

HOFSTRA LAW SCHOOL MEMORIAL SERVICE
FOR PROFESSOR ALAN N. RESNICK
NOVEMBER 17, 2016

*Brian M. Resnick**

My name is Brian Resnick, and I am Professor Resnick's eldest son, one of two—along with my brother Craig. It is an honor to be here speaking on behalf of my family and to have everybody here.

I was born in October of 1974, which means that I have known my father for exactly the same amount of time as Stuart [Rabinowitz], Brad [Scheler] and Lou [Scarcella], and two years longer than Eric [Lane], although those first two years are a little fuzzy.

When I was born, my father had gone, overnight, from being a twenty-six-year-old kid—an LL.M. student, childless, living in an apartment in Cambridge with my mother, to being a grown-up—a full time professor at Hofstra, and a father. The span of my life has been roughly the same as that of Hofstra Law School, and we have grown together, connected through my father, for the same little-more than four-decade period.

Growing up I heard countless stories about how incredibly wonderful and supportive the Hofstra community has been to him. Hofstra really was his second family.

In 1974, my father had offers from several New York law schools. He chose to come to Hofstra, welcoming the opportunity to help shape a curriculum from the beginning and to be a pioneer in forming a new law school. He interviewed with eight faculty members, who he thought were the hiring committee, only to find out later that it was actually the entire faculty. He loved the spirit of entrepreneurship and academic freedom that the school represented.

The school had an exciting Dean, Monroe Freedman, a controversial legal ethics expert who had written a provocative article

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suggesting that a criminal defense lawyer should be ethically permitted to knowingly allow a client to commit perjury on the stand, so long as the lawyer tried to talk the client out of it. Regardless of what you think of the merits of that idea, my father was thrilled to join a school that would encourage faculty members to challenge conventional thinking and seek to bring about changes in the law. Apparently Justice Warren Burger didn't like that idea nearly as much, since he commenced proceedings attempting to disbar Monroe for writing the article.

My father's career was almost cut very short. In the beginning, when he was teaching contracts and U.C.C. courses, the Associate Dean, Aaron Twersky, recommended my father to consult with New York State Court of Appeals Judge Jacob Fuchsberg on cases before the court, which my father took great pride in doing.

Until one day he received a call from former Judge Harold Tyler, then a partner at Patterson Belknap. Tyler informed my father that he was working with a New York State Ethics Commission on an investigation of Judge Fuchsberg for violating a judicial canon prohibiting a Judge from consulting with outside parties, such as law professors, without informing the parties, which the Judge had not been doing. Tyler said he was going to send a junior associate to my father's office to interview him.

So, into my father's office walks this thirty-year-old energetic associate, and he introduced himself as Rudy Giuliani. My father and the future Mayor had a pleasant conversation, and shortly thereafter the ethics committee rendered an opinion in which Judge Fuchsberg was censured for other things, but cleared of this violation since the judicial canon had been recently enacted and Judge Fuchsberg successfully convinced the panel that he wasn't aware of it.

Even though my father did nothing wrong, since the obligation to report was on the Judge, he was very concerned that this would reflect poorly on him. The next day there was a front-page article in the *New York Law Journal*, which listed the six law professors that the Judge had been consulting with. My father got called into the Dean's Office, and the Dean held up the article and asked in a nasty voice, "Have you seen this?" My father's heart sank as he saw his career flash before his eyes. Then Monroe said, "do you know what this is? This is the *best advertising* that our school could possibly have—a New York Court of Appeals Judge consults with professors from Columbia, NYU, and the brand new Hofstra Law School—you can't buy this kind of press!" And they had a good laugh about it.

At that time, Stuart was the Bankruptcy professor, and as legend would have it, he didn't like it very much and he didn't think there was

much of a future in it. Perhaps he had his sights set on more presidential endeavors. So in 1976, two years before the Bankruptcy Code was enacted, my father took on the course. During his first year, he was about a week ahead of his students in learning the materials. After teaching for about a month or so, he was hooked.

Although I didn't attend Hofstra, I had the pleasure of witnessing him teach a Bankruptcy class here once, when I was about thirteen-years-old. I had an older friend who was considering law school, so my father brought the two of us to sit in on a class. He was teaching the very complex topic of the section 1111(b) election, and he asked an impossibly hard question. He planted me with the answer, so I raised my hand and to the shock of the class, delivered a very insightful response, probably better than I could do now. Some people in that class didn't realize that I was given the answer, and assumed that my father was training me as a middle-schooler to be a bankruptcy law prodigy. But no, that was not how I got into the field.

