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Recommended Citation

Rapoport, Nancy B., "In Praise of Margaret Howard" (2017). *Scholarly Works*. 1134.

<https://scholars.law.unlv.edu/facpub/1134>

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In Praise of Margaret Howard

Nancy B. Rapoport*

If it were possible to say “I’ve known Professor Howard a long time,” without implying that she and I are significantly older than we were when we first met, I’d do that. Having discovered that I get a lot less embarrassed by things as I get older, I’ll just say that I’m thankful for the many, many years that I’ve spent in Margaret Howard’s circle. She’s an absolute wonder.

There weren’t a lot of female bankruptcy professors when I entered academia, and Margaret was welcoming from the get-go. She has always been generous of spirit, and I’ve seen her reach out to newcomers to the field many times over.

What people might not know is how witty she is. (My guess is that her students feel her “I expect great things of you, and you are going to work hard” vibe, but that they don’t often get the pleasure of hearing her wry observations.) One of the best parts of any bankruptcy conference is sitting next to Margaret. Whenever I’m at a gathering of bankruptcy professionals, she’s one of the first people I seek out. She’s fun, and she’s smart as a whip.

She’s also meticulous. Her willingness to take the lead on the American Bankruptcy Institute’s study on individual chapter 11s gave all of us comfort that she would do a superb job. Her work on the Bloomberg bankruptcy law treatise was classic: well-written and thoroughly researched. She’s a top-notch bankruptcy scholar.

If you’d like to hear Margaret’s quintessential voice, take a look at her keynote address, *The Law of Unintended Consequences*,¹ in which she rips the 2005 amendments to the Bankruptcy Code to pieces. In that piece, she also foreshadowed the current political climate:

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1. Margaret Howard, *The Law of Unintended Consequences*, 31 S. ILL. L.J. 451 (2007).

This is, perhaps, just another verse in an old song—namely, that people who are already committed to certain viewpoints tend to reject ideas inconsistent with those preconceived notions. This has been demonstrated, over and over, since the early 1960s, when Thomas Kuhn, in *The Structure of Scientific Revolutions*, reported an experiment asking people to identify playing cards, some of which were the wrong color. A red 6 of spades, or a black ten of hearts, for example. More than ten percent of the test subjects were unable to adjust their expected categories; they would identify these as normal cards, even when allowed to look at them forty times as long as it took to identify the cards that actually were normal.

And in more recent times, Drew Weston, a psychologist at Emory, used brain-scan experiments to show that political partisans quickly spot hypocrisy and inconsistencies, but only in the opposing candidate. When the flaws in their own candidate were presented, their brains lit up in areas that are used to turn down negative emotions—the same areas that remind you how fattening ice cream is, when the store closed two minutes before you got there.²

In other words, Margaret provides insights in more areas than bankruptcy law alone.

Here's what I think new bankruptcy professors (and, for that matter, all new professors) can learn from Margaret—a “top 10” list of sorts:

10. Stake your reputation on your ability to follow through on your promises.
9. Read others' drafts and give helpful feedback.
8. Be willing to try new things.
7. Make people laugh, but not by being mean.
6. Don't neglect non-work interests; having a life makes you a better professor.
5. Be gracious to newcomers.
4. Support your friends.
3. Exhibit patience, even when you're frustrated.

2. *Id.* at 461–62 (footnotes omitted).

2. Expect good things from others.

and #1?

1. Hold yourself to high standards, and help others reach high standards themselves.

Thanks, Margaret, for leading by example. You've made academia a better place, and we're all grateful.

A Paean to Margaret Howard, A Professor's Professor

Charles J. Tabb*

In the law, the highest praise for an attorney is to be called a "lawyer's lawyer," or for a judge, "a judge's judge." Those rare individuals are the ones who inspire admiration, respect, and almost awe from their peers at the professionalism, fairness, fundamental decency, humility, and expertise that they exhibit throughout their professional career. Those are the lawyers and judges that other lawyers and judges wish they could be. Perhaps the exemplar of both a lawyer's lawyer and a judge's judge is Justice Lewis F. Powell, a Washington & Lee double alumnus who headed up one of the top firms in the country for almost forty years and then served honorably as an Associate Justice of the Supreme Court of the United States for fifteen years. To me, Margaret Howard—the Law Alumni Association Professor of Law at Washington and Lee University School of Law—is the consummate "professor's professor." If Justice Powell had been a professor, he would have been Margaret Howard. Professor Howard, like Justice Powell, has always treated the law—and the people whom the law impacts—with the respect and honor they deserve. Both Professor Howard and Justice Powell understood that the law, above all, is about humanity, about people, about the common good, and they viewed themselves as selfless servants to promote and enhance the quality of life in our society. Neither ever sought praise or acclamation for their efforts; their goal always was simply a job well done.

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