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A Tribute to Lackland H. Bloom, Jr.

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A TRIBUTE TO LACKLAND H. BLOOM, JR.

*Jeffrey Kahn**

Generally speaking, law professors like to study and debate the law more than they like to practice it. Those who confuse their predilections with their professional roles may run into trouble. Judge Robert Bork, who spent the bulk of his career as a law professor, was denied a seat on the United States Supreme Court after, among other testimony, he giddily explained his desire to sit there in order to enjoy “an intellectual feast.”¹

Bork’s candor was an unforced error in pursuit of a position often responsible for deciding the weightiest issues affecting the life of the nation. In a Senate hearing room, his remark sounded selfish and aloof. But that sort of feast is just what law schools produce when they operate at their very best: a multi-course menu (we call it a curriculum) that entices our diners (students) to devour a delicious array of legal subjects, ideas, and problems. Three years is a long time to sit at a dinner table, but it is barely enough time to enjoy even a sampling of the smörgåsbord law school offers the adventurous eater. The students who get the most out of law school are those who challenge their tastes. Law professors are gourmands.

But feasts, especially intellectual feasts, require a bountiful array of different dishes, as well as multiples of the same dish prepared in very different ways. The aphorism that too many cooks spoil the broth just doesn’t apply in law school (at least in the classrooms, offices, clinics, and libraries; faculty committees fall under a separate heading). Rather, like a good stone soup, what’s in the pot gets better the more varied and interesting the people are who contribute to it.²

And that is what Professor Lackland H. Bloom, Jr. brought to our kitchen, our table, our feast, our law school. When I hungered for a point of view that tended to differ from my own, I went to talk to him. When I felt too confidently sure about a position I was taking, I sought out his criticism of it. We never argued about the law; I didn’t seek him out for a quarrel or an opportunity to convince him that I was right. What I wanted was his candid and considered view on issues that he approached with his own set of *a priori* judgments, a deep appreciation for American history, and a

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1. Mario Loyola, *Robert Bork: An Intellectual Feast and a Call to Arms*, NAT’L REV. (Dec. 12, 2012), <https://www.nationalreview.com/corner/robert-bork-intellectual-feast-and-call-arms-mario-loyola/> [<https://perma.cc/5MCR-WSSQ>].

2. See, e.g., HEATHER FOREST, *STONE SOUP* (1998).

wealth of experience as a teacher and scholar. He is serious. I always left his office with more than I had when I entered it.

This fact applies both to teaching and to scholarship.³ In the eighteen years that we have been colleagues, we have taught the same constitutional law courses using different casebooks, emphasizing different themes, striking different balances, and adopting different pedagogical approaches. We didn't always see eye-to-eye on various matters, but that is precisely why I valued those trips up the stairs to his third-floor office to talk with him. And that is why I find the Law School a diminished place on account of his retirement.

It is disorienting to consider teaching constitutional law in his absence. To say that he has been an influence on my career is an understatement. Professor Bloom (as I originally knew him) has been my senior colleague teaching constitutional law here since he served on the appointments committee that recommended I be hired and chaired the committee that recommended I be tenured. But the feast to which he contributed began long before I got here. Lack (as he became known after years spent plowing the same fields) has been at SMU since 1978.

We share a few things in common. Most concretely, our law degrees are from the University of Michigan (although he earned his Magna Cum Laude and with the Order of the Coif, just as his undergraduate degree from SMU glistened with High Honors, admitting him into the Phi Beta Kappa society). True to the general rule for future law professors, we both followed law school in Michigan with judicial clerkships (his was on the United States Court of Appeals for the Fifth Circuit) and short stints in practice in Washington D.C. (he with the prestigious firm of Wilmer, Cutler & Pickering). And we both started our careers as law professors at SMU. I will consider myself very blessed indeed if I can count someday, as he can count now, forty-six years spent teaching thousands of students. That's quite a long intellectual feast.

Maybe there are other particulars in common. We both have enjoyed fruitful experiences at Oxford University; I enjoyed sharing anecdotes with him from our different times and experiences there. We both seem to love baseball, though oddly we never talked about it. I often observed an enviable collection of baseball cards on his desk when I came to speak with him about the law.

