

HARVARD LAW REVIEW

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IN MEMORIAM: PROFESSOR CHARLES J. OGLETREE, JR.

The editors of the *Harvard Law Review* respectfully dedicate this issue to Professor Charles J. Ogletree, Jr.

OUR STATEMENT ON THE PASSING OF CHARLES OGLETREE

*Barack Obama** & *Michelle Obama***

In a statement on August 5, 2023, former President Obama and Michelle Obama offered a tribute to Professor Ogletree. We are grateful to them for contributing that statement to this collection.

* * *

Michelle and I are heartbroken to hear about the passing of our friend and mentor Charles Ogletree.

Charles's reputation preceded him at Harvard Law School. On campus, people would always talk about this Professor Ogletree and how supportive and encouraging he was.

He took time on weekends to run something called "Saturday School" for Black students who didn't necessarily have the support systems at home to get them through the difficult first years of law school. Eventually, Saturday School became so popular that students of every background began showing up to hear Charles explain things in a way they could understand. It was an example of the kind of person Charles has always been: unfailingly helpful, and driven by a genuine concern for others.

Over the years, Michelle and I have always been able to count on Charles's support, often when we needed it the most. And after being

* Forty-Fourth President of the United States; Editor, *Harvard Law Review*, Volumes 103 & 104.

** Former First Lady of the United States.

diagnosed with Alzheimer's, he got to work spreading awareness — especially among people of color. He wanted to be a spokesperson for the disease, telling people not to be afraid.

Our thoughts are with his wife Pamela, his entire family, and everyone who knew and loved this remarkable man.

Roger A. Fairfax, Jr. & Justice Ketanji Brown Jackson***

Charles Ogletree possessed a rare combination of towering achievement, blazing intellect, authentic humility, and unending selflessness and generosity. Equipped with these attributes, Ogletree (or “Tree” as he was known to virtually everyone) became a legendary mentor, helping to launch the lives and careers of countless attorneys, judges, academics, and public servants of all stripes. We count ourselves among that lucky cohort.

In giving so much of himself to ensure the success of future generations, Tree never forgot what it was like to be young, gifted, and Black. He got his own humble start in Merced, California, a community he left, but never forgot or abandoned.¹ His tremendous potential as a teenager was recognized early, giving him the rare chance to take his talents 130 miles west, to Palo Alto.² While at Stanford, Tree was a star, excelling academically and assuming the mantle of campus student leader.³ Stanford enriched Tree's heart as well as his mind, as it was there that he met his soulmate and the love of his life, Pamela.⁴

Tree once again excelled when he left the West Coast and made his way across the country to enter Harvard Law School in 1975.⁵ True to form, he reprised the leadership roles he had embraced as an undergraduate, serving most prominently as national chairman of the Black Law

* Dean and Professor of Law, Howard University School of Law; Editor, *Harvard Law Review*, Volumes 110 & 111.

** Associate Justice, Supreme Court of the United States; Editor, *Harvard Law Review*, Volumes 108 & 109.

¹ Victor Patton, *Merced Courthouse Named After Harvard Law Professor Who Mentored Barack and Michelle Obama*, MERCED SUN-STAR (Feb. 18, 2023, 9:01 AM), <https://www.merced-sunstar.com/news/local/article272541518.html> [<https://perma.cc/RW8E-HHFK>].

² Clay Risen, *Charles J. Ogletree Jr., 70, Dies; at Harvard Law, a Voice for Equal Justice*, N.Y. TIMES (Aug. 7, 2023), <https://www.nytimes.com/2023/08/05/obituaries/charles-j-ogletree-jr-dead.html> [<https://perma.cc/Z8ER-SWKN>].

³ *See id.*

⁴ *Id.*

⁵ *See id.*

Students Association.⁶ It was in that capacity that Tree advised former Solicitor General Archibald Cox in his representation of the University of California in *Regents of the University of California v. Bakke*,⁷ an engagement that would solidify his interest in public service and commitment to equal justice under law.

Not surprisingly, upon graduation, Tree went to Washington, D.C. to launch his career, joining the staff of the legendary Public Defender Service (PDS), one of the most celebrated indigent defense agencies in the nation.⁸ An inspired trial lawyer and steadfast defender of the rights of the accused, Tree rose quickly through the PDS ranks, assuming responsibility for training scores of public defenders and eventually becoming Deputy Director of that esteemed organization.⁹

When he joined the faculty of Harvard Law School after PDS, Tree's tenure was similarly pathbreaking. Indeed, a symposium was held in 2017 to honor Tree's many contributions at Harvard,¹⁰ from his clinical teaching in the Criminal Justice Institute; to his renowned Trial Advocacy Workshop, which brought to Cambridge many of the leading trial lawyers and judges in the nation; to his extraordinary Saturday School, which brought some of the world's most celebrated figures to Harvard Law School.¹¹

Outside of Harvard's wrought iron gates and ivy-covered walls, Tree consistently utilized his time and talent to advance justice, such as his representation of survivors of the tragic 1921 Tulsa race riots,¹² and his 1991 unanimous victory¹³ before the United States Supreme Court in *Ford v. Georgia*.¹⁴ He also helped to enrich civil discourse in the public square, moderating broadcast television discussions with Justice Antonin Scalia and others on issues of ethics.¹⁵ Tree's mindboggling

⁶ *Legal Defense Fund Remembers Charles Ogletree, Jr.*, LEGAL DEFENSE FUND (Aug. 8, 2023), <https://www.naacpldf.org/press-release/legal-defense-fund-remembers-charles-ogletree-jr> [https://perma.cc/LzTC-6S2J].

⁷ 438 U.S. 265 (1978); *Legal Defense Fund Remembers Charles Ogletree, Jr.*, *supra* note 6.

⁸ Risen, *supra* note 2.

⁹ *Id.*

¹⁰ Brett Milano, "Tree's" Tremendous Legacy: Celebrating Charles Ogletree '78, HARV. L. TODAY (Oct. 11, 2017), <https://hls.harvard.edu/today/trees-tremendous-legacy-celebrating-charles-ogletree-78> [https://perma.cc/ETH9-UCMR].

¹¹ *Charles Ogletree Jr.: 1952-2023*, HARV. L. TODAY (Aug. 5, 2023), <https://hls.harvard.edu/today/in-memoriam-charles-ogletree-1952-2023> [https://perma.cc/HEP5-EQMP].

