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## In Memoriam-The Many Sides of Hugh C. Macgill

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## In Memoriam

### The Many Sides of Hugh C. Macgill

*These remarks honor the memory of Hugh C. Macgill, Professor of Law from 1971 to 1990; 2000 to 2014, and Dean of the University of Connecticut School of Law from 1990 to 2000.*



**RICHARD D. POMP**

ALVA P. LOISELLE PROFESSOR OF LAW  
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UNIVERSITY OF CONNECTICUT SCHOOL OF LAW

Hugh and I could not be any more different by nearly any metric. As Carol Weisbrod describes Hugh, he “thought of himself as a son of the Virginia Tidewater region.<sup>1</sup> And he followed some of the codes of the Virginia gentleman”—a world that I did not know existed. I grew up in Newark, New Jersey—we had sewers, not tidewaters, except for when it rained hard and the sewers overflowed. I was the product of public schools, not the kind of private schools to which Virginia gentlemen were sent. Hugh was patrician and regal when the occasion required it, but as Kent Newmyer captures it, he was also a man of the people.<sup>2</sup>

Hugh commanded an extraordinary use of the language, with intellect, irony, and wit (including his famous and tasteless limericks). He was comfortable in the past yet also a visionary, possessing an egalitarian elitism. We read about such persons in high school literature courses

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<sup>1</sup> See *infra* pp. 9.

<sup>2</sup> See *infra* pp. 10–11.

dealing with the eighteenth and nineteenth centuries, but we were led to believe they no longer existed.

Hugh had a remarkable gift for languages. He was fluent in Mandarin, Russian, Spanish, and most of the other romance languages (and not too shabby with English). A product of the famous Army Language School in Monterrey, California, his stint in the service was spent monitoring shortwave broadcasts out of China. As Rick Kay correctly declares: “Few people deserve the title of polymath more than Hugh Macgill.”<sup>3</sup> Tim Fisher describes Hugh as “a true Renaissance man, with an extraordinary mind, endlessly curious and omnivorous in his interests and knowledge. He was a giant to his students.”<sup>4</sup>

As different as we were, we somehow shared a common vision for what it means to be an academic and to pursue intellectual honesty and rigor, and we had the same aspirations for the law school. Luckily, Hugh had a high tolerance for eccentrics. As Avi Soifer puts it: “This son of Maryland’s Eastern Shore burst those bounds and did so early and often”<sup>5</sup>—he certainly did so in my case. So contrary to what would have been expected, we bonded, like Oscar and Felix in *The Odd Couple*, and we became confidants, intellectual provocateurs, fellow travelers, and co-conspirators when necessary. And he imparted some Macgillian wisdom forty-three years ago that helped shape my career.

In 1979, a few years after Nixon made his historic visit to China, its Minister of Finance invited four academics who taught international tax and also had experience working with developing countries to visit and counsel on the anticipated influx of foreign investment. I was the junior member of that group. Keep in mind that the Great Leap Forward, which was neither a leap, nor forward, and the recent Cultural Revolution (which had as much to do with “culture” as does *The Real Housewives*), had isolated the country, but now China was opening for business; multinationals could not resist the allure of its cheap labor and a billion potential consumers.

I was flattered by the invitation and awed by the group, but ambivalent about the proposed logistics—multiple days in transit, arriving on Friday and starting lectures on the following Monday. The preparation would be burdensome, and we would be purposely isolated in Dalian, hardly a tourist mecca, with no time available for touring or sightseeing. Hugh worried less about these trifles and more about the looming disaster that would destroy the value of the trip.

“Pomp,<sup>6</sup> your experience abroad has been with anglophone countries. I can’t believe how badly your hosts are screwing this up. What were they

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<sup>3</sup> See *infra* p. 13.

<sup>4</sup> See *infra* p. 17.

<sup>5</sup> See *infra* p. 15.

<sup>6</sup> Because Richard Kay preceded me on the faculty and had appropriated the nickname “Rick,” Hugh tended to call me “Pomp,” to avoid confusion—but always with affection.

thinking? You are going to arrive on Friday, jet-lagged and sleep-deprived, hope to bounce back on Saturday and meet your interpreters, and expect them to translate terms like nexus, tax credits, source rules, and the finer points of tax treaties on Monday?" All this was said with what Bruce Mann would characterize as a quintessential *harrumph*.<sup>7</sup>

Of course, Hugh was right. I had not focused on this point. I was intimidated by the invitation, obsessed about what I was going to contribute as the junior person of an august group of icons and legends, and further distracted by the logistics of getting to China. Hugh's sage advice? Insist on coming at least three weeks early and work with your interpreter seven days a week until you have turned them into China's first international tax lawyer.

To my surprise, the conference organizers quickly accepted Hugh's suggestion. Now that I was committed to going, Hugh spent days tutoring me on Chinese customs and protocols, traditions and etiquette, Confucianism, and the respect for hierarchy, all of which I would encounter. He tried teaching me some Mandarin but abandoned that project when he realized that I was close to being tone deaf, a disqualification for learning a tonal language.

