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Tribute

Eleanor Swift[†]

For women teaching in the field of evidence law, Professor Margaret Berger's career shines as a beacon—a stellar teacher, a highly-respected scholar of scientific evidentiary issues, co-author of the most venerated of evidence casebooks, co-author of the foundational treatise on the Federal Rules of Evidence, consultant to courts, private and government commissions too numerous to mention, and Reporter to (among other august institutions) the Advisory Committee on the Federal Rules of Evidence. She has broken every glass ceiling in academia.

It could not have always been easy. Margaret entered the legal profession at a time when women were not hired by major New York law firms. She entered law teaching just as women were becoming a significant presence in law school student bodies, but not yet in law school faculties. And in the field of evidence law, male professors were iconic figures. Yet I wonder whether Margaret would ever admit how hard it was. She would probably give her characteristic “shrug” to underplay her own remarkable achievements.

These achievements paved the way for women who followed her into the academic profession and into the field of evidence law. It is easier not to be the first, even though Margaret always set such a high standard. Even her introductions are masterpieces, as those who heard her remarks about Judge Weinstein at the AALS Evidence Section Luncheon in 2008 well remember. And she paved the way with her own brand of fellowship as well as her own achievements. At every major Evidence conference, at which she was always an invited speaker, Margaret welcomed us. She shared her inquiring mind with us, immediately treating us as colleagues instead of newcomers.

It is her combination of fellowship and accomplishment that I have admired from near and afar for more than twenty

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years. I know this admiration is shared by countless other women (and men too) who have been similarly inspired by Professor Margaret Berger.