

Stanford Law School

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J. Keith Mann Memorial

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J. Keith Mann Memorial

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December 13, 2006

Stanford Law School

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MEMORIAL RESOLUTION J. KEITH MANN (1924-2006)

Dean J. Keith Mann, a member of the law school faculty from 1952 until his retirement in 1988, died of pneumonia on November 27, 2006 at the age of 82. Keith, as he was known among his colleagues, also served as the law school's academic dean from 1961 to 1985 and as acting dean in 1976 and from 1981 to 1982.

An Illinois native, Keith was a naval officer in World War II and later attended Indiana University and its law school, where he served as the Articles and Book Review Editor of the Law Journal. Upon graduation, the law faculty elected him a member of the Order of the Coif, an honorary society limited to students graduating in the upper ten percent of the class. He then clerked for U. S. Supreme Court Justices Wiley Rutledge and Sherman Minton, practiced law in Washington, D.C., worked for a year as special assistant to the Chair of the U.S. Wage Stabilization Board and taught for a year at the University of Wisconsin before joining the Stanford Law School faculty as an assistant professor.

Keith was a leading expert in labor law and labor arbitration. He was considered the leader of a new emerging group of post World War II arbitrators, and is still remembered for a tutorial on labor arbitration he provided to the U.S. Senate Committee on Labor and Public Welfare when he was 27. At Stanford, Keith taught labor law and labor arbitration, courses he infused with his experiences as one of the nation's top arbitrators. He was a member of the National Academy of Arbitrators.

Presidents turned to Keith to help resolve some of the most vexatious labor issues that arose after the war. President Eisenhower's Secretary of Labor, James Mitchell, asked Keith to examine atomic energy labor management problems. President Kennedy appointed him to settle two disputes – between the Southern Pacific Railroad and railway clerks, and between the airlines and the flight engineers. President Johnson appointed Keith as chair of a fact-finding board to help settle the 1967 West Coast shipyard strike. Because of his ability to strike an appropriate balance between the introduction of technological developments in the workplace and job security for displaced workers, President Nixon asked him to help resolve one of the most difficult strikes in recent history – the 1971 longshoremen's strike that lasted 134 days.

Even the United States Supreme Court turned to Keith for help in resolving unusually difficult cases. In 1980 the Court appointed him as a special master to take evidence and resolve complex legal issues between the federal government and the State of Alaska regarding ownership of submerged lands containing valuable mineral deposits. To give students an opportunity to watch a court in action, Keith held the hearings in the law school's moot courtroom. In 1997 the Court adopted as its decision almost word for word Keith's masterful 565 page report.

Keith's contributions to the law school went beyond teaching and scholarly endeavors. As the academic dean for almost 25 years, he served as the right hand to Deans Bayliss Manning, Tom Ehrlich, Charles Meyers, and John Ely. In addition to playing a

leading role in the administration of the school, Keith was a central figure in Stanford's evolution from a top regional law school to one of the top three national law schools. Keith helped recruit nationally renowned scholars, including William B. Gould, who was subsequently appointed by President Bill Clinton as Chair of the National Labor Relations Board, and Barbara Babcock, who was named by President Jimmy Carter as head of the Civil Division of the U.S. Department of Justice. Professors Gould and Babcock brought more than their expertise to the school. Professor Gould was the first tenure-line African American and Professor Babcock the first tenure-line woman hired by the school.

Despite his many administrative duties, Keith made time to mentor young faculty members, helping them choose courses that supported their research interests and ensuring they had all the research resources they needed. More than any other faculty member, he made certain that young faculty felt welcome and valued. During his tenure as associate dean, almost all junior faculty members were promoted to tenure and have remained on the faculty. Keith used his extraordinary poker skills to bring tenured and junior faculty together. He was described by one colleague as "the best poker player I have ever known. In faculty poker games in the 1950s Keith was always the big winner. Eventually he declined to play with us because he was embarrassed – it was like taking candy from children."