And so, on an enervating, hot, humid day in June, I arrived in China after forty-eight hours in transit and three stopovers. I was met by a delegation of wizened government officials and a young woman who I correctly surmised was my interpreter. We retreated to a shabby VIP lounge and exchanged pleasantries while my bags were being gathered (and perhaps as Hugh warned me—being searched). After the perfunctory tea had been poured, the woman turned to me in perfect British-accented English and announced that we would begin our work in two hours. There was much to do, and she was honored to be my student. She appeared fearless despite the intimidating prospect of becoming China's first international tax lawyer under the tutoring of this scruffy, unwashed, unshaven, disheveled teacher with eyes half-open.

Two hours? Perhaps this act of braggadocio was for the benefit of her superiors, or perhaps she was unfamiliar with jet lag's toll on the body. Hugh had warned about the need to save face in my dealings. So I channeled him and said with complete sincerity and a small dose of incredulity: "Two hours? Too long. We have no time to waste."

An hour and a half later, after modestly tidying up, I was comfortably seated in a worn leather chair, in a room without air conditioning or windows, where I quickly displayed one of my secret talents: sleeping sitting up. But my interpreter was not to be so easily put off—we had work to do. Some jasmine tea materialized; its fragrant bouquet somehow teased me awake. With my permission, she added a few drops of a liquid extract from her bag, "for your chi," which was in her words "very weak and flagging."

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<sup>7</sup> See *infra* p. 11.

She looked at my tongue, part of Chinese medicine, and just shook her head. Clearly my tongue was showing the ill effects of travel. Nonetheless, a whiteboard appeared and we dug into Lesson One—which ended when I again fell asleep.

I had worked with many persons from developing countries as the Director of Harvard Law School's International Tax Program and as a consultant throughout the developing world, but no one ever matched her work ethic or intellectual curiosity. As my chi luckily rebounded, I followed Hugh's advice and we spent at least twelve hours a day, six and a half days a week totally immersed in international tax theory and practice. Her intellectual prowess was extraordinary and so was her unshakable Confucian sense of hierarchy, a trait about which Hugh had also prepared me. After two weeks, I asked her to stop calling me Professor and use my first name. "Not possible" was her curt explanation. "But I am inviting you to do so, that makes it possible." "Not possible." I protested no further.

By the opening day, three weeks later, thanks to Hugh's counsel, my interpreter outshined the others who had spent little time with their assigned charges, most of whom had strolled into the country a few days before the presentations would start. I watched the body language of the audience when these other interpreters tried to translate sophisticated terms. I could see the confusion in the audience, reflected in the questions they posed that had nothing to do with the English presentation.

After one particular fiasco, I glanced over to my interpreter who stared at me, as if lost in meditation. It would take a member of the FBI's facial recognition task force to understand what she was saying. At a break, when she and I were alone, I simply asked, "Not good?" No response. "Can you help out?" "Not possible."

When I debriefed Hugh he fully understood her stone-like demeanor. "It was frustration and anger. She could not volunteer to help her seniors without shaming them, and they could not request her help without losing face. And she knew the meeting was failing." The rest of our group also began to understand their predicament. When my interpreter spoke, the class came alive: arms unfolded, questions were on the mark, gentle smiles offered in response to her charm and apparent humor. It was bit late for mid-course corrections by the other presenters and interpreters, but they tried with long nights.

I loved listening to the wisdom of the legends in my group, and the attendees would have benefited greatly if only they could have understood the nuanced and textured presentations, dripping with insights, perceptions, and funny anecdotes. I added the least value; when I relayed all of this to Hugh, he simply quoted an old Chinese proverb: "In the land of the blind the one-eyed is king. And that was you." And if I was the king for those few weeks, then Hugh was the power behind the throne—but never did he try to take credit.

For the Friday banquet that celebrated the end of the seminar with the exchange of gifts and toasts that Hugh had prepared me for, I gave my prepared remarks to my interpreter. I could see she was underwhelmed by what I wrote. She asked if she could modify them a bit. By now, she and I had a special bond, and I happily allowed my newfound speechwriter to handle whatever revisions were necessary.

As she delivered my remarks, there were moments when the audience broke into laughter. Apparently I had made quite a few jokes, for which I received many thumbs up afterward. She later confessed that she knew my sense of humor well enough that she thought I would not mind if my rather serious remarks (I knew her well enough to know she meant “boring”) were lightened a bit. When I asked just what I had said that apparently established me as China’s first American stand-up comedian (the crowd was quite large), she said “not possible to translate,” adding to an ever-growing list of impossibilities.<sup>8</sup>

Without Hugh, I would have joined my group the next day on the way to the airport to return to the States. Instead, a few days earlier, I had been asked to stay on and help draft the first Chinese tax code. I had two requests that I cleared with my interpreter and were immediately accepted. First, that my interpreter would work with me on the drafting, and second, that she would be allowed to come to UConn for a J.D., an invitation that turned out to be full of landmines that tested Hugh’s diplomatic skills. Both goals were accomplished. I would often kid Hugh about his being the father of the Chinese tax system, a label neither of us wanted as the country took a turn for the worse.

