

A TRIBUTE TO EVA HANKS

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In this issue of the *Cardozo Law Review* we honor Professor Eva Hanks, one of the founding members of our faculty, on her retirement from teaching after more than 50 years—the last 38 of which were spent, to our great good fortune, at Cardozo. Few individuals have had as profound an impact on our law school as Eva Hanks. Her commitment to excellence and her passion for teaching have left a deep impression on generations of Cardozo students.

Professor Hanks played a key role in assembling the faculty that has made Cardozo one of the shining lights of legal education. She served as Cardozo's first associate dean for academic affairs and was a major force in recruiting and hiring the faculty whose scholarship, creativity, and love of teaching established Cardozo's reputation for intellectual energy, ambition, and accomplishment. In the late 1970s, Cardozo was in the vanguard of a major shift in legal education that emphasized the connection of law to other disciplines and the importance of legal theory and scholarship. Cardozo was one of the first law schools to see that law schools can and should be at the forefront of probing the relationship between justice, social structures, and the legal system. Eva Hanks recruited the faculty that made good on this vision.

She is also the driving force behind Cardozo's Elements of Law class, a required component of our first-year curriculum that introduces students to common-law reasoning and statutory interpretation while putting big-picture jurisprudential issues on the table for students right as they start their legal studies. For her, Elements of Law is not simply about conveying introductory information about the legal system. Rather it is about challenging students to grasp the dynamic nature of law and to understand the ways in which the legal system processes contested norms. Professor Hanks published a leading casebook, *Elements of Law*, with colleagues Michael Herz and Steven Nemerson.¹ Unlike so many casebooks, which have a generic feel, *Elements of Law* is brimming with personality, excitement and a sparkle of humor. Since its

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¹ EVA H. HANKS ET AL., *ELEMENTS OF LAW* (2d ed. 2010, 1st ed. 1994).

publication in 1994, every Cardozo student has begun his or her legal education with Professor Hanks' framing of the essential problematics of the legal system.

In addition to being one of the pioneers who built our law school, Professor Hanks broke new ground in other ways as well. She was among the first women in the nation to become a professor of law, playing a crucial role in helping women gain acceptance in the legal academy. She began her career as an Associate in Law at Columbia University. In 1962, she became the first female faculty member at Rutgers University School of Law. When Ruth Bader Ginsburg joined the faculty the following year, Rutgers became one of only three law schools in the nation to have two female faculty members.²

Professor Hanks also pioneered new fields of law. Starting as an expert in the field of water rights,³ she was in the vanguard of legal scholars who first focused on—indeed, who created—the field of environmental law,⁴ coauthoring one of the very first casebooks on environmental law and policy.⁵ My environmental law colleague Michael Herz reports that he still has that volume on his bookshelf and that it remains a fascinating and prescient work.⁶

What has been most important to Eva, though, is not her firsts, or her scholarship, or even the Cardozo Law School as an institution. What has been most important to her are her students. Eva has been an extraordinarily dedicated teacher—demanding, occasionally ferocious, helpful, truly unforgettable, and always and utterly dedicated to her students' progress and success.

I am very pleased that the editors of the *Law Review* have included three tributes to Professor Hanks in this issue. Fittingly, two are by former students, Jonathan Rohr and Jil Simon, and one by her former Rutgers colleague, Justice Ginsburg. I know that many others would have wished to thank Professor Hanks for the impact she has had on their lives—for her brilliance, dedication, passion and energy—but Professor Hanks, in her characteristic modesty, would permit no more.

² See Herma Hill Kay, *Ruth Bader Ginsburg, Professor of Law*, 104 COLUM. L. REV. 2 (2004); see also Herma Hill Kay, *The Future of Women Law Professors*, 77 IOWA L. REV. 5 (1991).

³ See, e.g., 2 ROBERT E. CLARK ET AL., *WATERS AND WATER RIGHTS: A TREATISE ON THE LAW OF WATERS AND ALLIED PROBLEMS: EASTERN, WESTERN, FEDERAL* (1967); Eva H. Morreale, *Federal Powers in Western Waters: The Navigation Servitude and the Rule of No Compensation*, 3 NAT. RESOURCES J. 1 (1963); Eva Hanna Morreale, *Federal-State Conflicts Over Western Waters—A Decade of Attempted “Clarifying Legislation”*, 20 RUTGERS L. REV. 423 (1966).

⁴ See, e.g., Eva H. Hanks & John L. Hanks, *An Environmental Bill of Rights: The Citizen Suit and the National Environmental Policy Act of 1969*, 24 RUTGERS L. REV. 230 (1970).

⁵ See EVA H. HANKS, A. DAN TARLOCK & JOHN L. HANKS, *ENVIRONMENTAL LAW AND POLICY: CASES AND MATERIALS* (1974).

⁶ One leading scholar, in a review of a cluster of environmental law casebooks that came a decade later, captured the book's significance in referring to “the exceptional early casebook” by Hanks, Tarlock, and Hanks. William Funk, *Recent Environmental Law Casebooks: Searching for a Pedagogical Principle*, 15 ENVTL. L. 201, 202 n.3 (1984).

In place of further encomiums, then, here is the text of a citation from the entire Cardozo faculty, approved in May 2014 in conferring a special award on Professor Hanks in recognition of her extraordinary leadership.

Eva Hanks is a pioneer. She was one of the first women law professors in the country, and the very first at Rutgers Law School. The second was Ruth Bader Ginsburg, who credits Eva with “lighting and lightening the way.”

Eva Hanks is a founder. She is a founder of the field of environmental law, and a founder of the Benjamin N. Cardozo School of Law. As Cardozo’s first associate dean, she played a decisive role in forming and transforming its basic institutions. Her very presence legitimated this fledgling undertaking; she was key in hiring the professors who arrived in those first few years who continue to be our leaders today; she helped pilot the school through some very stormy waters. Cardozo would not be the superb school it is had Eva not been at the helm. She was a tough leader, but leaders who are not tough do not accomplish what she accomplished.

Most of all, Eva Hanks is a teacher. She has left a deep mark on every Cardozo graduate — most importantly through her own teaching (including literally half a century of Property classes!), but also through her work in building the Cardozo faculty and for her development and championing of the Elements course, which is a foundational part of a Cardozo education. Few in our profession have her profound commitment to the educational enterprise and her determination that her students truly learn. Few invest as much of themselves in the classroom. Few are remembered as indelibly by their students. As a result, she has taught so much not just to the law students fortunate enough to be in her classes but to all of us.

On the occasion of her retirement, her grateful colleagues celebrate the extraordinary commitment and contributions of Eva Hanks: pioneer, founder, teacher.

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