

John Bingham Hurlbut 1906-1987

John Bingham Hurlbut, Jackson Eli Reynolds Professor of Law Emeritus, died on March 27, 1987, at the age of eighty-one. One of the most extraordinary teachers in the history of the Law School, he left the mark of his excellence on thirty-four generations of Stanford lawyers and judges, including Chief Justice William H. Rehnquist and Associate Justice Sandra Day O'Connor of the Supreme Court of the United States.

Born in Omro, Wisconsin, Professor Hurlbut received a B. A. in 1928 at U.C.L.A., where he was Phi Beta Kappa, and an M.A. in political science at Stanford in 1929. He enrolled in the Stanford Law School the following year and graduated first in his class in 1934, earning one of the few straight A averages in the School's history. He practiced for three years with O'Melveny, Tuller and Myers in Los Angeles before returning to the Law School as an Associate Professor in 1937. Except for service as an antisubmarine warfare officer in the United States Navy from 1942-45, he spent the rest of his career until retirement, in 1971, at the Law School, which he served as Assistant Dean in 1941-42 and 1945-46. He was promoted to full professor in 1942 and, in 1959, became the first Jackson Eli Reynolds Professor of Law. In 1959-60 he was a Fulbright lecturer at the University of Tokyo and at the Japanese Institute of Legal Training and Research. In 1970-71 he was a Visiting Professor at the University of California, Hastings College of the Law, where he taught for several years after his retirement at Stanford.

Professor Hurlbut, a sports enthusiast, was for many years Chairman of the President's Committee on Athletics and Stanford's Faculty Athletic Representative to the Pacific Coast Conference (now the PAC-10). He also served as Vice President of the National Collegiate Athletic Association.

Professor Hurlbut's qualities as a teacher were legendary. In legal education, the teaching tradition makes unusual demands on both teacher and student. The classroom is the arena in which the professor uses his knowledge and ingenuity to "make students think." The classical technique is the Socratic dialogue, in which the best teacher is not the one who gives the best answers, but the one who asks the best questions. There is no greater reward to the Socratic teacher than the moment at which the student, patiently led from question to further question, suddenly sees the light. Such classroom epiphanies were frequent occurrences in Professor Hurlbut's courses in evidence contracts, criminal law and procedure.

Student affection for Professor Hurlbut was, and remains, unusually strong. In part this reflects appreciation for the sheer quality of his teaching: the intelligence, the mastery of the subject, the virtuoso use of the Socratic method. Equally important, he was a benign Socrates; though relentless in his determination to bring out the best in his students, he did so without classroom tyranny. Professor Hurlbut's style employed enthusiasm, personal charm, the skill of a born actor and incredible body language to enlist the student in a joint search for learning. He was a fox, not a lion. Indeed, his students came to call him "the silver fox," and his last evidence class gave him a sculpture of a silver fox as a memento.

An enduring memorial to Professor Hurlbut's greatness as a teacher was established in 1974 when, at a law alumni banquet held in his honor, the John B. Hurlbut

Award for Excellence in Teaching was announced by the Law Students Association and a portrait of Professor Hurlbut was presented to the Law School by the class of 1940. Since then the graduating class annually selects the recipient of the Hurlbut award, who addresses the class at its Commencement exercises. The recipient's name is added to a plaque hung prominently in the Law School that reads:

John Bingham Hurlbut award for excellence in teaching

The teacher who in the classroom passes on intellectual vitality generates new life in the law. His students will challenge worn dogmas, discover new solutions for society's problems, and in turn impart their own insights to others.

The students of Stanford Law School have established this award to commend those professors who strive to make teaching an art. Though their contributions may not be fully recognized until the seeds they have sown mature, those of us who have been immediate beneficiaries of their wisdom and concern can in this way express our gratitude and appreciation.

Like his students, his colleagues affectionately remember John Hurlbut's wit, his collection of amusing doggerel written over the years by his students to memorialize great moments in his classes, and his superlative qualities as a teacher. We fondly recall his generosity to younger colleagues, his delight in the repartee of office and corridor conversation and the courteous but telling thrust of his arguments in faculty meetings. All of us are beneficiaries of his total commitment to excellence and his devotion to the Law School and the University.

Professor Hurlbut's survivors include his wife, Elizabeth Harrison Hurlbut, of Palo Alto; their daughter, Mary Elizabeth Engelbrecht, of Portola Valley; their son, John B. Hurlbut, Jr., of Costa Mesa; a sister, Mary Hurlbut Costello, and a brother, Dr. Wilbur Bingham Hurlbut, both of New York City; and four grandchildren, including Elizabeth Nichols, a Stanford senior.

John Henry Merryman, Chair
William T. Keogh
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