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As so aptly captured by Kent Newmyer, Hugh was happy getting his hands dirty working on his summer home in a fishing village in Maine.<sup>9</sup> It was part of Hugh’s humanity to respect the carpenters, mechanics, and lobstermen who were his and Nancy’s neighbors and friends. Hugh moved easily across all classes, reflecting his innate kindness, gentleness, and warmheartedness.

Nowhere was this better illustrated than during an evening in Mérida, the capital of the Mexican state of Yucatán. Hugh was passing through, heading home from some gig, and I was working with the Mexican government. Hugh adored the Yucatán. Somewhere trapped in an unopened box in my basement—one of many waiting to be liberated from a move

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<sup>8</sup> Once on a speaking tour in Japan, I found that my attempts at humor had the crowds hysterically laughing. After I got to know my interpreter fairly well, I mentioned at a banquet my surprise at how similar the Western and Japanese senses of humor were. Perhaps buoyed by the endless supply of some rather expensive sake, he admitted to me that he gave up trying to translate my jokes, which he did not understand, and instead simply announced to the crowd, “Professor just made a joke—laugh.”

<sup>9</sup> See *infra* pp. 10–11.

thirteen years earlier, is Hugh's mimeographed *Guide to the Yucatán*. It features advice on everything: exploring the pyramids, where to stay, what to eat or drink (or not eat or drink), how to hang a hammock, where to hide a passport and money, how to deal with corrupt police, basic first aid, how to survive in the jungle, and so forth. Hugh's inimitable voice jumps off of every page, a combination of advice, irony, and wry and ornery humor, wrapped within a cultural and historical veneer.

Before we left on our respective trips, we discovered that we would overlap in Mérida for one night, albeit staying at opposite ends of the city. Hugh was wildly exuberant about this coincidence and commanded me to meet him at his favorite wild boar restaurant, known only to locals, which he frequented whenever in Mérida. He warned me it would be hard to find—it had no address or telephone—and he drew me a rough map with the phrase “wild boar restaurant” in Spanish to show a taxi driver, but at some point I would be on my own. His advice was that once I get close, just “follow the smell of the boar.”

Two taxis later (the first one refused to enter this part of Mérida, the second refused to drive deep into the bowels of where I needed to go, muttering something about “banditos”), I was alone in a terrifying neighborhood, the air smelling of putrescence and sewerage—not the smell of a boar being smoked. There was a menacing group of locals who stopped talking and stared at me with a laser focus as I paid the second taxi. Hugh had mentioned that the restaurant was not in the best part of Mérida—sordid and squalid would have been more accurate.

The group was slowly moving toward me, and clearly saw where I kept my wallet. I could never outrun them and anyway I had no idea which direction might lead to safety. And as I had already discovered, taxis did not cruise in this part of town.

Overcoming some fear and uncertainty, I swaggered up to the person who appeared to be the oldest and biggest, presumably the leader. I shoved Hugh's crude map into his lower abdomen, a standard ploy that increases the likelihood that the map will not be swatted aside but actually perused. In my most commanding tone I bellowed, “¿Conoces este restaurante?” “Sí.” “¿Cuánto?” That was the end of my Spanish, so we switched to pantomime and negotiated a price for him to take me there.

The ubiquitous fecal smell was soon displaced by that of burnt flesh. A bit further and the billowing smoke from cooking the boar was a lodestar that led to a dilapidated ramshackle structure. The smoke came from the rear, so I headed for the open-air backyard, strewn with the carcasses of abandoned cars, couches, and refrigerators. I had no trouble spotting Hugh, sitting at a makeshift table in the center, looking like Indiana Jones. He was surrounded by the locals, all chattering away in Spanish and laughing. Hugh was holding court—a multicultural, multilingual charmer.



When he spotted me he gave me an effusive bear hug, unusual for Hugh, but genuinely affectionate. He conceded the neighborhood had dramatically declined since his last visit, and we probably should have come together. Hugh made long introductions, starting with the owner/cook/waiter, proceeding to his spouse and their children, the grandchildren, and finally the grandparents. Hugh knew their names and their stories. They spoke no English but sat with rapt attention as Hugh spoke to me with compassion and concern about each of them, their success at overcoming poverty and lack of schooling, and the obstacles that had to be navigated (many extralegal) for the restaurant to operate. Even though this group spoke no English, their broad smiles, beaming at Hugh, showed they knew he was talking about them, and they easily sensed his tone of caring and respect. Hugh was obviously part of this extended family.

Introductions over, I became fascinated by the wild boar, being turned on a makeshift spit over a woodburning firepit, tended by a group of the younger kids, alternating duties as the smoke would sometimes temporarily blind them. The boar was fully intact, from head to toe. Fat would drip from it, taunting the fire, which erupted to show its displeasure, and the cycle continued as the spit turned. Given the size of the boar, the cooking must have started early that morning. The boar had hard, bristly fur, which I assumed would be cut off later.

At the appropriate time, the owner used a small machete to slice off the parts of the boar closest to the fire. Although the restaurant had filled by then with other customers, Hugh and I received the first portions; we were apparently guests of honor. Hugh said a few words in Spanish when presented with the boar, and a peal of laughter and cheering exploded.