¹² *Id.*

¹³ *EJI Honors the Life and Memory of Charles Ogletree Jr.*, EQUAL JUST. INITIATIVE (Aug. 4, 2023), <https://eji.org/news/eji-honors-the-life-and-memory-of-charles-ogletree-jr> [https://perma.cc/74ZV-SDZ2].

¹⁴ 498 U.S. 411 (1991).

¹⁵ Patricia Brennan, *What's Right? And Why?*, WASH. POST (Jan. 28, 1989, 7:00 PM), <https://www.washingtonpost.com/archive/lifestyle/tv/1989/01/29/whats-right-and-why/c96260d5-7197-4a17-ab2c-7c7ea77837ff> [https://perma.cc/M9HX-3EH5].

body of work included influential books,¹⁶ and service to law reform, educational, and civil rights organizations.¹⁷

All that said, we submit that Tree's capacity for mentoring is perhaps his greatest professional legacy, for it is his most enduring contribution. As President Obama aptly summarized, Tree was "unfailingly helpful, and driven by a genuine concern for others."¹⁸ In this way, Tree is reminiscent of his own role model, the legendary Charles Hamilton Houston, in whose name Tree established his Institute on Race and Justice at Harvard Law School, nearly 20 years ago.¹⁹

Houston, the first Black editor of the *Harvard Law Review*,²⁰ went on to serve as Dean of the Howard University School of Law.²¹ At Howard, and later as the first Special Counsel of the NAACP, Houston developed the strategic blueprint for challenging Jim Crow segregation,²² and also mentored the cadre of law students and lawyers responsible for persuading the United States Supreme Court to overturn *Plessy v. Ferguson*²³ in the landmark *Brown v. Board of Education*²⁴ decision, the seventieth anniversary of which we celebrate this year.²⁵

Through his direct mentoring and by his example, Houston shaped an entire generation of lawyers, including his star student Justice Thurgood Marshall and other Howard Law graduates Oliver Hill, Judge Spottswood Robinson, Dovey Roundtree Johnson, Judge Robert Carter, and Pauli Murray.²⁶ Houston's guidance and influence also

¹⁶ See, e.g., CHARLES J. OGLETREE, JR., ALL DELIBERATE SPEED: REFLECTIONS ON THE FIRST HALF-CENTURY OF *BROWN V. BOARD OF EDUCATION* (2004).

¹⁷ See, e.g., *Legal Defense Fund Remembers Charles Ogletree, Jr.*, *supra* note 6.

¹⁸ Barack Obama & Michelle Obama, *supra* p. 2114.

¹⁹ Roger A. Fairfax, Jr., *A Tribute to Professor Charles J. Ogletree, Jr.*, 22 HARV. BLACKLETTER L.J. 141, 143 (2006).

²⁰ Genna Rae McNeil, *In Tribute: Charles Hamilton Houston*, 111 HARV. L. REV. 2167, 2168 (1998).

²¹ See generally GENNA RAE MCNEIL, GROUNDWORK: CHARLES HAMILTON HOUSTON AND THE STRUGGLE FOR CIVIL RIGHTS (1983); see also JOSÉ FELIPÉ ANDERSON, GENIUS FOR JUSTICE: CHARLES HAMILTON HOUSTON AND THE REFORM OF AMERICAN LAW (2021).

²² Robert L. Carter, *In Tribute: Charles Hamilton Houston*, 111 HARV. L. REV. 2149, 2152 (1998).

²³ 163 U.S. 537 (1896).

²⁴ 347 U.S. 483 (1954).

²⁵ See *Brown v. Board of Education 70th Anniversary*, NAT'L MUSEUM OF AFR. AM. HIST. & CULTURE, <https://nmaahc.si.edu/explore/initiatives/brown-v-board-70> [<https://perma.cc/E2T4-FX8L>]; Sarah Friedman, *Commemorating the 70th Anniversary of Brown v. Board of Education: Library of Congress Resources*, LIBR. OF CONG.: BLOGS (Apr. 25, 2024), <https://blogs.loc.gov/law/2024/04/commemorating-the-70th-anniversary-of-brown-v-board-of-education-library-of-congress-resources> [<https://perma.cc/Y79E-JTST>].

²⁶ See generally RICHARD KLUGER, SIMPLE JUSTICE: THE HISTORY OF *BROWN V. BOARD OF EDUCATION* AND BLACK AMERICA'S STRUGGLE FOR EQUALITY (1975); MARGARET EDDS, WE FACE THE DAWN: OLIVER HILL, SPOTTSWOOD ROBINSON, AND THE LEGAL TEAM THAT DISMANTLED JIM CROW (2018); DOVEY JOHNSON ROUNDTREE & KATIE

touched countless other lawyers who would go on to have an indelible mark on the struggle for civil rights, including William T. Coleman, Jr., Judge Constance Baker Motley, and Jack Greenberg.²⁷

Like Houston, Tree poured so much of himself into his students that they, in turn, extend his reach and amplify his contributions in their spheres of influence. Throughout his decades as a faculty member, Tree nurtured legions of Harvard students, many of them Black. These mentees have gone on to become law firm partners, civil rights lawyers, prosecutors, public defenders, law professors, deans, college presidents, state and federal judges, general counsel, business and non-profit leaders, mayors, Representatives, Senators, and other elected officials, and, yes, even a President and First Lady of the United States, and a Justice of the Supreme Court of the United States.²⁸

We write to attest to the fact that we are both direct beneficiaries of Tree's generous mentoring and example. While still an undergraduate at Harvard College, Roger asked Tree to provide insights for a seminar paper on D.C. home rule, and what followed was a close working relationship during which Roger was privileged to serve as one of Tree's trusted research assistants throughout Roger's time in college and law school. A recent perusal of the Ogletree papers collection at Harvard Law School provided fond reminders of Tree's many projects for which Roger provided research support. For her part, Ketanji recalls vividly how Tree served as a role model and supported her interest in criminal justice and public defense work, teaching her core skills through the Trial Advocacy Workshop program and encouraging her professional development long after graduation. We sit now as the Dean of an historic law school and as an Associate Justice of the Supreme Court in no small part due to Tree's guidance and influence. In a nutshell, Tree made us believe not only that it was *possible* to do great things with the skills we had learned, but that doing what we could to champion equality and justice was *expected*.