Keith also had a special way with students. He was always attentive to their needs and tried to find ways to meet their requests. They have not forgotten him. At alumni gatherings held throughout the country, usually the first person they inquired about was "Dean Mann".

Keith's dedicated service to the law school over so many years will not be forgotten. As former Dean Paul Brest remarked at Keith's memorial service, "Being associate dean is as important a service as there is within a university, and about as thankless a task as I know of. The associate dean does all the messy work, takes responsibility for everything that goes wrong, but doesn't share in the glory when things go well. Yet I can't recall hearing Keith complain about his work or his occasionally ungrateful colleagues. As he served his country, he served the school with extraordinary loyalty, and commitment, and care – and a good dose of humor."

As another colleague remarked, "Every successful law school has a Keith Mann, but we were singularly fortunate to have ours for over 25 years."

Keith is survived by Virginia Mann, his wife of 56 years; their children, William, Marilyn, Kevin, Susan and Andrew; and three grandchildren.

Committee:
William B. Gould
Miguel A. Méndez
John H. Merryman

Keith Mann Memorial

Larry Kramer

December 13, 2006

I am Larry Kramer, the dean of the Law School, and it is my privilege to welcome you to this memorial in celebration and memory of Keith Mann. I will not speak long, as I came to Stanford well after Keith had retired, and there are others whose thoughts are more salient, important, and personal than mine.

For now, I want to say only this: To be part of a University community is, I believe, something special and wonderful. It's not just a job, or we hope it's not just a job. We are a community as well as a place to work. We are charged with one of the most vital tasks society undertakes—educating young men and women to prepare them for the lives they will lead—and we do so in a myriad of ways beyond the classroom.

We do so by example. We do so by how we treat them and, equally important, how we treat each other. We do so in the ways we work with each other and talk to each other and talk about each other. And we do so by the kind of culture we make: a culture built on ideas, affection, seriousness of purpose, and the effort to make a difference in people's lives.

Stanford is a wonderful community. It is a community that I, and I hope all of you, are proud to be part of. It is a community that exemplifies the very highest ideals in intellectual accomplishment and integrity, but also a community that is deeply human. It's a place in which, like family, we sometimes disagree and argue, but in which we still respect each other and treat each other with respect. It's a place in which we help each other when trouble comes. It's a place that teaches students to challenge themselves and to measure their accomplishments

accordingly, not by whether they have done better than someone else. It's a place that encourages people to work for the right reasons, that encourages them to help and to care.

All of us play a role in making Stanford Law School the community that it is. But some more so than others. Some leave a bigger mark, and by sheer force of character play a particularly profound role in creating the community we have. Keith Mann was clearly one of those people. In his many roles here—as teacher, scholar, associate dean, acting dean, friend, and mentor—he touched everyone who came through during the 36 years he was an active member of the faculty as well as in the years of his retirement.

You'll hear more about that, and him, in the testimonials that follow. But you should know that I've been hearing about it all week: in the hundreds of emails, letters, and phone messages that have poured into my office since word went out of Keith's passing. Many describe Keith as a great teacher or mentor, but almost all also say he was a great friend, a human figure who helped them find themselves and who made their experience here something they value and cherish.

Some snippets from a few:

- What a great and sweet man.
- I treasure his responsiveness to students and his gentle and understanding manner.
- A real nice guy, soft-spoken, wise, and a terrific teacher and role-model.
- Although I know the last thing you need is one more email, I had to share the remembrance that my father cherished Dean Mann.
- An extraordinary human being. He was the steady person who kept things together at so many different levels and in so many different ways.

- He was a remarkable and gifted teacher, mentor, labor lawyer, and friend.

- He was my teacher, my mentor, and a generous friend. He and Herb Packer above all others are what made Stanford Law School of the mid-1960s a special place for me. In no small measure I owe my career to the two of them.

- He was always a great guy to be with, and he had a wonderful, wry smile.

- He will be missed.

As today's turnout attests, he will indeed. But we should remember, as we listen, that we do more than recall and mourn Keith's passing. We also celebrate his life, his friendships, the many people he touched, and his contributions to this institution about which he cared so much.

