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Tribute to Irving Younger

Robert B. McKay*

Irving Younger was a man in a hurry all his too-brief life. I first met him in February 1956 when he and Judith, his wife of less than a year, entered New York University School of Law in a spring entering class (since discontinued). Irving was recently out of military service and characteristically unwilling to wait for the more typical admission in the fall term. It was my good fortune to have both Irving and Judith in a Contracts class among the small group of students who elected to begin law study in the spring of 1956. Not surprisingly, both were excellent students and active and eager participants of the kind for which many law teachers now long. Both went on to Law Review, Irving as editor-in-chief and Judith as articles editor, and both remained personal friends of mine from that time forth.

Irving and Judith Younger, after graduation from NYU in 1958, went on to a two-career success story that has few parallels in the American legal profession. Both were restless, as super-achievers often are. From law school Judith went to a federal court clerkship, while Irving went to Paul, Weiss, Rifkind, Wharton & Garrison, but only for two years, then two years as Assistant United States Attorney for the Southern District of New York. Then, as always, partners in a joint legal enterprise, Judith and Irving practiced together in New York City until 1965. We managed to capture him for the NYU law faculty between 1965 and 1968, when he became judge of the New York City Civil Court for five years. Irving's longest stay anywhere was as the S.S. Leibowitz Professor of Trial Techniques at Cornell Law School from 1974 to 1980. After nearly three years at the Washington, D.C. law firm of Williams & Connolly, he joined the Minnesota law faculty as the Marvin J. Sonosky Professor; and there is every indication that he had at last found the base from which he could instruct a strong student body, while also indulging his extraordinary talent for instructing attorneys in the fine points of litigation (through

* Professor of Law, New York University School of Law
work with, among others, federal judges Myron Bright and Henry Woods).

Meanwhile, Irving continued his profound dedication to the humanities — art, music and particularly history. His lectures on the background of *Erie v. Tompkins* and the *Ulysses* litigation (the two I have heard) were models of historical research, perspicacious insight into motivations, and just plain entertainment. He never stooped to the cheap or a historical conclusion for the sake of titillation; style provided excitement enough. In these endeavors and in his lectures on litigation strategy, no one was his equal.

It is not, however, sufficient to speak of Irving without noting his partnership with Judith and their mutually close relationship with their two daughters. On graduation from law school, Judith clerked for the late Judge Edward Weinfield, practiced at a major New York firm, then with Irving, after which she served for two years as Assistant Attorney General of New York State and taught at New York University, Syracuse, Hofstra, Cornell, and Minnesota, where she is today. Judith was dean at Syracuse, assistant dean at Hofstra and deputy dean at Cornell.

Where else could comparable accomplishments be found in a family of two lawyers, proceeding along separate but parallel paths that often converged, particularly in the final years of special satisfaction and achievement at Minnesota?