Tree's premature passing from Alzheimer's disease was a crushing blow to the cause of racial justice in the United States, but it also represented a profound personal loss for the many who came to know this

MCCABE, MIGHTY JUSTICE: MY LIFE IN CIVIL RIGHTS (2019); ROBERT L. CARTER, A MATTER OF LAW: A MEMOIR OF STRUGGLE IN THE CAUSE OF EQUAL RIGHTS (2005); JUAN WILLIAMS, THURGOOD MARSHALL: AMERICAN REVOLUTIONARY (1998); PAULI MURRAY, SONG IN A WEARY THROAT: MEMOIR OF AN AMERICAN PILGRIMAGE (1987).

²⁷ See generally WILLIAM T. COLEMAN WITH DONALD T. BLISS, COUNSEL FOR THE SITUATION: SHAPING THE LAW TO REALIZE AMERICA'S PROMISE (2010); TOMIKO BROWN-NAGIN, CIVIL RIGHTS QUEEN: CONSTANCE BAKER MOTLEY AND THE STRUGGLE FOR EQUALITY (2022); JACK GREENBERG, CRUSADERS IN THE COURTS: HOW A DEDICATED BAND OF LAWYERS FOUGHT FOR THE CIVIL RIGHTS REVOLUTION (1994).

²⁸ See Willie J. Epps, Jr., Angela J. Davis & Roger A. Fairfax, Jr., *Charles J. Ogletree Jr.: A Humble Civil Rights and Public Theologian*, AM. BAR ASS'N (May 2, 2024), https://www.americanbar.org/groups/criminal_justice/publications/criminal-justice-magazine/2024/spring/charles-j-ogletree-jr-humble-civil-rights-defender-public-theologian [<https://perma.cc/GE8N-6XPC>].

great man. His funeral in Maryland this past August drew hundreds upon hundreds of mourners who gathered to celebrate his extraordinary life. As superhuman as he seemed to many of us, the words shared at his funeral lovingly focused on his humanity — Tree as a husband, father, son, brother, and friend, and his love for God, family, fishing, and the Dallas Cowboys.

In this vein, we will remember his deep, reassuring voice, his moving through the winding corridors of Harvard Law School with pockets full of items, and arms filled with legal pads, papers, and books; his wide smile and generous spirit; and his seeming ability to be everywhere at once, while always making you feel like you were the only one in the world. Tree was a life force. We will miss him dearly, and we — and the thousands of other mentees whose lives he impacted — will ensure that his impact, inspiration, and legacy are never forgotten.

REMEMBERING CHARLES OGLETREE

*Martha Minow**

Charles [Ogletree] was a tireless advocate for civil rights, equality, human dignity, and social justice. He changed the world in so many ways, and he will be sorely missed in a world that very much needs him.

— John F. Manning, Interim Provost, Morgan and Helen Chu Dean and Professor of Law, Harvard Law School²⁹

“Tree” is what he told friends to call him. Much like a tall and vibrant tree, he provided shelter, homes, and oxygen for others, sharing his groundedness while reaching tall.

He was also an inspiring and devoted teacher, public intellectual, institution builder, community builder, and civic leader. With charisma and charm as well as creativity and tenacity, he rose from effective public defender to critical trainer and teacher of thousands — including members of Congress and a U.S. President.

The facts of his biography sketch an extraordinary life of talent, drive, and devotion to justice. A proud son of Merced, California,

* 300th Anniversary University Professor, Harvard University; former Dean, Harvard Law School.

²⁹ *Charles Ogletree Jr.: 1952–2023*, *supra* note 11.

Professor Ogletree was the grandchild of migrant workers.³⁰ He earned a scholarship to Stanford University after serving as student body president at Merced High School — the first Black person to do so.³¹ He graduated from Stanford with distinction after studying Political Science and also earned a master's degree at Stanford before enrolling in Harvard Law School.³² During law school, he served as editor of the *Harvard Civil Rights-Civil Liberties Law Review* and on the board of the Harvard Prison Legal Assistance Program.³³ He demonstrated his leadership abilities as national chairperson of the Black American Law Students Association.³⁴ From 1978 to 1985, while serving at the Public Defender Service of the District of Columbia, he represented juveniles and adults, and rose to be Training Director, then Trial Chief, and then Deputy Director.³⁵

Dean James Vorenberg recruited Ogletree to join the Harvard faculty as a visitor where colleagues and students soon found him indispensable. He earned a tenured position and a faculty chair; he also took on responsibility for overseeing Harvard Law School's Trial Advocacy Workshop and served as faculty director for clinical programs and associate dean for clinical programs.³⁶ He became the Jesse Climenko Professor of Law.³⁷ He mentored students, including Supreme Court Justice Ketanji Brown Jackson.³⁸ For the renowned Trial Advocacy Workshop, he recruited and sustained a network of outstanding lawyers and judges to assist students in learning skills and judgment. No one, though, could approach his own master-class comments on students' simulated direct and cross-examinations. Pausing a videotape, he would cultivate a student's own understandings of how to pursue the truth while maintaining the humanity of witnesses, clients, and opposing counsel.

³⁰ Victor A. Patton, "He Wanted to Be Like Perry Mason." *Charles Ogletree, Merced Native Son and Harvard Law Professor, Dies at 70*, KVPR (Aug. 8, 2023, 5:22 PM), <https://www.kvpr.org/local-news/2023-08-08/he-wanted-to-be-like-perry-mason-charles-ogletree-merced-native-son-and-harvard-law-professor-dies-at-70> [https://perma.cc/F4J4-XBLH].

³¹ *Id.*

³² *Charles J. Ogletree, Jr.*, HARV. L. SCH., <https://hls.harvard.edu/faculty/charles-j-ogletree> [https://perma.cc/46KW-FBVK].

³³ *Charles Ogletree*, HIST. MAKERS, <https://www.thehistorymakers.org/biography/charles-ogletree-39> [https://perma.cc/SS6E-G29P].

³⁴ *See id.*

³⁵ Charles J. Ogletree, Jr., *Beyond Justifications: Seeking Motivations to Sustain Public Defenders*, 106 HARV. L. REV. 1239, 1242 n.15 (1993).

³⁶ *Charles Ogletree*, *supra* note 33.

³⁷ Nigel Hatton, *Charles James Ogletree Jr., Native Mercedian, UC Merced Champion, Harvard Legal Scholar, Dies at 70*, UC MERCED: NEWSROOM (Aug. 4, 2023), <https://news.ucmerced.edu/news/2023/charles-james-ogletree-jr-native-mercedian-uc-merced-champion-harvard-legal-scholar-dies> [https://perma.cc/FQ6Y-SBRS].

