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## ***TRIBUTE***

### A TRIBUTE TO GORDON HYLTON

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When Gordon Hylton joined the University of Virginia School of Law faculty three years ago, it was a true homecoming. Gordon's affiliation with the Law School began more than four decades ago and shifted over time from student to alumnus to visitor to professor. In every role, Gordon's intelligence, humor, warmth, and generosity left an indelible mark on this community and beyond.

A native of southwest Virginia, Gordon headed to college at Oberlin in 1970. With a degree in History and English Literature in hand, he was then among the first cohort to pioneer the JD/MA in legal history program here at UVA. After law school, Gordon clerked for Justice Albert S. Harrison and Chief Justice Lawrence I'Anson of the Virginia Supreme Court, and then worked for the Massachusetts Commission Against Discrimination. Returning to the academy, Gordon earned his Ph.D. in the History of American Civilization from Harvard in 1986. He began his law teaching career at Illinois Institute of Technology's Chicago-Kent School of Law, where he served on the faculty for eight years. He then enjoyed a 20-year tenure at Marquette University, beginning in 1995. Gordon found his way back to the Law School as a visiting professor in 2009 and joined the faculty full time in 2015.

Beyond his family and friends, Gordon had three great loves: sports, teaching, and history. Gordon's interest in sports was both academic and extracurricular, serious and playful. He served as chair of the Association of American Law School's Section on Law and Sports and a

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member of the Executive Committee of the National Sports Law Institute Board of Advisors. He authored a casebook on *Sports Law and Regulation*<sup>1</sup>, as well as articles on topics like “How the Morals Clause in Jack Molinas’ Contract Saved the National Basketball Association in 1954”<sup>2</sup> and “A Foul Ball in the Courtroom: The Baseball Spectator Injury as a Case of First Impression.”<sup>3</sup>

On the extracurricular front, one of “Give’em Hell” Hylton’s most cherished places in Charlottesville was the softball field across from the Law School. His love of sports produced a key component of his Law School legacy: co-founding the North Grounds Softball League (NGSL) in 1976.<sup>4</sup> The league, and the camaraderie always at its heart, has been a centerpiece of the Law School ever since. It is one of our oldest student organizations, and it not only produces much joy among our students, but it annually contributes five-figure donations to charity.<sup>5</sup> While Gordon was thrilled to return to the Law School full-time in 2015 to teach alongside his former professors—like Ted White, Dick Howard, and Chuck McCurdy—he also reveled in the opportunity it afforded him to play softball again. In 2017, on the 40<sup>th</sup> anniversary of the league, Gordon led his team in the Founding Fathers game where NGSL originals squared off against current students. Indeed, Gordon holds the distinct privilege of being the only person to play in the NGSL as a student, alumnus, and professor.<sup>6</sup> It is an honor that I know he would hold dear.

Gordon’s love of teaching infected his courses and inspired his students, who recall him as passionate, keen-minded, and gentle-hearted. Whether in first-year property, advanced courses on trusts and estates and professional responsibility, or intimate seminars on the history of African American lawyers, Gordon offered his vast stores of knowledge to students with characteristic modesty, intellectual generosity, and a

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<sup>1</sup> *Sports Law and Regulation* (Paul M. Anderson & Joseph Gordon Hylton eds. 1999).

<sup>2</sup> J. Gordon Hylton, “How the Morals Clause in Jack Molinas’ Contract Saved the National Basketball Association in 1954,” *Fordham Sports Law Forum* (2013).

<sup>3</sup> J. Gordon Hylton, “A Foul Ball in the Courtroom: The Baseball Spectator Injury as a Case of First Impression,” 38 *Tulsa L. Rev.* 485 (2003).

<sup>4</sup> 6 Questions with Professor J. Gordon Hylton (Jul. 22, 2016), <https://www.law.virginia.edu/news/201607/6-questions-professor-j-gordon-hylton> [permalink: <https://perma.cc/GA5Q-3TGQ>].

<sup>5</sup> Eric Williamson, *Glory Days: 40 Years of NGSL* (Apr. 3, 2017), <https://www.law.virginia.edu/news/201704/glory-days-40-years-ngsl> [permalink: <https://perma.cc/6KBK-KS7P>].

