Eleanor Swift as Consummate Colleague

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For some within the academy, the life of an academic is a lonely existence. For many, however, being a faculty member provides meaningful relationships with students and colleagues. I wish to focus on the latter connections. There are colleagues who share their finely honed teaching tools and gently guide you to improve your classroom performance. There are colleagues who enthusiastically step up at every turn for faculty governance, displaying grace rather than anger as well as sacrificing their own interests to sustain the larger institution. And there is the rare colleague, Professor Eleanor Swift, a paragon of teaching and service who also makes you feel like you belong.

Eleanor is a stunning teacher. Law students chose her as their graduation speaker four times. One student specifically asked her to read his wedding proposal to his girlfriend (and the crowd) when she was serving a different role at commencement, alternating with others to announce names before students crossed the stage at the Greek Theatre. The school early on selected Eleanor to receive the Rutter Award for Teaching Distinction. The university named her as a recipient of the Distinguished Teaching Award, the campus’s most prestigious honor for teaching. She has a reputation.

Yet, I was still surprised the first time I observed Eleanor teaching, when I was contemplating teaching Evidence. Sitting in the back row of one of the large lecture halls for one-third of her lectures that spring semester, her class was not like the examples trotted forth in new teachers’ workshops. There was an overhead projector, not an iPad. There was some limited walking in front of the students, not running up and down the aisles. There were sustained colloquies with a few students, not sound bites from a large swath of the class. She drew us all in.

Eleanor did so much more than set an inspirational example in the classroom as a mentor to me in teaching. She doled out advice on casebooks,
delicately steering me away from certain tomes on which I could have relied too heavily. She sent, often without a request, copies of her amazing handouts, which I then sometimes used (often without any modification) in my own classes. She cogently explained complexities in particular cases and improved my examinations with perceptive feedback. When I was finding my way in the classroom, she volunteered to come watch me on multiple occasions, offering constructive suggestions while not discouraging me. Strikingly, Eleanor sought out my views on how to teach various topics from the very start.

Eleanor was always straightforward and unfailingly modest about her own talent in her discussions with me. We exchanged a number of emails on teaching. Some samples of her advice: “Please don’t get your hopes up of seeing how to generate discussion among students in a large class. I find that it varies considerably from year to year—and sometimes lightning strikes and sometimes it doesn’t.” “My Bible on these issues is always Wright and Miller.”

I am not alone in benefiting from Eleanor’s teaching wisdom. Eleanor shaped my teaching of Civil Procedure. In her other core area, Evidence, Eleanor inspired Assistant Professor Andrea Roth, who received the school’s Rutter Award for Teaching Distinction in 2016. In her words:

Eleanor gently but firmly challenged me to bring more of myself into the classroom. She patiently helped me figure out how to pare down the materials, to explain concepts more effectively and passionately by using my own trial and appellate experience and allowing the students to learn by doing, and to connect each discussion to the rationales underlying the rules. She also has helped me immensely in my scholarship, reminding me—based on her own seminal work in the field of hearsay law—that the rules of evidence are not intended to exclude unreliable evidence, but to empower lay jurors with contextual information to make the best decisions they can.

Professor Andrea Peterson summed up Eleanor’s contributions to teaching well: “Eleanor was an invaluable and generous mentor to junior faculty, particularly with respect to teaching. An outstanding teacher herself, Eleanor assured each of us as we began our teaching careers that this skill is acquired over time through thoughtful preparation, passion for one’s subject, and respect for one’s students.”