³⁸ Neil H. Shah, *Harvard Law Professor Charles Ogletree Jr., "Renaissance Lawyer" and Staunch Civil Rights Defender, Dies at 70*, HARV. CRIMSON (Aug. 8, 2023), <https://www.thecrimson.com/article/2023/8/8/harvard-law-school-ogletree-obit> [https://perma.cc/3S6E-3DTQ].

Yet even these admirable achievements understate his significance within Harvard Law School. Charles Ogletree became perhaps an unparalleled advocate for students and created a sense of community bridging the Harvard Law School and communities both near and far. In 2005, he founded and grew the Charles Hamilton Houston Institute for Race and Justice to pursue research and advocacy related to civil rights.³⁹ Its memorable events honored participants in the Civil Rights Movement and connected students and activists, old and young, and minds and hearts with interviews, lectures, music, and conviviality. Honoring a man known as “the man who killed Jim Crow,”⁴⁰ the Houston Institute was designed to combine scholarship, law, policy, and practice in efforts to advance community justice. In its founder’s words, the Institute:

stands as a tribute to one of our greatest HLS alumni who paved the way for generations of civil rights attorneys, including me. The Houston Institute has become an acknowledged voice on questions of race and justice and through its commitment to the community, a worthy continuation of the Saturday School tradition I began many years ago.⁴¹

The “Saturday School” program, launched with colleague Charles Nesson, combined academic assistance with illustrious guest lectures and debates that made lasting impressions, motivating and inspiring students long after they attended the weekend sessions. Two such students are Michelle and Barack Obama, former First Lady and former President of the United States.⁴²

The work at Harvard Law School alone should earn Professor Ogletree enduring admiration. Yet his teaching and educational leadership were only a portion of his career. While teaching and leading programs at Harvard Law School, Charles Ogletree and his wife (and fellow Stanford graduate) Pamela Ogletree worked with other community members to found in 1996 the Benjamin Banneker public charter school in Cambridge.⁴³ It was designed to advance the learning and achievement of low-income elementary school students and has since earned recognition for its excellence.⁴⁴

³⁹ *Charles Ogletree Jr.: 1952–2023*, *supra* note 11.

⁴⁰ *Charles Hamilton Houston*, NAACP, <https://naacp.org/find-resources/history-explained/civil-rights-leaders/charles-hamilton-houston> [<https://perma.cc/BSP5-5EJH>].

⁴¹ *Brown-Nagin Named Faculty Director of Charles Hamilton Houston Institute*, CHARLES HAMILTON HOUSTON INST. FOR RACE & JUST. (Apr. 25, 2017), <https://charleshamiltonhouston.org/news/2017/04/brown-nagin-named-faculty-director-charles-hamilton-houston-institute> [<https://perma.cc/X3YQ-W7Q3>].

⁴² *See* Barack Obama & Michelle Obama, *supra* pp. 2114–15; *see also* Shah, *supra* note 38 (Randall Kennedy comments on Saturday School).

⁴³ Shah, *supra* note 38.

⁴⁴ *See generally* A CULTURE OF EXCELLENCE: A CASE STUDY OF THE BENJAMIN BANNEKER CHARTER PUBLIC SCHOOL, RENNIE CTR. (Jan. 2021), <https://www.renniecenter.org/research/reports/culture-excellence-case-study-benjamin-banneker-charter-public-school> [<https://perma.cc/4N6W-7XNB>]. The School won the Pozen Prize for Innovative Schools in 2019. *Id.* at 2.

His national and international influence can be traced to his television appearances and commentary on legal issues. He appeared as the moderator of several Public Broadcasting episodes of the show, *Ethics in America*, the 1990 series *Hard Drugs, Hard Choices* and dozens of other shows.⁴⁵ And he served as a guest commentator on shows including *Nightline*, *This Week with David Brinkley*, *McNeil-Lehrer News Hour*, *Crossfire*, *The Today Show*, *Good Morning America*, *Larry King Live*, and *Meet the Press*.⁴⁶

Throughout his career, even while teaching, writing, and offering public commentary, Charles Ogletree provided crucial and effective legal representation for people in crisis. His clients included many who had no resources while facing crushing criminal charges. His clients also included highly visible celebrities, such as Tupac Shakur and Henry Louis Gates, Jr.⁴⁷

Anita Hill recalls the support and guidance provided by her lead counsel, Charles Ogletree, as “absolutely critical” as she testified about sexual harassment by Clarence Thomas before the Senate Judiciary Committee.⁴⁸ She reflected later that he “was incredibly astute in being able to apply what he learned as a trial lawyer to a situation that really had no rules. . . . By advocating on my behalf, Charles Ogletree showed that this quest for gender justice for an African American woman is the quest for racial justice.”⁴⁹

A prolific author, Charles Ogletree wrote about the civil rights movement and its influences, including the opportunities it opened in his life.⁵⁰ He wrote about defects in the administration of the death penalty and rejected the effects of sentences to “life without parole,” and the inhumanity and illogic of other criminal legal practices.⁵¹ Reflecting on

⁴⁵ Charles J. Ogletree, Jr., UNIV. OF MICH., https://public.websites.umich.edu/~oapama/mlk98/ogletree_bio.html [https://perma.cc/SEU7-KMYT].

⁴⁶ *Id.*

⁴⁷ See generally CHARLES OGLETREE, THE PRESUMPTION OF GUILT: THE ARREST OF HENRY LOUIS GATES JR. AND RACE, CLASS, AND CRIME IN AMERICA (2010) (reflecting as both attorney for Professor Gates and social commentator); Hatton, *supra* note 37.

⁴⁸ Rupa Shenoy & Laney Ruckstuhl, *Anita Hill Remembers the Life and Legacy of Charles Ogletree*, WBUR (Aug. 8, 2023), <https://www.wbur.org/news/2023/08/08/anita-hill-remembers-the-life-and-legacy-of-charles-ogletree> [https://perma.cc/JK63-LX9Q]. She continued: “I can’t imagine having to go through that process without his support and his leadership. Charles’s legal expertise was absolutely necessary for me to feel confident stepping up and giving my testimony.” *Id.*

⁴⁹ Tovia Smith, *Noted Defense Attorney Charles Ogletree Dies*, NPR (Aug. 4, 2023, 9:15 PM), <https://www.npr.org/2023/08/04/1192315392/charles-ogletree-harvard-law-professor-defense-attorney-dies> [https://perma.cc/9MMS-FRS8].

