



# Tigar style

As Professor of the Practice of Law Michael Tigar retires from classroom teaching, a former student bids him a fond farewell

By Jeffrey Chemerinsky '09

**I**F YOU HAVE EVER HAD the privilege of sitting in Professor Michael Tigar's classroom, you know that he is both a storied man and a man of stories.

I can recall many favorite stories — about how legendary trial attorney Edgar Bennett Williams prepared for arguments (with an empty conference room and a ton of legal pads); of how to develop a theory of a case or a theme for a trial (when defending Terry Nichols in connection with the 1995 Oklahoma City bombing, his theme was “Terry Nichols was building a life, not a bomb”); or of standing before the Supreme Court on numerous instances. (And his quip about what to say to a client who offers to pay cash: “Thank you!”)

Whether Professor Tigar is presenting a speech, telling a story, or teaching a class, he draws his audience in not only with masterful rhetoric but also his own obvious excitement about the possibilities a legal career presents for — to use the title of his book — fighting injustice. And he shows that a lawyer can have a good amount of fun doing it.

Explaining the art of effective opening arguments to first-year law students before the opening round of their mock trial tournament, Professor Tigar demonstrated a tactic he used in Terry Nichols' trial: He held out his right hand, palm open, and asked the students rhetorically, “Do you see my hand? No, you can't see my hand until you have seen both sides.” A number of the students later opened their arguments with exactly this technique (but with considerably less impact).

Professor Tigar has a wealth of experience to draw upon for his stories: He is the author of numerous books; he has represented numerous high-profile clients — Nichols, Angela Davis, and Lynne Stewart, to name just a few; and he has several times presented arguments before the Supreme Court. He was named one of the “lawyers of the century” by California Attorneys for Civil Justice; the vote placed him third, behind Clarence Darrow and Thurgood Marshall. By sharing his own experiences, Professor Tigar made life in the law tangible to students. We

learned not through abstraction, but through real action.

Working as his research assistant for two years, I witnessed the qualities so often cited by his colleagues, friends, and even his adversaries as the reasons Professor Tigar is such a remarkable lawyer. I saw his mastery of the material, his development of a theory of the case, and his understanding of what arguments would be persuasive. I worked with him on two cases he took pro bono — a parole application from an elderly inmate and a First Amendment case — and observed firsthand Professor Tigar's extraordinary skill as an advocate.

As Professor Tigar retires from the classroom, I regret that future students will not have the example of this great lawyer and person to emulate. But I am so thankful that I did. And I am glad that this marks the end of just one chapter of this storied man's career. Indeed, he leaves open the possibility that he will be teaching again after a respite of a year or so.

A couple of summers ago, Professor Tigar presented a talk to gifted high school students who were participating in a two-week class on wrongful convictions at Duke Law. I sat in on the class and watched as students reacted to the talk. One might have thought that they had just been the private audience of a movie star or a guitar legend rather than a lawyer. After Professor Tigar left, the room was filled with shouts of "Man! He is amazing!" and "How did you ever get *him* to come speak to us?"

One curly-haired boy in the front row shouted out: "Wow! I wasn't even sure that I wanted to be a lawyer ... now I just want to be *him*!"

My sentiments exactly. ♡

*Professor Michael Tigar concluded his teaching career this spring after four years at Duke; he has been appointed professor emeritus at Duke. He is also professor emeritus at American University and the author of numerous books, including Nine Principles of Litigation and Life (2009, American Bar Association). He will continue to participate in litigation, mostly in pro bono human rights cases, and to do research and writing.*

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