Frank; I am grateful to the editors for allowing me to participate in honoring one whom I have been privileged to have as a friend and colleague for over twenty-five years.

If one were to ask Frank Miller: “What is the most important part of a law professor’s task?” he would respond that our central mission at a law *school* is to teach students. And Professor Miller carries out that mission in the grand style. He is a Socratic teacher who believes that teaching requires something more from the teacher than the delivery of information and something more from the student than the articulation of opinions. In addition, teaching, in his view, implicates the most painful aspect of the job: the maintenance of standards in the classroom and in the final evaluation of student performance at examination time. Interestingly, however, and despite what one sometimes reads in the *Journal of Legal Education* about the “irreparable damage to student-faculty relations” caused by Socratic teaching, student evaluations of Professor Miller’s teaching performance consistently rank him at the top. He has received University-wide recognition and awards for his teaching. Frank would be inclined to downplay his students’ reactions, but for me the

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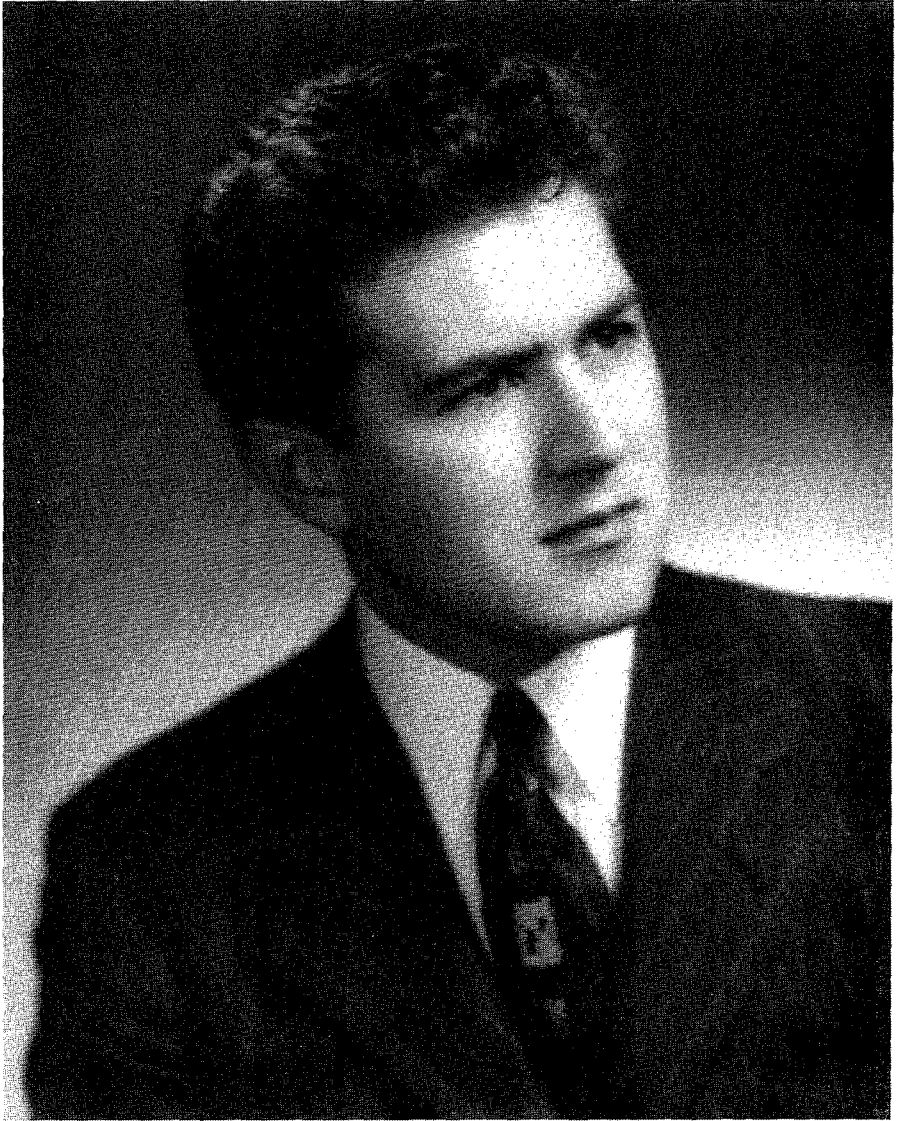
important point is that rigorous, demanding Socratic teaching and enthusiastically favorable student reaction are compatible. The product of that happy compatibility are generations of Miller-trained lawyers who are better at what they do because of their teacher's efforts.

Other contributors to this issue detail Frank Miller's contributions to legal scholarship through which lawyers and teachers, many of whom Frank has never met personally, have received his instruction. I would add a footnote: one cannot measure fully his impact on legal scholarship by looking only at the books and articles that carry his name as author. Frank, for as long as I have known him, and I am told by others for much longer than that, has been a resource to his colleagues in their creative efforts. He has devoted, unstintingly, immense amounts of time to reading, editing, and criticizing drafts of proposed work by other law teachers, on this faculty and elsewhere. His assistance to this *Law Quarterly* which now honors him has been exceptional—and not only during the long periods when he served as formal adviser. It is doubly appropriate for the *Law Quarterly* to dedicate this issue to Frank Miller, as a recognition and in gratitude.

George Will has criticized professional football as combining the two worst aspects of American society: violence punctuated by committee meetings. But as difficult and frustrating as the process may be, law school progress, in large part, is powered by the work of faculty committees, especially that of the curriculum and personnel committees. Over the years Frank Miller has carried far more than his fair load of the work of those committees. He served for years as chairman of *both* the curriculum and personnel committees of this law school. Although he had the good sense to reject overtures from a number of schools about becoming a dean, his sense of obligation prevented him from following the practice of many other fine scholars of shunning the day-to-day work of operating a law school. The list of his "extra" efforts at this school is too long to exhaust in this short comment, but examples include: teaching classes for colleagues who have become too ill to teach; encouraging with time-consuming effort the teaching development of younger colleagues; and promoting the protection of academic freedom through AAUP work. His stature as a scholar and teacher is matched by his strengths as a "good citizen" of his law school.

I have saved until last a comment about Frank's most stunning accomplishment. Forty-five years ago Frank had the good sense and good fortune to marry Lucille Rinnan. Frank and Lu's fellowship and friendship,

and that of their daughters, Debbie and Pat, have been a source of joy for us. May that continue for years to come! It is very gratifying to be able to forecast that because of Frank's good health and vigor, he will continue after his formal retirement date to serve the school and the profession. Nobody does it better.



Frank Miller in 1948, just prior to joining the Washington University School of Law faculty.