Back in the late 1990s, when I was in my early-twenties, I was finishing up getting my music degrees from Juilliard and spending my nights and weekends playing drums and percussion in Broadway shows. I was living out my dream of playing music full-time professionally around the city and I was off the parental payroll.

Many people probably assume that at that point my father told me that I should go to law school, or at least suggested it. That was not true. My father was very supportive of my music career. In fact, my father and I shared a close bond over music long before we shared an interest in bankruptcy law. I even got my musical talent from my father, who played trumpet through high school and was quite a swing dancer along with my mom.

When I told my father I was thinking of going to law school, he was delighted, but seemed genuinely as surprised as everyone else who knew me. I didn't know at the time what I would do with my law degree, but I did not expect to become a bankruptcy lawyer.

Ultimately, I think I simply could not escape the gravitational pull to follow him into the field. He never told me what to do. He always left every decision up to me. He knew full well that if he tried to push me too hard in a direction, it would backfire. Rather, he demonstrated how great it is to live his life and career in the way that he did, and by being such a strong example, I was naturally driven in that direction. That led me to Davis Polk, and into the bankruptcy group, where I have been for fourteen wonderful years.

Most of you do not need me to tell you that my father's influence on our profession—literally thousands of his students, his colleagues,

other practitioners, judges, and others—simply cannot be overstated. Countless letters, cards, and emails have poured in to me and my family since his passing, expressing tremendous gratitude for his friendship and guidance, some referring to him as the single most important influence on their career, and noting that if not for him they would not be where they are today.

My father cared so deeply about his students when they were here and thereafter, helping them get jobs and counseling them on career transitions. In fact three of his former students are now enjoying successful careers working with me at Davis Polk, who my father asked about pretty much every time I saw him—“How’s Michelle doing?” “How’s Stephen?” “How’s Michael?” “They’re still doing great Dad . . .”

And beyond teaching and practicing law, he had a deep commitment to public service, working tirelessly with the Federal Rules Committee, the National Bankruptcy Conference, and other organizations, to make the bankruptcy laws and rules more efficient and equitable for those whose misfortune put them in a position of needing to seek protection of the bankruptcy code.

On top of it all, my father was an amazing family man. Juggling three careers as an academic, a scholar, and practitioner, he always made time for my mother, for me and Craig, and our wives Ani and Hannah, and his five grandchildren, Maxwell, Aidan, Amelia, Lila, and Nora. He was not just a smiling old grandpa sitting on a rocking chair, but rather he applied his brilliant teaching skills to grandparenting, taking them to Washington, D.C., and teaching them about American history and the Constitution.

In the end, he was particularly grateful for the opportunity to say proper goodbyes. He told me that this is where being an analytical law professor came in handy. He called the fact that age sixty-eight was his number what in a law school hypothetical we call an “irrefutable fact”—one that cannot be controlled, so why focus on it, he said. Focusing on what you can control, and what he had the ability to control, was how he handled his last two weeks, and how we will remember him.

He spent his remaining time expressing to friends and family his overwhelming sense of pride for all of his personal and professional accomplishments, expressing gratitude for the great fortune he had during his life. He said he never worked a day in his life because of how much he loved his career. He was proud of the nobility of his profession—as a teacher and his influence on so many, and as a scholar and practitioner in the bankruptcy field, where he always said we get to make the world a better place by giving individuals and corporations

who have failed a fresh start; a chance for the fallen to rise up and succeed again, often saving hundreds or thousands of jobs of hard-working Americans in the process.

He had meaningful, uplifting, and inspiring conversations with each of us, especially his grandchildren, who he encouraged to live their own lives in the same spirit he had lived his. He was a professor, a teacher in its deepest sense, until the very end.

On behalf of my entire family, I wanted to conclude with a huge thank you to Stuart, and Eric, and the entire Hofstra Law School family, for all of the intellectual stimulation, and professional and personal support, and the friendships that my father made here over his forty-two years. It is so hard for me and my family to come to terms with this unfathomable loss, but being here today, among his colleagues and friends who loved him so much, gives us tremendous comfort. If he were here today, I know he would be so deeply touched by this event. Thank you.