We sat down and I waited for silverware to appear, but Hugh knew better. As Hugh demonstrated with great aplomb, you use the fur and bristles to pick up your portion, which you then gnaw at with your mouth, ripping off chunks of boar. This was not Hugh eating with his impeccable Virginia manners, in a beautiful summer linen suit with a pocket handkerchief, looking like he stepped out of *GQ* magazine, but Hugh ripping meat apart, which he might have killed with his own hands. As I hungrily joined in (and relieved to have arrived unscathed), I felt more like Tom Jones than Indiana Jones.<sup>10</sup>

What does a wine connoisseur like Hugh, whose wine cellar in West Hartford would have rivaled any fine New York City restaurant, drink with wild boar? Hugh told me there was neither wine nor beer; instead, the owner made something that was a cross between mezcal and tequila. Disgusting if sipped by itself, but oddly complementary to the wild boar (and in a pinch, it could fuel a lighter, which the owner cheerfully demonstrated).

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<sup>10</sup> See Tom Jones (Woodfall Film Productions, 1963). The famous eating scene in *Tom Jones* is available online. *Tom Jones (1963) – Lusty Dining*, YOUTUBE (May 16, 2018), <https://www.youtube.com/watch?v=8NLhWVLI668>.

Hugh could outdrink most mortals; I get buzzed on nonalcoholic beer, and unfortunately, I started off keeping pace with Hugh. At some point after our gluttony, the tables were cleared and pushed aside, musical instruments appeared, and the dancing started. I learned later that Hugh and I danced together to raucous applause, before switching to more appropriate partners. None of this I remember.

What I do remember is Hugh shaking me awake at some point in the dark and telling me that we could not possibly get taxis at this hour in this section of Mérida, and that the owner had strung up hammocks for us. Having a blazing headache, I was in no state to object. We would awake the next morning smelling of wild boar and smoke, having slept fitfully, and slowly walk to the fancier parts of Mérida, where we found taxis, exchanged bear hugs that hurt my head, and agreed that this should be an annual event.

These vignettes are not intended to bookend Hugh's story—there is no way to briefly capture all that Hugh was. I have searched in vain for a way to bring my remarks to a close. Everything I tried to write came out sounding so very banal, trite, hackneyed, and pedestrian. Instead, let me rely on the eloquence of Fred Starr, one of Hugh's oldest friends, to close: "Were he somehow to be with us now, he would deliver a virtuoso performance, starting with a clearing of his throat, then a few wry observations, then a serious statement enriched with allusions from English literature or the classics, and ending with a heartfelt and genial toast. Because, sadly, he is no longer among us, let us join together to celebrate this noble and good man with all our hearts!" I can only add, "Amen."



**CAROL WEISBROD**  
PROFESSOR EMERITA  
UNIVERSITY OF CONNECTICUT SCHOOL OF LAW

Hugh Macgill had many gifts, some of which were obvious—his delight in language, his pleasure in good talk and good food, his love of books and music. Among the less obvious: the range of his reading, and his interest in and concern for individuals. He had a particular sense of style and dignity. He had a strong voice, which he liked to play with. And some of his stylistic causes did not succeed; for example, Hugh could not persuade people to refer to the law school as "Connecticut," rather than "UConn." Despite Hugh's efforts, it never caught on.

Hugh was a formidable school politician, relaxed while always alert. Before and after his Deanship, Hugh was "in the room where it happened" and sometimes made certain that things did not happen. When we saw

the canoe on top of the car, signaling that he was getting ready to go to Maine for the summer—unreachable, apparently, by conventional modes of communication—I always felt a certain unease. Who was watching out for things?

Hugh spoke often of the “life of the mind.” Some of Hugh’s mental life was reflected in formal scholarship: his early work with Avi Soifer, his later work with Kent Newmyer. Then there is work which was not weighted down as formal scholarship: the memorial portraits he did of his teacher Charles Gregory and colleague Neil Scanlon are not only exemplars of a genre, but also are in effect arguments for a certain kind of law professor.<sup>11</sup> Still another kind of writing was evident in the notes he sent to the faculty recommending something to read, particularly on the subject of law as an academic discipline. Too short for essays, too long for tweets, they reflected Hugh’s desire to express and defend his values.

Hugh sometimes thought of himself as a son of the Virginia Tidewater region. And he followed some of the codes of the Virginia gentleman. Hugh cherished old forms and old friends. When he was in London, he stayed at The Caledonian Club. If he could, at moments, remind me of Bertie Wooster, there were other times when Hugh seemed to me something like Percy Blakeney—the Scarlet Pimpernel—someone whose exterior concealed a man of intelligence and purpose. The new world of the law schools was in many ways not his world, in its lessening emphasis on scholarship and particularly on humanistic scholarship, in its stress on the professional side of legal training at the expense of the academic side, and its new modes of self-promotion.

Hugh often described UConn as a “country law school,” but it should be clear that he saw the school as a part of a country known for its high culture, its graciousness, and its knowledge of a wider world.



#### KENT NEWMYER

Forty-plus years of friendship with Hugh add up to many memories. Some make me cry to think of, others make me smile, or often cry and laugh at the same time—and always with a sense of loss and feelings of gratitude.