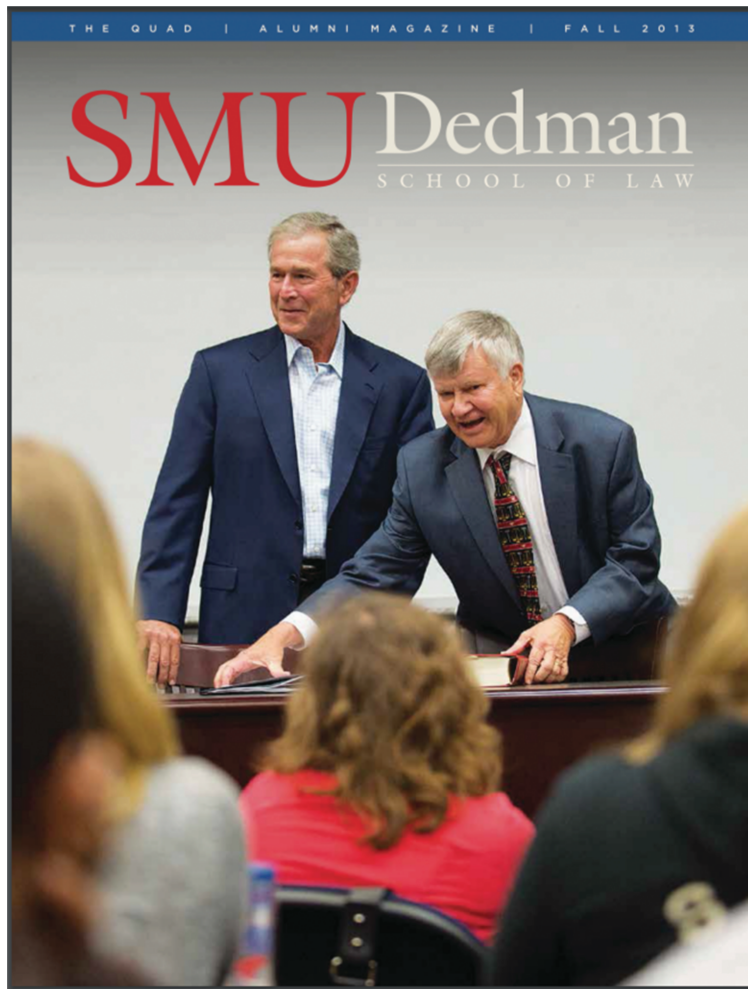
But it's the differences, not the similarities, that make people interesting. If my evidence that Lack likes baseball relies on stolen glimpses of his card collection, my sense that he also likes football is even more precarious. For this, I have to rely on the *Washington Post*, which, thirty years before I met Lack Bloom, described him as a "professor of law and frustrated football fan."⁴ I'm not a football fan at all, but I've been at SMU long enough to know why the *Post* would have described him that way. It was 1986, after all, and SMU athletics were in the throes of scandal.⁵

3. Two works, both produced by Oxford University Press, stand out among his publications: *METHODS OF INTERPRETATION: HOW THE SUPREME COURT READS THE CONSTITUTION* (2009) and *DO GREAT CASES MAKE BAD LAW?* (2014).

4. David Maraniss, *SMU Sees the Light: Reformation*, WASH. POST, Dec. 9, 1986.

5. *See id.* I suspect that Lack and I may have disagreed about the NCAA's assessment of SMU, although we never talked about it. (In his 1986 interview, Bloom said: "Some of the

Lack's politics (to the extent that I know them) are also different than mine. I don't think that the *Washington Post* was Lack's favorite newspaper. It was the *Wall Street Journal* that tended to migrate from the Faculty Reading Room to his office. We probably felt differently, for example, about the decision to locate the George W. Bush Presidential Library and Bush Institute on the SMU campus. Shortly after those facilities opened, former President Bush developed the (short-lived) habit of surprise visits to SMU classrooms. I cannot say that I hankered for such a visit. But a picture is worth a thousand words. See if you can guess Lack's feelings at the start of one of his classes⁶:



things that have happened here and gotten the program into so much trouble . . . are precisely the sorts of freewheeling things that businessmen do in their world every day. If they want a certain talent, they buy him. You do what it takes and it is not considered wrong, it is considered business." *Id.*)

6. 44 THE QUAD: SMU DEDMAN SCHOOL OF LAW ALUMNI MAGAZINE (Fall 2013).

That ear-to-ear smile is the best way to end this short tribute. There you see Lack Bloom in his element: in the classroom, book in hand, happy to host a visitor he admired, happy to share this moment with his students, and happy to partake in another intellectual feast. The report of the visit notes that Professor Bloom asked the first question.⁷

⁷ *Id.* at 11 (“As the room quieted down, Bloom welcomed the President and explained that President Bush was willing to answer any questions. Ever the Con Law professor, Bloom started first, asking how the President decided matters involving the Constitution, given that he had taken an oath to uphold it.”).