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ENCORE PROFESSOR: CRAFTING A NEW STORY FOR LIFE AFTER THE LEGAL ACADEMY

*Steven H. Hobbs**

I recently made the observation, as I looked at my faculty at The University of Alabama School of Law, that there were only five colleagues left who had voted on my appointment in 1997. The core of the faculty, that part which assumes leadership on standing committees and holds associate deanships, has shifted to colleagues who have been appointed to the faculty in the last eight to twelve years or so. I am now a senior member of the senior faculty. As my former colleagues have retired, I have contemplated my own transition to emeritus status in the not too distant future. So I appreciate the opportunity to participate in the AALS Arc of the Career panel called, *Encore Faculty: Preparing for Life Beyond the Legal Academy*.

I start from the premise that one's future steps are in part foreshadowed by the steps we have taken in the past. I have travelled a wide variety of paths in my professional career and personal life. Certainly, while all of them may inform my future, I will focus on my experiences as an oral storyteller and as a quilter. I love to tell stories. I have told stories in my classroom,¹ in public presentations² and at storytelling events where stories are told to a live audience.³ In a past AALS annual meeting I helped organize a half-day program on storytelling and the law.⁴ At the Alabama Law Institute I assisted in a continuing legal education program entitled, "The Lawyer as Communicator: Story Teller, Story Listener, and Story Builder," that focused on the MacCrate Commission Report's admonition that lawyers must have competent communication skills.⁵ I have done storytelling

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1. Storytelling work shop with Noa Baum

2. *Getting Hooked Up on Mount Olympus*, in METKA ZUPANČIČ, HERMES AND APHRODITE: ENCOUNTERS (2004).

3. Since 2011, I have been the feature storyteller at the Kentuck Festival of the Arts in Northport, Alabama.

4. *Panel Discussion: Developing the 5th MacCrate Skill - The Art of Storytelling: The Association of American Law Schools Section on Legal Writing, Reasoning and Research Section Annual Meeting Program*, 26 PACE L. REV. 501 (2006).

5. See *The Lawyer as Communicator: Storyteller, Story Listener, and Story Builder*, ALABAMA BAR INSTITUTE FOR CONTINUING LEGAL EDUCATION (Oct. 22, 2004) program materials. The MacCrate Commission was a Task Force established by the Section of Legal Education and Admission to the Bar

workshops that consider the uses of storytelling in entrepreneurship, family law and religious organizations. The importance of storytelling has informed a significant part of my legal scholarship.⁶ In short, the path of storytelling that I have followed has afforded me an opportunity to contribute something special to the world.⁷

During my presentation at the AALS panel, I displayed one of my quilts. It depicted a storyteller telling to a group of children under a baobab tree. Quilts, as works of art, can be made to tell a story about relevant social issues, especially those concerning the ideal of justice.⁸

At the AALS Conference, I thought it right to begin my presentation by sharing a story. I told the Russian folktale, "Granddaughter's Sled." I found this in a story collection called, *Thirty-Three Multicultural Tales to Tell*, gathered by noted storyteller, Pleasant DeSpain.⁹

A long time ago, there was a man named Ivan. He lived with his elderly father Boris, and his very young daughter Natasha. This was, indeed, a very long time ago. It was a time when people thought that old folks were useless. They would take them out into the forest, and leave them out there to die.

Ivan's father had become feeble, and he was unable to work. He went and got his daughter's sled, and he tied his father onto the sled.

Natasha came running out and said, "Why are you tying Grandfather to the sled? Where are you taking him?"

Ivan said, "I'm taking him out into the forest."

Natasha said, "I don't think that's a good idea. Grandfather is old, and he can't cut wood. He can't pick berries. How will he live?"

Ivan said, "Never mind. Don't worry about it. It's something that I have to do."

"But, can I come along with you?"

Ivan said, "Yes, you can. But don't ask any more questions."

Ivan trudged out into the forest, [with] little Natasha following along, picking flowers every once in a while. She thought she would give those to

by the American Bar Association. The report was entitled, *Legal Education and Professional Development – An Educational Continuum*, ed. by Robert MacCrate, (1992).