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<sup>11</sup> See H.C. Macgill, *In Memory of Charles O. Gregory*, 19 CONN. L. REV. 467 (1987); see also Anne M. Hamilton, *Professor Neil Scanlon Was “A Working-Class Radical,”* HARTFORD COURANT (Apr. 7, 2002), <https://www.courant.com/news/connecticut/hc-xpm-2002-04-07-0204070396-story.html> (quoting from Macgill’s eulogy for Scanlon: “Neil won some fights and lost others . . . . But he won without gloating, he lost without bitterness, and he never was mean. He fought to the last ditch for his beliefs . . . and showed us that civility is compatible with passionate commitment to principle.”)

Our paths crossed first in the late 1970s when I was teaching history at the University in Storrs and Hugh was starting his career at the law school in Hartford. As a lawyer he was interested in history; as a historian I was interested in law, which brought us together at various law-history events. In the early 1980s, while the law school still resided on Asylum Avenue, Hugh, Rick Kay, and I teamed up to teach a course in constitutional history. What I learned—because they were such good teachers—was that I had a lot to learn. After I retired from the history department in Storrs in 1997, Hugh (by then Dean Macgill) hired me as a part-time lecturer in legal history at the law school. It was an act of trust and friendship that gave me twenty-plus years of intellectual comradery with some fine lawyers, the opportunity to teach outstanding students, and the chance to follow my scholarly interests, all without the demanding and time-consuming duties that go with being a full-time faculty member.

Being an outsider looking in and a historian by trade, I came to recognize those qualities of mind and heart that made Hugh the memorable dean he was, qualities that we celebrate in these tributes. What I remember most vividly, however, the memories of Hugh I most cherish, had little to do with his deanship. What made him an inspiring friend came simply from his being the brilliant, caring, charmingly complex, and multitalented man that he was. He could do battle for the law school with university presidents and provosts who came to respect and admire him. He championed the law school in Hartford and worked the smoke-filled backrooms of power, like the natural pol that he was. With a Mark Twain gift of gab (read Avi Soifer's marvelous tribute to Hugh on his retirement from the deanship in 2000),<sup>12</sup> he could spellbind any audience with his word-magic, wit, and erudition. Connecticut's legal community respected and supported the law school in no small part because they respected its dean—regarded him as one of them.

Hugh moved easily among movers and shakers. He loved the job because he did it so well that it seemed second nature, if not a matter of destiny. At the same time, and without missing a beat, he was happily at home, indeed never happier, than when he was tooling around in his old Toyota pickup, mingling with the carpenters, mechanics, lobstermen, and working folks up in Addison, Maine, the tiny fishing village where he and Nancy summered for many years. They were neighbors and friends. Hugh talked their lingo, understood their down-East values, loved the beauty of the place just as they did. Back at the farm, the old homestead that belonged to Nancy's family for decades, Dean Macgill humbly shucked the corn for the evening meal, hauled water from the old well (there was no indoor plumbing in the old house) and brought in the wood for the old cook stove where Nancy worked her culinary magic. Hugh washed the dinner dishes

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<sup>12</sup> Aviam Soifer, *The Equitable Distribution of Injustice: Raising Twain*, 32 CONN. L. REV. 1563 (2000).

like it was an honor, which it was. There were no deans in Addison, least of all Dean Macgill.

This cultured everyman, down-home intellectual, urbane democrat, this all-business, hard-driving dean was also gentle and always warmhearted. He was passionate and often sentimental about things that truly mattered, like his family (first and foremost) and the law school community, one and all. He loved his country, served it with distinction, celebrated its noblest ideals even when they went begging. Who do you know, I ask you, who would recite the inspiring words of the Declaration of Independence (to an audience of one) on the Fourth of July with tears in his eyes? As a public intellectual, he championed constitutional democracy, the rule of law, and social justice. Over a cup of coffee or a glass of wine, everything was open for discussion. With Hugh on board, there was rarely a dull or mindless moment.

Teaching together as we did for several years running was a privilege, an education, and just plain fun. Every now and then one of us, most often Hugh, would get off a zinger (a word Hugh used to mean we got something right). If I was drifting into nonsense, he would warn me off with a formidable cocked eyebrow. Debating ideas that counted in law and life, grappling with the problems of historical causation and the intractable stuff of human motivation, Hugh did with contagious exuberance and commanding intellect. He could have written books and law review essays, but instead, he helped others write theirs, and made their work better for it. This I know for a fact. Kindness and generosity of spirit infused all that he did and all that he was. Working and teaching with him and being his friend, has been my great good fortune, a gift for which I'm deeply grateful.



**BRUCE H. MANN**

CARL F. SCHIPPER, JR. PROFESSOR OF LAW  
HARVARD LAW SCHOOL

As everyone who ever met him knows, Hugh Macgill was both great company and a great friend. Some people collect friends, but that is not what Hugh did, although he was a man with many friends. Instead, Hugh created communities, whose members often became his friends. Since he built many communities, he had many friends. And no matter when Hugh came into our lives and we into his, we were his friends for life, and he for ours.