Eleanor is also a stunning faculty citizen. She served as Associate Dean under Dean Herma Hill Kay for two years. She led the Committee on Clinical Education that proposed the creation of in-house clinics, which the faculty later approved. She continued to lead the Clinical Committee when it developed the standards for field placements, hired a Field Placement Director, and hired a Skills Program Director. She chaired the personnel committees for appointing Jeff Selbin as a Clinical Professor and Mary Louise Frampton as an Adjunct Professor. She was the faculty advisor to the California Law Review for over a decade. Eleanor has also actively interacted with our alumni. She was a long-standing faculty representative to the Boalt Hall Alumni Board.
Eleanor’s service contributions extend beyond the law school, to the campus and to the profession. She was appointed by the campus to serve as the faculty investigator in the resolution of a number of faculty misconduct grievances. And, based upon her own experience, she counseled many Berkeley faculty members on how to file complaints with the campus’s Privilege and Tenure Committee. She continues to serve in retirement as president of the Berkeley Women’s Faculty Club, overseeing a major fundraising campaign to create an outdoor event space and to make the Club more accessible to those with physical disabilities. For the profession, Eleanor chaired the Association of American Law Schools’ Committee on Professional Development and the Association’s Evidence Section. In the latter role, she twice organized a two-day conference on evidence for teachers across the country.

I have also closely witnessed Eleanor’s service. We both belonged to the Litigation and Procedure Curricular Group (setting classes for students), the Civil Procedure Reading Group (evaluating potential faculty hires), and the Curriculum Committee (considering school-wide policies). She chaired the first; I chaired the second; in one year, she chaired the third and in another year, we were both members. I have seen lost tempers, snarky emails, and other uncharitable behavior in law school committees, but never from Eleanor. She is always calm, always respectful, and always searching for a middle ground. She listens. Although she held different views about a revision of the Civil Procedure curriculum early in my time at Berkeley Law, she agreed to the plan with grace and with a desire to build consensus.

The entire faculty knows that she is a person to turn to for institutional governance. When Dean Christopher Edley Jr. established the Dean’s Faculty Advisory Committee to give him advice on critical matters in the law school, Eleanor was one of a handful of colleagues elected to serve. I enthusiastically voted for her, even though we do not agree on all issues.

Here are two other perspectives on Eleanor’s contributions to the faculty. From Professor Andrea Peterson: “Eleanor was a terrific colleague. She was a significant contributor to faculty debate on important and often contentious issues. When Eleanor spoke up, she was invariably well-informed, articulate, and sincerely committed to the well-being of the law school community, and her views were taken seriously.” From Professor Pam Samuelson:

Eleanor Swift believed in the potential of Berkeley Law School to become an outstanding community of scholars, teachers, supporting staff, and students. In her quiet and gracious way, she encouraged us to live up to and achieve that potential. She broadened the law faculty’s perspectives about scholarly and activist voices whose messages, when heeded, would enhance our understanding of the law as an instrument of social good.

Her teaching and service would suffice for a glowing tribute of a colleague. But what makes Eleanor so special is her ability to make you feel like you belong.
I first met Eleanor soon after Dean John Dwyer resigned, when I interviewed for a tenure-track position at Berkeley. In deciding where to start my teaching career, I spoke to many people. Eleanor’s honest reflections about the school’s history (including her part in it) and her hopes for its future as well as her genuine desire to include me, even though I came with different methods and perspectives, helped persuade me to come.

When I arrived almost thirteen years ago, Eleanor immediately included me. She asked me to lunch and coffee and never stopped asking. She invited me to attend her Civil Justice Workshop when she had guest speakers, and to an astounding number of get-togethers for female faculty. Whenever I saw her in the hallway, she would stop, even if only for a moment; my husband, a lecturer, had the same experience. We felt visible.

When I came west to teach, I moved into an apartment in San Francisco to live on my own. Over the years, I married, moved to Oakland, and had two children. Eleanor threw me bridal and baby showers. She made me meals when I just wanted to sleep. She expressed wonderment in seeing my kids as babies and in later years as children able to articulate their opinions. These milestones made me feel part of the community here in ways far deeper than any committee service or other aspect of our professional lives. In Eleanor’s eyes, I am a scholar, teacher, institutional citizen, friend, mother, wife, and daughter all together. And that is how I want to be seen, by myself and by others.

My colleagues and I deeply miss Eleanor in the halls of Berkeley Law. She set the bar extremely high for those who remain.