6. Steven H. Hobbs, *Love on the Oregon Trail: What the Story of Maynard v. Hill Teaches us About Marriage and Democratic Self-Governance*, 32 HOFSTRA LAW REV. 111 (2003); Steven H. Hobbs, *Invisible Man and Other Ellison Text: Ralph Ellison as Oral Storyteller*, 26 OKLA. CITY U.L. REV. 927 (2001).

7. Steven H. Hobbs & Shenavia Baity, *Tending to the Spirit: A Proposal for Healing the Hearts of Black Children in Poverty*, 26 BOSTON COLLEGE THIRD WORLD LAW J. 107 (2006).

8. See, e.g., DAN CAMERON, ET. AL., *DANCING AT THE LOUVRE: FAITH RINGGOLD'S FRENCH COLLECTION AND OTHER STORY QUILTS* (1998); CAROLYN L. MAZLOOMI, *QUILTING AFRICAN AMERICAN WOMEN'S HISTORY* (2008).

9. PLEASANT DESPAIN, *THIRTY-THREE MULTICULTURAL TALES TO TELL* (1993). This is my retelling of the Russian folktale, "Granddaughter's Sled" by storyteller-author, Pleasant DeSpain. I present it here with his approval. Email from Mr. DeSpain on file with author.

her grandfather. When they got to the middle of the forest, Ivan looked at his father and said, "I'm sorry, Father. I have to do this. You know it's the way of our people."

Natasha said, "You can't leave him out here! He's going to starve, or the wolves are going to eat him!"

The father said, "I'm sorry, Natasha, but I have no choice."

Natasha thought for a minute and said, "Well, we can leave Grandfather out here, but I need to take my sled with me."

He said, "Why?"

"When you get old, I'm going to need that sled to bring you out here into the forest."

Ivan thought about that, and his daughter was right. "You're right, Natasha. We're going to take Grandfather home."

They hid in him in a back room, and he said to Natasha, "We can't tell anyone; this has to be a secret."

Time came and time passed. There came to be a big famine in that area. People had eaten all the wheat and rye; they were even eating the seed that they were going to use to plant the next harvest. Ivan tried as best he could to bring food to his father every day, but it got more and more meager. One day, he brought a crust of bread that was really hard and really small. He said, "Father, I'm sorry, but the villagers are starving. No one really has anything to eat."

Boris said, "That's ridiculous. I want you to go out to the barn and take the straw thatch off the roof. If you thresh it really well, there's still enough seeds in there for you to place a rye crop."

He did as he was told, and he planted a fine crop. He and his family and the people in the village all had something to eat. They came out to Ivan's house, and they wanted to know how he came up with that idea. Ivan said, "My father told me about it. He's a wise man."

The villagers said, "But I thought your father was dead."

Natasha jumped in and said, "Grandfather is not dead. We had hidden him, but we have not hidden his wisdom and he has saved all of our lives."

From that day, in this village, the elderly are held in deep respect and honor.

This story has resonance to me for a number of reasons. First, it highlights the challenge of how the elderly are treated in our society. While we hopefully may not take the elderly out into the distant woods anymore, we all will most likely be headed towards assisted living or a nursing home. Anyone who has had an elderly parent recognizes the challenge of providing quality care for a loved one. As more of us so-called baby boomers head towards that inevitable reality, we recognize the shortage of qualified caregivers and care facilities.

Note to deans contemplating new curricula – law schools could be instrumental in training future lawyers who will provide services to families like the one in Granddaughter’s Sled. At The University of Alabama School of Law, we have an Elderlaw Clinic that provides assistance to the local community. The clinic works with students from the School of Social Work to help provide holistic services to elderly clients.

Second, in Granddaughter’s Sled, we learn valuable lessons from Natasha. One, she demonstrates a loving ethic of care by her regard for her grandfather’s well-being. She sees his innate humanity and articulates a respect for his dignity. As faculty, too often we are locked away engaged in important scholarship or teaching preparation or are off travelling to conferences. Often we are “working” from home and miss routine interaction with each other. I am most proud of my faculty when we demonstrate concern for each other as when a colleague faces a medical emergency and we come to offer assistance as they face a health challenge and live an ethic of care.