Across each of those many communities, friends and colleagues saw the same Hugh, differing only in degree—erudite, witty, irreverent, provocative, playful, bracing, kind, curmudgeonly (definitely curmudgeonly—Hugh could harrumph better than anyone I know). The context changed—from the

law school to the many, many professional and civic organizations that he chaired and guided (he was truly a model citizen from the old school of civics)—but Hugh himself remained constant, so much so that whenever I tried to imagine him as, say, a toddler, it was always as a distinctively Hugovian homunculus—bushy eyebrows, wine glass in hand, pocket square, a default expression of bemusement, always-apt quotations and anecdotes, and a laugh that could explode with delight. Still, as central as Hugh was to the communities he guided, he never sought to be the center. His greatest delight always seemed to be the successes of the people he had brought together.

I first met Hugh when I was twenty-six. I was interviewing at the law school for my first teaching job and had been deposited in Hugh's office to wait for him. As I looked at the books on his shelves, I thought to myself, "I am going to like this person and probably the school that would have him." And I did. Truth be told, I was a callow youth—in my evening-division class that first year I was the youngest person in the classroom—but Hugh didn't mind (even though on my thirtieth birthday he gave me a tin of Johnson & Johnson's baby powder—of course, a week later on his fortieth birthday I gave him a bottle of Geritol). Despite my youth and the fact that I had not really done much of anything yet, Hugh saw something in me, engineered my hiring, and welcomed me into the community he was crafting here at the law school. He introduced me to the joys of collegueship and to the richness and wonders of an academic life.

As a fledgling assistant professor, I knew that I wanted to be like Hugh when I grew up. That, as we all know, was an unattainable goal (and not just for me), but I tried. I took over his rustic apartment in Farmington. I let my eyebrows grow out. I started looking for a dog. Like Hugh, I even somehow managed to win the love of an exceptional woman. But Hugh, then and always, was inimitable, in the most literal meaning of the word. In fact, I counted on this at my wedding. I knew that a close friend from college would feel he should offer a toast, which I also knew would be far too earnest. So I asked Hugh to give a preemptive toast, knowing that no one would dare try to follow him. I can still see Hugh—elegant in a linen suit, crisp white shirt, champagne glass in hand—as he spun a toast that somehow spanned *The Little Engine That Could* and Maitland's *The History of English Law* and much, much more. It was vintage Macgill—gloriously ornate and utterly inimitable. And it worked. No one else even thought of trying to compete.

Communities are evanescent things. They come together, then often fade. Hugh's abiding talent—his superpower, as we are now wont to say (a word he would surely bridle at)—was his ability to imagine what a community could be, identify the people he needed to build it with, and guide it through renewal and change. People would leave, others would join, but what always remained was the conviction Hugh imparted to us of being part of something special and important and fun. What also remained was

Hugh's friendship and the sheer exuberant delight of his company. This is the constant that brought us to his memorial, to remember together a friend unlike any other and to marvel at our good fortune in having been part of a life so well lived.



**RICHARD KAY**  
WALLACE STEVENS PROFESSOR OF LAW EMERITUS  
AND OLIVER ELLSWORTH RESEARCH PROFESSOR  
UNIVERSITY OF CONNECTICUT SCHOOL OF LAW

Hugh Macgill was the first person I met who was associated with the University of Connecticut Law School. It was the spring of 1973, and I was a third-year law student at Harvard Law School. Hugh, a junior member of UConn's Appointments Committee, had been sent to Cambridge to scout possible candidates. I had already accepted a job for the following year as a clerk on the Massachusetts Supreme Judicial Court. But I had a long-term interest in an academic career, and so I signed up for an interview. It was near the end of the day, and we were both kind of weary. Hugh had spent most of the day talking to LL.M. students but, as he told me later, had found no one who set his heart aflutter. We hit it off instantly, mainly, I think, because we didn't talk about me. We talked about law. Hugh, as everyone who knew him will agree, was fun to talk with. Our half hour went by quickly and I was delighted to receive a call from him the following winter inviting me to visit the school. I accepted an appointment, and Hugh and I were colleagues and friends for more than forty years.

Few people deserve the title of polymath more than Hugh Macgill. He was a jack-of-all-trades, and a master of a fair number of them. He was, among other things, a treasure trove of historical knowledge, a connoisseur of classical music, and a skilled player of Pac-Man. He was adept in Spanish, Russian, and Mandarin (I once watched him bargain with a rickshaw driver in Macau.). He was a wonderful stylist, not just in his published work but in all his written communications. I often relied on him to polish my own prose.

Hugh's learning served him well as dean of the law school. He held that office for ten years, the second-longest tenure in the school's history. It was a decade full of accomplishment. The faculty enlarged with the appointment of a remarkably able group of teachers. We built a new library building that was aesthetically distinguished and, at a time when physical books were giving way to digital sources, was also technologically up to date. We saw an explosion of distinguished scholarship, much of which was made possible by the school's increased willingness to support faculty research morally and

materially. The result of all of this was to cement the school's reputation as one of the outstanding legal institutions in the country.

