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Viewpoint: Golden Gate Professor Susan Rutberg Remembers Bernie Segal

Susan Rutberg

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Professor Bernard L. Segal, one of the world's great trial lawyers from the old school of silver-tongued orators, and a much beloved law professor, [passed away Aug. 12](#). Bernie, as he was known by everyone he ever met, was my teacher, mentor, colleague and friend for nearly four decades. Although he faced increasingly difficult health problems in recent years, his death was unexpected, and I didn't get to see him before the end. I'm writing this because I didn't have the chance to say goodbye.

I first met Bernie in 1972, my first year of law school, when he was new to teaching. Bernie had come to Golden Gate from the East Coast after an illustrious career as a criminal defense attorney. He represented civil rights workers in the South and, as a public defender in Philadelphia, indigent people charged with crimes in the North. Golden Gate law school was an exciting place to be in the early '70s. Most of our professors were more than just terrific teachers; they were also engaged community members. But Bernie Segal, long-haired, pipe smoking and charismatic, was the coolest of the cool. From the very first day of Bernie's criminal law class, his pitch-perfect storytelling had us entranced. Entranced, but not submissive.

Our class was one of the first to have a significant percentage of women students. And we women were not easy on Bernie. We wore the feminist uniform of the day, our denim overalls, and we were determined not to be shy in class. In fact, we were positively unruly, speaking up in outrage to challenge all the many instances of sexism and racism we saw in the cases we were assigned. Poor Bernie: We were so upset about one of the first cases in the book, involving a Latina teenager who concealed her pregnancy out of shame and delivered a baby alone in the bathroom, that we wouldn't let him move on to any other discussion for three weeks!

Like so many of my generation, I decided to go to law school to learn the skills and gain the credentials needed to change the world. Yes, we were more than a little naive. Our mistake was thinking that achieving justice for all oppressed people was just a matter of time. How long? Martin Luther King Jr. famously asked. How long?? We figured five years tops after our dedicated cadre of radical lawyers passed the bar, and then justice would rain down like water upon the land. Yes, we were incredibly foolish and more than a little self-righteous. But Bernie to his great credit never made us feel foolish or embarrassed (although he did strongly urge that we give up the overalls.) In class, he didn't just humor us; he encouraged us to express ourselves, and without patronizing, he showed us the holes in our arguments. And then he taught us how to sew them up.

In our second year at Golden Gate, Bernie started the first-ever practical litigation class. He gave Golden Gate students an opportunity that no other local law school could boast: a chance to learn the art of trial advocacy from a master. When we were nervous about standing up and examining a witness in front of our classmates, Bernie gave us courage. He made us believe in ourselves. When we worried that we couldn't be as smooth or verbally adept as our teacher, he would say: "Go home. Look in the mirror and tell yourself: 'This is what a trial lawyer looks like!'"

Perhaps the most important lesson I learned from Bernie was that passion is a necessary but not a sufficient condition for

lawyerly effectiveness. Without preparation, preparation and more preparation, and above all else, a compelling story, passion alone just don't mean a thing.

I became a criminal trial lawyer because of Bernie. Long after graduation, whenever I called to consult about a case, he always made time to listen. He made me laugh when I got downhearted and celebrated my victories as his own. In the late '80s, Bernie invited me back to teach trial advocacy alongside him. Then in 1991, with Bernie's support, I joined the full-time faculty. It has been a great privilege to be part of the litigation program with him these past 20 years. Bernie's innate kindness and good manners brought out the best in all his colleagues.

Bernie was very knowledgeable on many subjects, including Yiddish-isms. The Yiddish word used to express the particular joy parents get from their children is "naches." And when you get "naches" you burst with pride, which in Yiddish is called "kvelling." Bernie often talked about his children, Amy, Beth and Eric. He loved them wholeheartedly; he was enormously proud of them; and he was completely head over heels in love with his grandchildren. From them he got plenty of "naches" and did lots of "kvelling." But I think the secret to Bernie's happy life is that he got way more than his fair share of both. "Naches" in Bernie's case was not limited to blood relations. Four decades of law students — who see themselves, like I do, as one of Bernie's kids — brought him "naches" and made him "kvell." He loved his students; he loved his life, so much of which was spent here at the law school, and it gives me some comfort to imagine him now filled with "naches" and "kvelling" at the thought of all the people he touched so deeply.

Susan Rutberg is a professor at Golden Gate University School of Law. She can be reached at srutberg@ggu.edu.

The Recorder welcomes submissions to Viewpoint. Contact Sheela Kamath at skamath@alm.com.



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