Two, she has an appreciation for beauty as shown by her collecting flowers for her grandfather even under dire circumstances. This reminds me that we all would prefer to receive flowers while we can still see and smell them. As is suggested by other panelists, it behooves law schools to honor encore faculty and recognize their contributions while they can receive those appreciations. At the School of Law we recognize faculty who have taught there for over twenty-five years by commissioning a portrait of them. Recently we had a ceremonial unveiling of four portraits of colleagues who had achieved that milestone. During the ceremony, their valuable contributions to the legal academy and to our community were recounted. Three of those colleagues were encore faculty

And three, Natasha expresses a precocious sense of wisdom as she schools her father about his possible future. She also leads others by pointing out the obvious to the larger community that our seniors have valuable wisdom to share if we but take the time to ask and to listen. Wisdom seeking is thus a two-way street running between elders and the young. Looking back at my steps in the academy, I cannot count all of the lessons I have learned from my students. Not long ago I participated in a conference focused on the future of our profession. I was privileged to interview Linda Klein, who was then the president of the American Bar Association. She was one of my former students.¹⁰

Finally, Granddaughter’s Sled reflects upon the accumulated wisdom of our elders. The wisdom was acquired through life experiences often learned through struggle and triumph. As grandfather demonstrates, his wisdom is

10. *The New Normal for Delivery of Legal Services*, GEORGIA CHIEF JUSTICE’S COMMISSION ON PROFESSIONALISM: CONVOCATION ON PROFESSIONALISM, Program Materials, August 30, 2016.

still very useful to the community, especially in trying times. As we encore faculty transition into life after the legal academy, it behooves us to remember that we are valuable repositories of knowledge, wisdom and, yes, common sense. Our future steps can be guided by what we know. As others have expressed, there are many fulfilling pathways open to us. This is to say we are not so much losing our identities as law professors, but we are building on our life experiences to step through a different doorway of opportunity. Moreover, we have time to pursue other passions that tug at our hearts.

We can do this by looking at examples of professors who have already made that transition to encore status. One of my colleagues, you may remember Martha Morgan, she retired and she got involved with international women's rights organizations. She has been able to travel all around the world and attend international conferences. She also works with the local civil rights lawyers Hank Sanders and Faya Rose Toure in Selma, Alabama addressing issues of injustice. Another colleague, Gene Marsh had served as an NCAA faculty representative on the University Athletics Committee which oversees NCAA regulatory compliance. Alabama once had to go through a very serious infractions review before the NCAA. Professor Marsh later served on the NCAA Infractions Committee. As he retired, he became of counsel to a large law firm consulting with colleges and universities that got in trouble with the NCAA, including places like Penn State. My friend and colleague from Howard University Law School, Professor Cynthia Mabry, taught family law and mediation. After she retired, she began doing federal appellate mediation from her home, telecommuting as it were.

As for me, as I contemplate becoming an encore professor, I am motivated by many of the same issues with which I engaged in my teaching and scholarship. Primarily, I have endeavored to follow the biblical teachings of the Prophet Micah who admonished us to pursue justice.¹¹ I became a lawyer in large part because I witnessed how lawyers could make substantive changes in the lives of those who have been denied the promises of the Declaration of Independence and the United States Constitution. Equality, freedom and justice are the cornerstones of a society that respects and honors the dignity and humanity of all in our society.

I am currently working on a project that examines the idea of seeking justice at the local community level. Too often citizens are treated unfairly or have had their civil rights violated without an effective method for seeking redress or for ensuring that such violations of rights do not continue to

11. He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly before thy God. Micah 6:8, THE HOLY BIBLE, KING JAMES VERSION.

happen. Often there are no adequate remedies at law or there are too few incidents to bring a class-action impact litigation.¹² Needless to say, our systems of justice should have as hallmarks a commitment to treat all citizens fairly and with respect.

This is especially true of our criminal justice system, from arrest to incarceration to the return to the community. Recently the United States Justice Department issued a scathing report on the deplorable conditions in the Alabama state prison system.¹³ Our prisons are rife with overcrowding, lack of adequate medical care and physical and sexual violence. Unfortunately, the report does not examine similar issues in local jails. Of particular note and by way of example, while waiting in the Tuscaloosa County jail for disposition of a case, persons have been subjected to rape and sexual assault in violation of the Prison Rape Elimination Act of 2003. Unfortunately, this happened to one of my family members. It is impossible to find redress for these circumstances if they are not addressed within the relevant statute of limitations. Each person who interacts with legal authorities or public officials should be treated as human beings worthy of dignity and respect. My future endeavors will include proposing a local justice commission that will investigate incidents of injustice and establish a process whereby citizens can obtain assistance when their rights have been violated or they have been treated unfairly. Perhaps it will be on the model of a truth and reconciliation commission.