<sup>6</sup> North Grounds Softball League, *The Founding of NGSL*, <http://ngsl.com/index.php/the-founding-of-the-north-grounds-softball-league/> [permalink: <https://perma.cc/M8BN-3FQB>].

sincere interest in their ideas and ambitions. His cold calls were warm and his office hours lasted as long as it took. Gordon especially loved teaching first semester, first-year students at the beginning of their legal journey. But he was equally committed to guiding students through sophisticated research projects and sharing in their contemplation of the most fundamental legal questions. His view that “the legal profession will be better off if lawyers are as concerned about what the law should be as they are in knowing what the law is,”<sup>7</sup> and his willingness to help students answer both questions, inspired generations of lawyers who are as aspirational as they are expert.

Gordon’s profound influence on his students was both intensely personal and institutionally visible. Gordon managed to win recognition and awards for his teaching and mentoring at every stage of his career. As an assistant senior tutor for Dunster House while a graduate student at Harvard, he received the House System’s highest award for his mentoring efforts. Washington University School of Law named him Professor of the Year when he served as a visiting professor – a singular distinction never since duplicated. While at Chicago-Kent, he twice received the University Award for Excellence in Teaching and thrice the Student Bar Association Professor of the Year Award. Such honors followed him to Marquette, where he received the Ghiardi Award for Excellence in Teaching, among other honors.

Gordon’s intellectual generosity extended far beyond his students. He was an avid reader of both student and faculty scholarship. When he returned a paper, he often accompanied it with a detailed memo full of corrections, quick wit, and new bits of edifying history. Gordon knew a lot, and his scholarly interests ranged widely. In addition to sports law, he authored books and articles on property, the legal profession, trusts and estates, and the Supreme Court. Gordon had a special affinity for trivia and deployed his talent as a phone-a-friend lifeline on four separate occasions on the game show *Who Wants to be a Millionaire?* Surely that is a record—one that speaks both to his easy mental access to a vast storehouse of information and his generosity in deploying it on behalf of his friends.

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<sup>7</sup> Lia-Michelle Keane, In Memoriam: An Interview with Professor J. Gordon Hylton (May 2, 2018), <https://www.lawweekly.org/features/2018/5/2/in-memoriam-an-interview-with-professor-j-gordon-hylton> [permalink: <https://perma.cc/9SSF-2AB4>].

Gordon's love of history was special, and as Ted White has noted, it "will have a long shelf life."<sup>8</sup> From constitutional and Supreme Court history to the history of civil rights, African American lawyers, and the legal profession, Gordon approached a good historical puzzle the way a detective approaches a crime scene: with unending curiosity, deep humanity, and meticulous attention to detail. In recent years, Gordon focused his formidable historical research and analysis on the history of the Law School itself. He found here a model of nineteenth-century legal education that rivaled Harvard's Langdellian approach and had long been lost in the latter's shadow. He also brought to light and to life crucial people and transformative aspects of the Law School's more recent history that had also remained too long obscured.

We are particularly indebted to Gordon for his excavation of the landmark entry to the Law School of Gregory Swanson, the first African American admitted to both the Law School and the University. Swanson's time here had been shrouded in myth until Gordon's exhaustive research and unstinting honesty recovered it. As his friend and colleague Kim Forde-Mazrui said, Gordon was committed to "getting the facts and history right, no matter [their] complexity or controversial nature."<sup>9</sup> Thanks to Gordon, we understand more about our history, and consequently our present and our future, than ever before.

As I wrote this tribute, I kept in mind an observation that Special Collections Librarian Randi Flaherty offered after collaborating with Gordon on Swanson's history. "Working with Gordon," she said, "cemented for me that there are no throwaway sentences when you are writing history. Every piece of information or interpretation you present is a claim about someone's life, a real person's life, and there is responsibility there to get it right."<sup>10</sup>

I sincerely hope that I have gotten it right. Gordon left this world too soon, with passions still to pursue and work still to be done. Even so, Gordon leaves us with so many gifts—of friendship, wisdom, and knowledge. We are honored to steward and build upon his unique legacy.

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<sup>8</sup> Eric Williamson, In Memoriam: Gordon Hylton, Legal Historian and Softball League Co-Founder, <https://news.virginia.edu/content/memoriam-gordon-hylton-legal-historian-and-softball-league-co-founder> [permalink: <https://perma.cc/3TFE-BPCD>].

<sup>9</sup> Id.

<sup>10</sup> Randi Flaherty, Remebering Gordon Hylton, *MoreUS*, <https://library.law.virginia.edu/ajm-blog/author/rlflaherty/> [permalink: <https://perma.cc/8VAB-C8UR>].