By Barbara Babcock

Memorial— Keith Mann
Law School
December 13, 2006

I came to Stanford in 1972 as the first woman appointed to the regular faculty without any idea of the job description or what I was supposed to do. I'm not sure I would have made it without Keith Mann. What he gave me and all the green young faculty over the years was what a loving father gives his children; the sense that he was on our side, rooting for our success.

Not that Keith ever said anything explicit about this--- explicit was not his mode. Quite the contrary— Keith was the master of the mysterious on-going conversation, whose roots were buried deep in an unknowable past. With a little nod and a conspiratorial glance, he would say something like— “well, he finally made the leap. Exactly as we all hoped, you know” – I for one never wanted to ruin the moment by asking who? And what leap?

In the delicate job of Associate dean for more than twenty years, and acting dean at important transition periods, he was a rock, the human symbol of the fact that no matter how perilous things seemed at a particular moment, if we worked hard and kept our heads down, we would not only survive but succeed. That was his message— again not explicit.

Keith had a special way with the students too; they knew he hated to say no, and seldom did. He didn't say yes either--- one of my favorite memories from decades down the hall from Keith is the look on their faces when they emerged from his office. They weren't sure what had happened, but they did know that due process had occurred and he somehow imparted that was enough. It was at Keith's knee that a number of Deans, I think of Paul Brest especially, learned the use of a major administrative tool— meeting and corresponding endlessly until people calm down and reach a solution.

Tom Grey, who joins in all that I have said, and I wrote this to Ginny last week— “ His pride in Susan, [who graduated from Stanford in 1988] such a dear girl and wonderful student, was something to behold. We both enjoyed knowing Keith better through his daughter.” The only time I ever saw Keith

lose his Zen-like composure was when I told him that Susan had written the best exam in my Civil Procedure class. He shed tears of pride and joy.

I had a note from Susan speaking of the love and affection she bore her father, and asking me to say that she regrets being unable to make the cross-country trip— that she is here in spirit.

Keith Mann seemed entirely free of arrogance or the need to engage in any pyrotechnic display of brilliance. Modest and affable, he exuded reasonableness and fairness, common sense and decency. He acted the same toward everyone— students, colleagues, the famous and the unknown, black, brown and white, male and female. His virtues were old-fashioned, reflecting deeply-held, very American values

For Keith, in his memory, and because I think he would have liked it--I will read the concluding verses of the most famous American poem about death and dying— and about living.

Thanatopsis-by Wm Cullen Bryan

Not to thine eternal resting-place
Shalt thou retire alone, nor couldst thou wish
Couch more magnificent. Thou shalt lie down
With patriarchs of the infant world,— with kings,
The powerful of the earth,— the wise, the good,

.....

All in one mighty sepulcher

All that tread
The globe are but a handful to the tribes
That slumber in its bosom.— Take the wings
Of morning, pierce the Barcan wilderness,
Or lose thyself in the continuous woods
Where rolls the Oregon, and hears no sound,
Save his own dashings,— yet the dead are there:
And millions in those solitudes, since first
The flight of years began, have laid them down
In their last sleep— the dead reign there alone.

So shalt thou rest; and *** All that breathe
Will share thy destiny. The gay will laugh

When thou art gone, the solemn brood of care
Plod on, and each one as before will chase
His favorite phantom; yet all these shall leave
Their mirth and their employments, and shall come
And make their bed with thee.

Shall one by one be gathered to thy side
By those, who in their turn shall follow them.

So live, that when thy summons comes to join
The innumerable caravan which moves
To that mysterious realm, where each shall take
His chamber in the silent halls of death,
Thou go not like the quarry-slave at night,
Scourged to his dungeon, but, sustained and soothed
By an unfaltering trust, approach thy grave
Like one who wraps the drapery of his couch
About him, and lies down to pleasant dreams.

Remarks at the Memorial Service for Keith Mann
Stanford Law School, December 13, 2006
Paul Brest

Keith was my associate dean when I came to SLS in 1969, and twice my acting dean in interregnums in 1976 and 1981.