⁵⁰ See generally OGLETREE, *supra* note 16.

⁵¹ LIFE WITHOUT PAROLE: AMERICA’S NEW DEATH PENALTY?, (Charles J. Ogletree, Jr. & Austin Sarat eds., 2012); THE ROAD TO ABOLITION?: THE FUTURE OF CAPITAL PUNISHMENT IN THE UNITED STATES (Charles J. Ogletree, Jr. & Austin Sarat eds., 2009); WHEN LAW FAILS: MAKING SENSE OF MISCARRIAGES OF JUSTICE (Charles J. Ogletree, Jr. & Austin Sarat eds., 2009); FROM LYNCH MOBS TO THE KILLING STATE: RACE AND THE DEATH

his unsuccessful efforts to obtain reparations for survivors and descendants of the Tulsa Race Riot of 1921, which destroyed most of the city's successful businesses owned by African Americans, Professor Ogletree wrote about when law fails to protect people from violence and fails to redress its own failures.⁵²

Perhaps most indelible are his writings about public defense work for impoverished and desperate individuals, far from fame. In one article, he explored with vivid narratives what allows lawyers to sustain such work.⁵³ He offered what may be the secret to his own superb lawyering: he emphasized as sustaining ingredients the kind empathy that goes beyond the conventional lawyerly distance to reach a sense of shared humanity; and a sense of heroism that derives from taking on “the system” and prevailing despite challenging odds.⁵⁴

And with candor, he examined the multiple and sometimes conflicting roles he found himself playing early in his career while he represented a young person charged with criminal offenses.⁵⁵ He wrote, “[w]hile I was his lawyer, not only did I play many roles as his legal representative, but I also served as counselor, spiritual advisor, father, brother, and friend.”⁵⁶ At another point, Charles found he needed to pull back from some of the roles in order to avoid undermining the authority of his client's mother.⁵⁷ He confessed he lacked answers about how to resolve conflicting roles while concluding that mindful attention to such tensions would remain a necessary part of the job.⁵⁸

Charles Ogletree courageously shared his vulnerability during the last years of his life by publicly speaking about his Alzheimer's diagnosis and raising awareness of the disease.⁵⁹ His was a special service and act of generosity as he especially sought to ensure that fears about the disease would not dissuade other African Americans from pursuing treatment.⁶⁰

Charles received too many awards to mention, although not as many as he deserved. One that he especially cherished came from his

PENALTY IN AMERICA (Charles J. Ogletree, Jr. & Austin Sarat eds., 2006); CHARLES J. OGLETREE, JR. ET AL., *BEYOND THE RODNEY KING STORY: AN INVESTIGATION OF POLICE CONDUCT IN MINORITY COMMUNITIES* (1994).

⁵² Charles J. Ogletree, Jr., *When Law Fails: History, Genius, and Unhealed Wounds After Tulsa's Race Riot*, in *WHEN LAW FAILS: MAKING SENSE OF MISCARRIAGES OF JUSTICE*, *supra* note 51, at 50, 50–69.

⁵³ Ogletree, *supra* note 35, at 1243.

⁵⁴ *Id.*

⁵⁵ Charles Ogletree, *Public Defender, Public Friend: Searching for the “Best Interests” of Juvenile Offenders*, in *LAW STORIES* 131, 136 (Gary Bellow & Martha Minow eds., 1996).

⁵⁶ *Id.* (footnote omitted).

⁵⁷ *Id.* at 138.

⁵⁸ *Id.* at 148.

⁵⁹ Christine Perkins, *Diagnosed with Alzheimer's, Professor Ogletree Vows to Fight It*, *HARV. L. TODAY* (July 14, 2016), <https://hls.harvard.edu/today/diagnosed-with-alzheimers-professor-ogletree-vows-to-fight-it> [<https://perma.cc/TU7E-XW63>].

⁶⁰ *Id.*

hometown: the University of California, Merced, gave him the inaugural Alice and Clifford Spendlove Prize in Social Justice, Diplomacy and Tolerance.⁶¹

The name of this award captures well Tree's commitments and his talents but does not convey his kindness and sense of fun, his deep wisdom and generosity, his gifts for friendship and for fishing, his sweet potato pies and his stories.

In his teaching and his writing, his events for students and programs for public audiences, and his legal representation for people in and beyond the public eye, Charles Ogletree throughout his life provided a model for local, national, and international communities about what a lawyer can do. He was a deserving heir of the civil rights heroes he honored because his work was always grounded in history, humanity, and a profound commitment to the unending work of justice.

CHARLES J. OGLETREE, JR.:
AN EXTRAORDINARY SCHOLAR

*Kimberly Jenkins Robinson**

Celebrating Charles Ogletree, Jr. comes naturally to so many people because he served not only as a tireless champion of equality and justice, but also as a devoted professor, mentor and friend. I write to celebrate another aspect of this legal luminary: his life as a scholar.

Through his scholarship, Charles illuminated the varied manifestations of injustice and how our nation could correct both historic and present wrongs. His work spanned a broad array of topics such as the death penalty, the sentencing guidelines, school desegregation, and reparations, to name only a few.⁶² Law scholars and others have described Charles as a scholar who was "renowned,"⁶³ "revolutionary,"⁶⁴ and "a

⁶¹ Hatton, *supra* note 37.

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⁶² See generally LIFE WITHOUT PAROLE: AMERICA'S NEW DEATH PENALTY?, *supra* note 51; OGLETREE, *supra* note 16; Charles J. Ogletree, Jr., *Tulsa Reparations: The Survivors' Story*, 24 B.C. THIRD WORLD L.J. 13 (2004); Charles J. Ogletree, Jr., *The Death of Discretion? Reflections on the Federal Sentencing Guidelines*, 101 HARV. L. REV. 1938 (1988).

⁶³ Shah, *supra* note 38.

⁶⁴ R.A. Lenhardt, *Grave Building: A Tribute to Charles J. Ogletree, Jr., and His Evolving Legacy*, 22 HARV. BLACKLETTER L.J. 153, 156 (2006).

modern version of Charles Hamilton Houston.”⁶⁵ As a scholar, Charles was all of these things and more.

In this brief tribute, I explain some of the ways that Charles was a scholar of intention, insight and impact.

Charles intentionally wrote to broaden hearts and minds. He not only engaged with other scholars, but also expanded the public’s understanding of the harmful ways that the law has fallen short of its aims and actively contributed to injustice and discrimination. Charles wrote with the hope that reform would be implemented.

