

E.F. HUTTON GOES SOUTH

*Franklin E. Zimring**

The title of these remarks has its origin in a conversation some years ago with a young editor assigned to the *Encyclopedia of Crime and Justice*. She was seeking intelligence about the academic worthies who served on the Board of Editors. When my interrogator turned to the subject of this tribute, my report was cryptically brief: "Francis Allen is the E.F. Hutton of American Criminal Law." My reference was to an advertising campaign constructed on the theme, "When E.F. Hutton talks, people listen." What I meant was that Frank Allen has what the people from the Hutton firm can only aspire to — a moral and intellectual authority growing from a mixture of intelligence, integrity, and judgment that is rare in any age. His leadership by example is legend in the classroom, in scholarship, and in the profession of legal education. When Francis Allen speaks, people listen, as well they should.

I have not solicited Professor Allen's financial counsel, but have profited from his advice on many other matters and on many occasions. Two episodes come to mind as illustrative of his special providence in my life:

— In 1978, I sent a draft of a short essay on adolescence to Ann Arbor. Shortly thereafter (and his rapid reply is *not* typical of his habits of correspondence) he responded with the suggestion that the speculative and elliptic prose could usefully be expanded. Thus was born *The Changing Legal World of Adolescence*. The circumstances of that book's inception allowed me to assert in the Preface that for his help, "Professor Allen deserves much of the credit — and some of the blame."

— Two years later, Norval Morris and I had reached an impasse on the wisdom of publishing a volume of essays from the Chicago Center for Studies in Criminal Justice. Morris argued that the effort was premature, that larger seniority was required of an institution before such a collection could gracefully be published. The situation was extraordinary — Norval and I disagree frequently, but usually matters can be pushed to compromise or resolution. Not this time.

We quickly agreed that there was only one of our colleagues we

* Professor of Law and Director of the Earl Warren Legal Institute, University of California, Berkeley. — Ed.

both trusted to arbitrate our irreconcilable difference — Francis Allen — and shipped off the manuscript for a binding determination of its fate. One year later, Allen wrote with qualified approval for the project and many superb suggestions for its improvement. He had done King Solomon one better in his solution. The project was to proceed (my strong wish) but the delay in reply was so substantial that Norval got his continuance. The volume was published in 1984, in the Center's twentieth year.

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This second vignette says much about the special stature of Francis Allen. His delay in responding to our request cost the project nothing, because we had no second choice in mind to take his place.

The judgment and intellectual virtue that make Professor Allen a singular colleague have also made him the most effective classroom law teacher I have ever encountered. Patient almost to a fault, possessed of intimidating standards of quality, the classroom Frank Allen seems incapable of pushing a question to premature conclusion. The circumstances of his transition to Florida this year are thus particularly heartening — many more students will fall under the spell of the criminal law as practiced by Francis Allen.

His scholarship singlehandedly broadened the perspective and range of materials that a modern professor of criminal law is expected to master in the United States. Rigorous yet humanistic, morally informed yet without the nasty righteousness of the ideologue, his work addresses the obligations of law to the least advantaged in our midst, with sharp scrutiny, with sympathy toward the aims of reform, but with never an ounce of fuzziness.

My relationship with Frank Allen is an ongoing seminar, heading into its third decade with no sign of the special value of this special teacher diminishing. Allen's recent change of venue brings to a close his twenty years as dean and then intellectual den mother of the Michigan Law School. It is an occasion to note a new area code in the search for wisdom and counsel. It is also an opportunity — and high time — to express gratitude for his assistance and for his example.