Hugh brought a no-nonsense approach to his deanship. While more than willing to support colleagues' ideas when he could see how they enhanced the school's performance in what he took to be its central missions, he had no patience for requests for travel or other purchases that weren't related to a serious scholarly project. The prominent sign in his office, "What Part of 'No' Don't You Understand?" was only half-joking. He was equally skeptical of a tendency toward ever-expanding institutional and administrative machinery, something which struck him as increasingly distant from the core values of legal education. I was in his office when he received a visit from a group of consultants sent out by the central administration to brief him on plans for the university's new style of "signage." He clearly found it hard to believe that he was seriously supposed to engage with what struck him as, at best, a trivial enterprise. Our visitors were escorted out of the office in barely ten minutes.

For all his frustration with bureaucracy, however, Hugh was remarkably successful in his dealings with the university administration. In a recent note about the late Dean Phillip Blumberg, I remarked that Phillip was an effective negotiator, in part because he was so well prepared and was, therefore, respected if not exactly loved. Hugh was equally successful, but in his case the people involved regarded him with real warmth. His wit, eloquence, and enthusiasm impressed just about everyone he ever met. His relationship with the UConn administrators was certainly key in the many accomplishments of his deanship. Notably, he was able to demonstrate for them the special characteristics of legal education, and he thereby secured a substantial degree of decision-making autonomy for the school. Of course, Hugh's personality made a good impression for the school wherever he went. I have traveled a good deal professionally, and when I run into anyone who has had any contact with the school, in Hartford or elsewhere, one of their first questions is usually about Hugh Macgill, whom people remember with pleasure and affection.

Hugh was such a good dean, at least in part, because he genuinely believed in the value of legal education and scholarship, and he devoted a great deal of time and thought to working out how he could make them better. There was no serious issue concerning the law school for which he did not formulate an informed and valuable opinion. He relished the give and take of faculty politics on these matters. He was always present, always in the mix of things, working the halls. That was well before he became dean as well as long afterward. These days, no one can reflect on anything related to this institution without taking into account something that Hugh said or did. For five decades he was, in a very real way, the face and the voice of the law school, and all of us associated with the school are better off because of it.



## AVI SOIFER

Truly there are no words to express the loss of Hugh Macgill, in part because Hugh took so many of the best words with him. He was much more than a wordsmith, however. His skill with expressive words and modulations helped him to become a profound purveyor of history, humor, and yes, it is not too much to say, also inspiration.

This son of Maryland's Eastern Shore burst those bounds and did so early and often, though not entirely the bonds of his memories. Hugh's exuberance for food and music clearly helped him and Gus, his dog, to woo Nancy, aided more than a little by the nearby Wine Cask and Peasant Stock restaurant. And it was indeed meant to be that Nancy helped Hugh become a real grown-up, which she did magically somehow, without squelching his gusto and his ability to enlighten anyone within normal earshot (and many others, too).

It often seemed that Hugh had arrived among us from a different time, if not a different century—and he remembered much beyond his penchant for remarkable and apt snippets from that past. His taste was often highbrow, but he also delighted in raising eyebrows as well—and what expressive eyebrows Hugh had, which he used early and often to great effect. On the other hand, his stunning eulogy for our late colleague, Neil Scanlon from Southie, demonstrated Hugh's comfort in expressing his own vulnerability, a key part of his magnificent portrait of a wonderful, down-to-earth teacher as well as a subtle mentor.<sup>13</sup>

Two decades ago, I had enough chutzpah to invoke Mark Twain and to describe Hugh as a time-traveler who found a home in Hartford and managed to build the next generation both within his family and through the UConn Law School, virtually in the shadow of Twain's looming Hartford behemoth of a house.<sup>14</sup> Twain could have been talking about H.C. Macgill when he described "the subtle something which makes good talk so much better than the best imitation of it that can be done with a pen."<sup>15</sup> Yet, like one Samuel Clemens, Hugh also was a hell of a writer. We actually became much better friends in the course of struggling together over a long article we co-authored many decades ago about an important federal courts concept that we thought quite malleable and yet, in a memorable Macgillian phrase, this ought not mean that it was "infinitely distensible." Throughout what became a long story with that article, Hugh embodied Clemens's point that "A discriminating irreverence is the creator and protector of human liberty."<sup>16</sup>

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<sup>13</sup> See *supra* note 11 and accompanying text.

<sup>14</sup> Soifer, *supra* note 12.

<sup>15</sup> See Harriet Elinor Smith, *Introduction* to 1 MARK TWAIN, *AUTOBIOGRAPHY OF MARK TWAIN* 21 (Harriet E. Smith et al. eds., 2010) (quoting Twain's Jan. 16, 1904, letter to William Dean Howells).

<sup>16</sup> MARK TWAIN, *THE AMERICAN CLAIMANT* 82 (1st World Library 2005) (1892).

Though Hugh and I did not often resort to emails back and forth—we much preferred to talk and laugh together in old-fashioned ways, such as the telephone—even his rare emails illustrate his wonderful verve. In 2003, for example, Hugh wrote, “*Marbury* was decided 200 years ago today. Let the corks pop—if it weren't for *Marbury*, we'd have to work for a living.” Because neither of us was a reliable correspondent, he wrote in 2010: “Enough friends have moved to the other side of the grass that I reproach myself for neglecting the survivors—but don't do anything about it.” In fact, however, H.C. Macgill and Nancy proved to be amazingly reliable *and* attentive friends to a strikingly diverse range of people.