I return to my love of storytelling. As I approach encore status I can envision developing and telling stories that confront injustices as well as stories that demonstrate examples of achieving measures of justice. There are many voiceless persons who need to have their stories told, as well as communities that need to hear these stories if we are to make freedom and justice ring throughout this land. Additionally, as I have more time to quilt, I can craft quilts that contain images of justice in the style of nationally recognized quilter Yvonne Wells from Tuscaloosa, Alabama.¹⁴

As a concluding thought I suggest that what we ought to do is start planning ahead of time. What are our passions both professionally and personally? How can we capitalize on that? How can we expand them? How

12. Civil rights organizations like the Southern Poverty Law Center or the Equal Justice Initiative do not have the resources to represent individual cases of minor injustices that do not have the potential to make systemic changes. However, such minor injustices have cumulative consequences on how a community experiences the overall quality of justice and fairness. See United States Justice Department's report on the quality of justice in Ferguson, Missouri after the police shooting death of Michael Brown.

13. *Investigation of Alabama's State Prisons for Men*, UNITED STATES JUSTICE DEPARTMENT, CIVIL RIGHTS DIVISION, UNITED STATES ATTORNEY'S OFFICE FOR THE NORTHERN, MIDDLE, AND SOUTHERN DISTRICTS OF ALABAMA, April, 2, 2019.

14. Yvonne Wells is a Master Quilter who lives in Tuscaloosa, Alabama. She is noted nationally for her quilts that reflect the civil rights struggle. One of my favorites is a series of quilts that depict the nine Scottsboro Boys.

can we think about doing those things? I recommend to you a book by Sarah Lawrence-Lightfoot called *The Third Chapter: Passion, Risk, and Adventure in the 25 Years After 50*.¹⁵ The third chapter is that the period of time after middle age. What she does is she interviews people who are like us, who are going through this transition to encore status. She looks at the struggles and the challenges and the risks and the loss as we downshift from that time when we are consumed with building our careers and families. And yet we can experience the liberation of making this transition into a different time, a different period of our lives.¹⁶ I fully recommend this book.

I want to leave you with a blessing from the book, *To Bless The Space Between Us*, by John O'Donohue.¹⁷ This is a wonderful book containing blessings for many occasions and circumstances of life. This one is for retirement:

This is where your life has arrived
 After all the years of effort and toil;
 Look back with graciousness and thanks
 On all your great and quiet achievements.
 You stand on the shores of new invitation
 To open your life to what is left undone
 Let your heart enjoy a different rhythm
 When drawn to the wonder of other horizons.
 Have the courage for a new approach to time;
 Allow it to slow until you find freedom
 To draw alongside the mystery you hold
 And befriend your own beauty of soul.
 Now is the time to enjoy your heart's desire,
 To live the dreams you've waited for,
 To awaken the depths beyond your work
 And enter into your infinite source.¹⁸

I wish you all good luck as you think about retiring. Let's keep those sleds in the garage.

15. SARA LAWRENCE-LIGHTFOOT, *THE THIRD CHAPTER: PASSION, RISK, AND ADVENTURE IN THE 25 YEARS AFTER 50* (2009).

16. Lawrence-Lightfoot sees the individuals in her study as they leave the known territories of the lives and identities they have built and transition into a new part of their live journeys. She notes: Another thread that weaves through the experiences of people who successfully navigate the terrain between the old and the new, is the power of storytelling. We see how the act of composing a narrative – even offering up competing narratives – helps us feel less vulnerable, gives us a sense of choice and agency, and permits us to feel some measure of control. *Id.* at 76.

17. JOHN O'DONOHUE, *TO BLESS THE SPACE BETWEEN US: A BOOK OF BLESSINGS* (2008).

18. *Id.* at 167.

