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Tribute to Barbara Salken

Harry Subin*

Sometime in the spring of 1986 I received a call from a former colleague at NYU who was then at Pace asking whether I would be interested in visiting in 1987. Shortly thereafter I came here to meet with the committee responsible for the appointment and, in the course of the meeting I mentioned that I had created a different kind of criminal procedure course, one which combined the study of doctrine with the simulation exercises designed to teach students how that doctrine is applied in practice.

When the session was over, Barbara, whom I had not met before that day, came over and said, "You've got to come here next year. I want to teach that course and I want to learn how to do it." While what she said without question made me feel flattered, her manner made it absolutely clear that that was not why she said it. She said it because what I said interested her. It sounded like a good idea; she didn't think she knew precisely how to do it; therefore, she was going to learn how. I could not know at the time that that was the way she approached life.

We spoke for a while longer that day, and Barbara's enthusiasm for teaching, and for our shared interests in the law became increasingly, and contagiously apparent. We discussed teaching together, and by the time I left that day my biggest fear about the visit was overcome. Teaching, as perhaps some of you would agree, is lonely enough when you're at your home base; it can be that much more so when you are a visitor. I gained from Barbara the clear sense that I would not be alone here. This, I thought, would be fun.

And it was, and it was largely because of her that it was. She went out of her way to make me feel at home with the faculty. Being connected to her also plainly served as my passport to the students. But most of all was the fun of teaching with her. She was good, and the reason that she was was that

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she understood that what real teaching involves is not so much conveying to students what you know, as sharing with them what you are learning. She respected the students, and that, too, is important although, as she would put it, she had a low tolerance for hearing “crap” from them. She respected the law, and *that* is important, but at the same time was wonderfully irreverent about its absurdities.

Except, I must say, when it came to the Fourth Amendment. She simply would not accept the fact that the Supreme Court’s jurisprudence in that area was incomprehensible, and she kept trying to make sense of it. She would even try to explain the Court’s rules on searching automobiles, a task plainly beyond the reach of human intelligence. What was at work here, though, was the same trait I had seen in her when we first met; this was something that interested her; she didn’t quite understand how it all fit together. Therefore, the thing to do was to get to work and fit it together. Knowing Barbara, given enough time maybe she would have pulled it off.

The year of my visit to Pace was the beginning of our friendship, which continued until this awful time. From time to time we talked law, and law teaching. She sat in on one of my courses. I visited hers. We talked law school politics and we gossiped about this and that, and all of that I shall miss.

But Barbara came to mean far more than these connections to me, and to my family. When my wife Carolyn developed breast cancer, Barbara was there for her, and gave her extraordinary support and guidance. She was Carolyn’s coach during those first terrifying days which she knew all too well, and through their endless hours of roadwork together, as these two fighters prepared to run the Marathon. Her kindness, her concern and most of all the spirit and determination were an inspiration.

Carolyn ran this year for you, Barbara.