In the fall of 2010, as the San Francisco Giants headed toward their first World Series championship since 1954, the year the *New York* Giants swept a Cleveland team that had produced the most victories in a season in American League history, Hugh recounted his early obsession, as an eleven-year-old, with Willie Mays. He went on to describe his excitement when he saw Mays and the rest of the Giants on a Philadelphia train platform, including the obviously already-drunk Dusty Rhodes, who was to be the entirely unlikely World Series hero that year. Hugh then noted that soprano Joan Sutherland had died that week, and added: “For me, Dame Joan and Willie stand alone on the peak. They both did what they did better than anyone else did it, they both electrified the proceedings simply by showing up, and they radiated and spread pure joy.” Hugh did that, too.



**TIMOTHY FISHER**  
PROFESSOR OF LAW  
UNIVERSITY OF CONNECTICUT SCHOOL OF LAW

When Hugh arrived in 1971, he found a school that in his words “did not have an ego.” He spent the next half century building it into the nationally respected school it is today, and in particular, shaping its sense of itself. He influenced the direction of the school at key junctures, first in the hiring of Phillip Blumberg as our dean in 1974. Then shortly after, as Dean Blumberg was settling into the job, Hugh and his great friend Professor Terry Tondro brought to Phillip the idea of acquiring the campus in the West End from the Seminary. With the benefit of key allies in the State Legislature, and an enlightened university leadership in Storrs, that became a reality, leading to the beautiful campus that is today so much of our identity.

Hugh spent the ensuing decade and a half helping Dean Blumberg and his successor, George Schatzki, raise the school's profile. Hugh helped hire

the very distinguished faculty that arrived during those years. He served as Dean Schatzki's associate dean, managing much of the school's educational program. And then, when Dean Schatzki stepped down in 1990, Hugh was the obvious person to take the helm.

What Hugh accomplished over the ensuing decade was truly remarkable. Under his leadership we built our law library and a major increase in our endowment. Hugh established our LL.M. programs and built our Insurance Law Center. He staked out an international presence in students, faculty, and programs abroad. Those included major conferences in Budapest, Hungary; Hong Kong; San Juan, Puerto Rico; and Leiden, Netherlands. With his great friend Bill Breetz, he established the Connecticut Urban Legal Initiative, which provided nonprofits legal support while providing our students clinical training in business transactions. How did he do it? Hugh was a true Renaissance man, with an extraordinary mind, endlessly curious and omnivorous in his interests and knowledge. He was a giant to his students. As a teacher, his classrooms were alive with intellectual excitement; explaining torts, for example, as "a sustained folk narrative, a slow unfolding of the odd and contradictory ways in which society encounters and conceives the problems of order and fairness."

He understood the school like no one else did, both its collection of personalities and its collective personality. He knew how to motivate students, faculty, and staff alike to raise their expectations of themselves and to support each other in doing so. He was also a delightful companion, full of wit and enjoyment of the world. He loved his family and showed his appreciation for their support as he was so often pulled away to deal with school business. His wisdom, his gifts with language, and his sense of community enabled him to give us our identity as an open, engaged, welcoming, and exciting place to work, teach, and learn. As he said: "We have a culture of tolerance, forbearance and civility—and that can make life possible, useful and fulfilling for all. Few schools manage this. It takes years to develop and minutes to destroy."<sup>17</sup>

Hugh Macgill built a great reservoir of goodwill toward the University of Connecticut School of Law. It sustains among our alumni, our friends throughout the state, our colleagues among the law schools of our country, and throughout the world. We, the deans who have followed Hugh Macgill, owe him a tremendous debt of gratitude. He bequeathed to us a school that is proud of itself and its graduates, loves its mission, and believes in the transformative capacity of the law as a force for positive social change, as well as for personal growth and realization. We are who we are thanks to Hugh Macgill. I personally valued his friendship and counsel, and I miss him deeply.

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<sup>17</sup> Interview by Bruce M. Stave and R. Kent Newmyer with Hugh Macgill, for the University of Connecticut Law School Oral History Project, in Hartford, Conn. (Mar. 19, 2010) (on file with the University of Connecticut School of Law Library).

As Bruce Mann pointed out, Hugh's ability to "harrumph" was absolutely first rate. Yet Hugh's harrumphing was never personal. Instead, like Hugh's inspired use of language and his ability to utilize his astonishing memory to produce just the right reference, his harrumphs provoked shared irreverence and thereby built community. And Hugh's abiding sweetness lurked just below the surface.

One final example: Near the end, Nancy, with her characteristic blend of empathetic insistence, sought some of Hugh's final thoughts: How would he like to be memorialized? And it is easy to picture how hard it was to pin Hugh down, particularly on such a possibly self-centered subject. Hugh resolved the impasse within this strong-willed, deeply loving couple, and said, "Surprise me." And Nancy brought in bagpipers.