My work with Charles focused on education, particularly in increasing understanding of the harmful impact of the Supreme Court’s 1973 decision in *San Antonio Independent School District v. Rodriguez*.⁶⁶ This case held that the Fourteenth Amendment’s Equal Protection Clause does not guarantee a federal right to education.⁶⁷ Charles and I connected at a law school conference in 2012, and those conversations led us to plan a series of events, supported in part by the Charles Hamilton Houston Institute, about the fortieth anniversary of *Rodriguez*.⁶⁸

Charles and I agreed that *Rodriguez* was a central judicial roadblock to fulfilling the aims of the attorneys who litigated *Brown v. Board of Education*.⁶⁹ Those visionary attorneys wanted to make sure that Black and brown children received equal resources not just integrated schools, as Charles chronicles in *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education*.⁷⁰

Our collaborations led us to co-edit a book together.⁷¹ Among many other contributions, Charles chose the title of our book because he wanted to make sure that the title communicated the weight of the longstanding harms of the case. Therefore, we titled it *The Enduring Legacy of Rodriguez: Creating New Pathways to Equal Educational Opportunity*.⁷² Together, Charles and I also decided to let go of our first publisher because the editors insisted that we cut the original manuscript in half. We agreed that this would be a disservice to communicating the legacy of the case and the analyses and proposals for reform

⁶⁵ Robert L. Carter, *Tribute to Charles J. Ogletree, Jr.*, 22 HARV. BLACKLETTER L.J. 165, 165 (2006) (stating that Charles Ogletree “is a scholar — a modern version of Charles Hamilton Houston, that great icon, now installed in the pantheon of influential and noble Americans”).

⁶⁶ 411 U.S. 1 (1973).

⁶⁷ *Id.* at 35.

⁶⁸ *Law School Conference to Examine U.S. Supreme Court’s “Rodriguez” Decision Regarding Educational Opportunity*, U. RICH. SCH. L. (Feb. 14, 2013), https://law.richmond.edu/news/article/-/11312/.html?utm_source=news&utm_medium=referral&utm_campaign=news-story [https://perma.cc/TX9K-B3EW].

⁶⁹ 347 U.S. 483 (1954).

⁷⁰ OGLETREE, *supra* note 16; *see also* Charles J. Ogletree, Jr., *All Deliberate Speed?: Brown’s Past and Brown’s Future*, 107 W. VA. L. REV. 625 (2005).

⁷¹ THE ENDURING LEGACY OF *RODRIGUEZ*: CREATING NEW PATHWAYS TO EQUAL EDUCATIONAL OPPORTUNITY (Charles J. Ogletree, Jr. & Kimberly Jenkins Robinson eds., 2015).

⁷² *Id.*

that we had gathered not only from leading scholars, but also from historians and school finance litigators for how to advance the goals of the original litigation.

Charles also was a prolific and insightful scholar. He wrote or edited numerous books,⁷³ more than fifty articles and book chapters,⁷⁴ and a wide array of commentaries and editorials.⁷⁵ Scholarship was one of the many tools that Charles Ogletree used to tell a compelling story, whether that was the story of *Brown v. Board of Education* or the arrest of Harvard University Professor Henry Louis Gates.⁷⁶ Charles built

⁷³ See generally RACIAL RECONCILIATION AND THE HEALING OF A NATION: BEYOND LAW AND RIGHTS (Charles J. Ogletree, Jr. & Austin Sarat eds., 2017); PUNISHMENT IN POPULAR CULTURE (Charles J. Ogletree, Jr. & Austin Sarat eds., 2015); LIFE WITHOUT PAROLE: AMERICA'S NEW DEATH PENALTY?, *supra* note 51; THE ROAD TO ABOLITION?: THE FUTURE OF CAPITAL PUNISHMENT IN THE UNITED STATES, *supra* note 51; WHEN LAW FAILS: MAKING SENSE OF MISCARRIAGES OF JUSTICE, *supra* note 51; FROM LYNCH MOBS TO THE KILLING STATE: RACE AND THE DEATH PENALTY IN AMERICA, *supra* note 51; *BROWN AT 50: THE UNFINISHED LEGACY* (Deborah L. Rhode & Charles J. Ogletree, Jr., eds., 2004); OGLETREE ET AL., BEYOND THE RODNEY KING STORY: AN INVESTIGATION OF POLICE CONDUCT IN MINORITY COMMUNITIES, *supra* note 51.

⁷⁴ See generally Charles J. Ogletree, Jr., *From Dred Scott to Barack Obama: The Ebb and Flow of Race Jurisprudence*, 25 HARV. BLACKLETTER L.J. 1 (2009); Charles J. Ogletree, Jr. & Susan Eaton, *From Little Rock to Seattle and Louisville: Is "All Deliberate Speed" Stuck in Reverse?*, 30 U. ARK. LITTLE ROCK L. REV. 279 (2008); Ogletree, *Tulsa Reparations: The Survivors' Story*, *supra* note 62; Charles J. Ogletree, Jr., *From Brown to Tulsa: Defining Our Own Future*, 47 HOWARD L.J. 499 (2004); Charles J. Ogletree, Jr., Essay, *Repairing the Past: New Efforts in the Reparations Debate in America*, 38 HARV. C.R.-C.L. L. REV. 279 (2003); Charles J. Ogletree, Jr., *Reparations for the Children of Slaves: Litigating the Issues*, 33 U. MEM. L. REV. 245 (2003); Charles J. Ogletree, Jr., *Black Man's Burden: Race and the Death Penalty in America*, 81 OR. L. REV. 15 (2002); Charles J. Ogletree, Jr., *America's Schizophrenic Immigration Policy: Race, Class, and Reason*, 41 B.C. L. REV. 755 (2000); Ogletree, *supra* note 35; Charles J. Ogletree, Commentary, *Are Confessions Really Good for the Soul?: A Proposal to Mirandize Miranda*, 100 HARV. L. REV. 1826 (1987); Charles J. Ogletree, Jr., *The Supreme Court, 1990 Term — Comment: Arizona v. Fulminante: The Harm of Applying Harmless Error to Coerced Confessions*, 105 HARV. L. REV. 152 (1991); Charles J. Ogletree, *The Challenge of Achieving Racial Justice in the New Millennium*, in LAW AND THE QUEST FOR JUSTICE 15 (Marjorie S. Zatz et al. eds., 2013); Charles J. Ogletree, Jr., *Fatherhood: If You Buy the Hat, He Will Come*, in FAITH OF OUR FATHERS: AFRICAN-AMERICAN MEN REFLECT ON FATHERHOOD 193 (Andre C. Willis ed., 1996); Charles J. Ogletree, Jr., *The People vs. Anita Hill: A Case for Client-Centered Advocacy*, in RACE, GENDER, AND POWER IN AMERICA 142 (Anita Faye Hill & Emma Coleman Jordan eds., 1995).

⁷⁵ See generally Charles J. Ogletree Jr. & Kimberly Jenkins Robinson, Opinion, *The K-12 Funding Crisis*, EDUC. WK. (May 17, 2016), <https://www.edweek.org/policy-politics/opinion-the-k-12-funding-crisis/2016/05> [<https://perma.cc/9JSE-U43B>]; Charles J. Ogletree Jr., Opinion, *The Death Penalty Is Incompatible with Human Dignity*, WASH. POST (July 18, 2014, 7:09 PM), https://www.washingtonpost.com/opinions/charles-ogletree-the-death-penalty-is-incompatible-with-human-dignity/2014/07/18/co849dea-0e6b-11e4-b8e5-d0e80767fc2_story.html [<https://perma.cc/Q9LJ-RCQ3>]; Charles J. Ogletree, *Testimony of Charles Ogletree: Discriminatory Impact of Mandatory Minimum Sentences in the United States*, 18 FED. SENT'G REP. 273 (2006); Charles J. Ogletree Jr., *The Flawed Compromise of "All Deliberate Speed"*, CHRON. HIGHER EDUC. (Apr. 2, 2004), <https://www.chronicle.com/article/the-flawed-compromise-of-all-deliberate-speed> [<https://perma.cc/SC85-U6JC>]; Charles J. Ogletree, Jr., *A. Leon Higginbotham, Jr.: A Reciprocal Legacy of Scholarship and Advocacy*, 53 RUTGERS L. REV. 665 (2001); Symposium: *The Delivery of Legal Services to the Poor in the Twenty-First Century*, 3 N.Y.C. L. REV. 135 (2000).

⁷⁶ OGLETREE, *supra* note 47.

upon the foundation of his storytelling to interrogate the law and propose how it could be reformed.

In our work together, it was Charles who insisted that we begin our book by telling the story of Demetrio Rodriguez, a Mexican American father who wanted better schools for his children, so much so that he took his fight for them to the highest court in our land.⁷⁷

Finally, Charles's impact through his scholarship shines brightly in many realms. For instance, his impact is evident in the fact that more than thirty state or federal courts, including nine of the thirteen federal circuits and eleven state courts, refer to his work in either majority, concurring or dissenting opinions.⁷⁸ He also has been and will continue to be cited by many scholars who build upon and engage with his work.

I am a living example of Charles's scholarly impact. In 2023, I built upon my work with Charles to launch the Education Rights Institute at the University of Virginia School of Law with a \$4.9 million dollar gift from an anonymous donor.⁷⁹ The Education Rights Institute publishes scholarship about a federal right to education, explains educational opportunity gaps to support closing them and assists school districts in understanding their obligations under Title VI of the Civil Rights Act of 1964.⁸⁰

Through his scholarship, Charles lit a flame not only in me, but countless others. And it is through his scholarship that Charles will keep speaking to us about the law as it was, as it is today and how it should be. May we all continue to share the flame that he lit. Together, we can illuminate the path to a more just and equal world.

Thank you.

⁷⁷ Charles J. Ogletree, Jr. & Kimberly Jenkins Robinson, *The Enduring Legacy of San Antonio Independent School District v. Rodriguez*, in *THE ENDURING LEGACY OF RODRIGUEZ: CREATING NEW PATHWAYS TO EQUAL EDUCATIONAL OPPORTUNITY*, *supra* note 71, at 1, 3.

⁷⁸ See, e.g., *In re Charges of Jud. Misconduct*, 769 F.3d 762 (D.C. Cir. 2014); *Commonwealth v. Prunty*, 462 Mass. 295 (2012).

⁷⁹ Josette Corazza, *At Institute Launch, Nasir Implores Nation to "Dream Bigger" for Education*, U. VA. SCH. L. (Oct. 18, 2023), <https://www.law.virginia.edu/news/202310/institute-launch-nasir-implores-nation-dream-bigger-education> [<https://perma.cc/UJQ9-5ZAA>]; Mark Lieberman, *America's Children Don't Have a Federal Right to Education. Will That Ever Change?*, EDUC. WK. (Oct. 24, 2023), <https://www.edweek.org/policy-politics/americas-children-dont-have-a-federal-right-to-education-will-that-ever-change/2023/10> [<https://perma.cc/4HLN-2JC7>].

⁸⁰ 42 U.S.C. §§ 2000d to 2000d-7; U. VA. SCH. L. EDUC. RTS. INST., *About the Education Rights Institute*, <https://www.law.virginia.edu/education/about-education-rights-institute> [<https://perma.cc/4C9G-XKVS>].

THE OMNIPRESENT TREE

Ronald S. Sullivan Jr.*

Charles J. Ogletree Jr. was omnipresent. Tree⁸¹ was a scholar, public intellectual, teacher, mentor, theorist, public defender, advocate, role model, and dear friend to many. He had a rare ability to merge theory and practice in ways that distilled the often-inaccessible argot of the legal academy to ideas so clear as to be useful and understandable to those engaged in the active, everyday practice of law.

One example of Ogletree's breadth and reach is his seminal article *Beyond Justifications: Seeking Motivations to Sustain Public Defenders*.⁸² There, Ogletree drew on his many years of service at the Public Defender Service for the District of Columbia (PDS), widely (and rightly) reputed to be the nation's best public defender office,⁸³ to give voice and vocabulary to a practice norm that nowadays is commonplace among public defenders.⁸⁴ In so doing, Ogletree introduced the idea of "empathetic representation" to the academic literature.⁸⁵ For centuries, the idea of stoic objectivism as the lodestar for quality representation was so ingrained in the Anglo-American legal tradition that the idea stood, without question, as a given.⁸⁶

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⁸¹ Professor Ogletree was widely known to his friends and colleagues as "Tree." See Angela Davis, *Tribute, A Tribute to Tree*, 22 HARV. BLACKLETTER L.J. 95, 95 (2006).

⁸² Ogletree, *supra* note 35.

⁸³ See David Bazelon, *Welcoming Remarks by Chief Judge Bazelon*, in PROCEEDINGS OF THE THIRTY-FIFTH ANNUAL JUDICIAL CONFERENCE OF THE DISTRICT OF COLUMBIA CIRCUIT, 66 F.R.D. 233, 238 (1974); Ronald S. Sullivan Jr., *Opinion, Charles Ogletree, a Teacher of Presidents, Inspired Greatness by Example*, WASH. POST (Aug. 7, 2023, 3:09 PM), <https://www.washingtonpost.com/opinions/2023/08/07/charles-ogletree-death-scholar-civil-rights> [<https://perma.cc/ZLE5-U2JR>]; see also Jonathan A. Rapping, *Grooming Tomorrow's Change Agents: The Role of Law Schools in Helping to Create a Just Society*, 12 OHIO ST. J. CRIM. L. 465, 493 n.130 (2015); Randolph N. Stone, *Commentary, The Role of State Funded Programs in Legal Representation of Indigent Defendants in Criminal Cases*, 17 AM. J. TRIAL ADVOC. 205, 212 (1993).

⁸⁴ See Martha F. Davis, *Access and Justice: The Transformative Potential of Pro Bono Work*, 73 FORDHAM L. REV. 903, 915-21 (2004). *But see* Abbe Smith, *Too Much Heart and Not Enough Heat: The Short Life and Fractured Ego of the Empathic, Heroic Public Defender*, 37 U.C. DAVIS L. REV. 1203, 1231-32 (2004).

⁸⁵ See Ogletree, *supra* note 35, at 1279 ("To beat the system when the odds are stacked against her, the attorney must pour an inordinate amount of scarce resources into each case." (footnote omitted)); Shah, *supra* note 38 ("He did more than represent [his clients] in court," Wilkins said, adding that Ogletree would give his phone number out to clients and tell them 'to call him any time of the day or night, not just about their case but if they were out or they were in trouble or they needed help.'" (alteration in original) (quoting Professor David Wilkins)).

⁸⁶ See, e.g., Charles P. Curtis, *The Ethics of Advocacy*, 4 STAN. L. REV. 3, 18 (1951) ("If a lawyer is entirely devoted to his client, his client receives something less than he has a right to expect. For if a man devotes the whole of himself to another, he mutilates or diminishes himself . . .").

Ogletree challenged this idea and illuminated a path that generations of lawyers have followed. Significantly, he abstracted his practice methodology to the level of groundbreaking theory that is now considered the gold star approach to criminal defense lawyering. He championed the idea that criminal defense lawyers should come to know the strivings, aspirations, fears, concerns, and apprehensions of their clients and their clients' families. Lawyers should know the person, not only the case. In this way, Ogletree argued, lawyers will provide more effective representation.

Ogletree, however, was much more than legal scholar. He was a practicing lawyer, representing celebrities and indigent clients, alike.⁸⁷ He advocated in trial and appellate courts,⁸⁸ including the Supreme Court.⁸⁹ He helped draft South Africa's Constitution.⁹⁰ He sued on behalf of the living decedents of the Tulsa race massacre.⁹¹ He stood up for Professor Anita Hill, when most exhibited a craven indifference to her case.⁹² Ogletree seemed to be everywhere, at once, crisscrossing the country giving speeches, moderating panels, representing clients, advising governments, writing, teaching, and being a good husband and father. He so famously balanced an impossible number of commitments that *The American Lawyer* once ran an article describing the phenomenon of "Tree Time," reflecting on Tree's frequent assurances that he was on the way to some commitment.⁹³ I have a series of fond memories educating neophytes to "Tree Time." Someone would say, "I just got off the telephone with Professor Ogletree. He's five minutes away." Translating that to the uninitiated, I would warn that "on my way" could mean that Tree had just walked out of a meeting with a visiting president of a country and was en route to a scheduled coffee with a U.S. senator. Then, after a quick visit to the PDS offices, Tree would be on his way. Even though the "five minutes" estimate was rarely, if ever, accurate, importantly, Tree always showed up. And he was always worth the wait.

Through it all, Ogletree foregrounded students. Whether it was 6:00 am or 2:00 am, Ogletree always made time for his students. He was there to guide, counsel, console, and, although infrequently, to get one or two out of jail after too many spirits at a local Cambridge watering

⁸⁷ Compare *People v. Shakur*, 648 N.Y.S.2d 200, 202 (Sup. Ct. 1996), with Dave Wielenga, *A Free Man on Death Row*, ROLLING STONE, Nov. 30, 1995, at 42; see also Risen, *supra* note 2.

⁸⁸ See *United States v. Sharpton*, 252 F.3d 536, 538 (1st Cir. 2001).

⁸⁹ See *Ford v. Georgia*, 490 U.S. 411, 413 (1991).

⁹⁰ See Charles J. Ogletree Jr., *Constitutional Principles and Practical Solutions to Implement the Right to Counsel in South Africa*, 8 CONSULTUS: SA BAR JOURNAL 98, 104 (1995).

⁹¹ See *Alexander v. Oklahoma*, 382 F.3d 1206, 1211 (10th Cir. 2004).

⁹² See Shenoy & Ruckstuhl, *supra* note 48 ("I can't imagine having to go through that process without his support and his leadership. Charles's legal expertise was absolutely necessary for me to feel confident stepping up and giving my testimony." (quoting Professor Anita Hill)).

⁹³ Gay Jerve, "Tree" Time, AM. LAWYER, December 1991, at 44, 46; see also Staff, HARV. L. SCH. CRIM. JUST. INST., <https://clinics.law.harvard.edu/cji/staff> [<https://perma.cc/MYX9-FGD3>] (mentioning the profile of Professor Ogletree in a 1991 issue of *The American Lawyer*).

hole. I was a beneficiary of Tree's enormous generosity throughout my matriculation at the Harvard Law School. I was his research assistant, babysat his children, and housesat when he was out of the country. I followed his career path by practicing at PDS. Tree was my recommender, both as a staff attorney and when I became the Director. He was my most ardent supporter for my first faculty position at the Yale Law School, and he was an equally ardent supporter when I was appointed to the Harvard Law School faculty. He resigned both the directorships of Harvard's Criminal Justice Institute and Trial Advocacy Workshop, so that I could assume those roles. And I now am honored to sit in the Jesse Climenko chair, the endowed chair that Tree held for many years.

While Ogletree's academic, teaching, and practice legacy is stellar, those who really knew Tree will best and always remember him as a generous mentor and loyal friend.