I want to talk about Keith as my Law School friend and colleague rather than about his important professional contributions as arbitrator of important labor disputes and special master in *U.S. v. Alaska*—though I should say that many of the same qualities that he exhibited in public life were manifested within the School.

I'll share some personal experiences with:

- Keith the kind and gentle.
- Keith the negotiator.
- Keith the inscrutable.
- Keith—to turn on its head a phrase used by our current president—the un-decider.

Keith the kind: I recall when my very first article as an assistant professor was published and I proudly sent reprints to all my colleagues. Keith came to my office and after warmly congratulating me, tried to ease the inevitable disappointment when something you have put so much work doesn't immediately set the world on fire. He put his arm around my shoulder and said, "publishing an article is like dropping a pebble into the Grand Canyon and waiting for the reverberations. They will come, but it takes a long time." I recalled Keith's sage observation as I waited for any response—I would have welcomed even a highly critical one—to the article. I had to wait a long time for the reverberations.

Keith was an extraordinarily kind and gentle man, and especially solicitous of young faculty. But he was also responsible for seeing that the curriculum was covered. For the first couple of years at Stanford, I was allowed to teach the courses of my own choosing—particularly constitutional law, criminal law. (Though I had to compete with formidable professors like Gerry Gunther, Herb Packer, John Kaplan, Tony Amsterdam—but that's another set of stories.)

Perhaps my second or third spring, Keith suggested that it would be of great benefit to the school if I taught a course in admiralty law the following year. When I looked stunned, he said that I would be eminently qualified, having been a Supreme Court clerk the year that some utterly obscure admiralty case was decided. Things proceeded in the oblique, circuitous, and somewhat mystifying way that characterized so many conversations with Keith, and ended by his saying "well, sleep on it."

When we next took up the issue, Keith said that he had thought about it, and perhaps I wasn't the right person to teach the course after all. But how about Civil Procedure, since I had spent a couple of years doing civil rights litigation before joining the faculty? I was

so relieved that I immediately acceded. It took some time—and the realization that the School had almost never before or ever after had a course in Admiralty--for it to dawn on me that this had just been a ploy to get me to teach Civil Procedure.

So that's Keith the negotiator.

Keith the inscrutable and un-decider: If you asked Keith even a simple question, such as what time it was, he would eventually—but only eventually—respond with an answer of sorts—in a cautious, secretive tone, as if you were partners in some conspiracy.

Keith labored on U.S. v. Alaska for 17 years before producing a magisterial 565-page report that resolved virtually all of the issues in this complex dispute involving submerged lands and mineral leasing. A faculty member who asked Associate Dean Mann whether he or she (once Barbara Babcock arrived) could do something out of the ordinary felt that we had to wait almost that long for an answer. And you would leave the conversation thinking you knew the answer only to come to realize that you weren't at all sure whether Keith had said you could or couldn't do it. At a time when clinical legal education was in its infancy, Keith unintentionally gave me and many other colleagues clinical instruction in the adage that it is better to seek forgiveness than permission. And Keith was very forgiving, indeed.

Being associate dean is as important a service as there is within a university, and about as thankless a task as I know of. The associate dean does all the messy work, takes responsibility for everything that goes wrong, but doesn't share in the glory when things go well. Yet I can't recall hearing Keith complain about his work or his occasionally ungrateful colleagues. As he served his country, he served the School with extraordinary loyalty, and commitment, and care—and a good dose of humor.

Stanford Law School would not be the premier institution that it is today without Keith's contributions. And, like many people in this room, I was extraordinarily fortunate to be his colleague.

KEITH MANN MEMORIAL SERVICE

Wednesday, December 13, 2006

Remarks by Warren Christopher

When Keith and I started work at the Supreme Court at the beginning of the 1949 term, we had something special in common. Neither of us had a Justice in residence. Keith had come to work for Justice Wiley Rutledge. But Rutledge died suddenly, shortly before the term began. To replace him, President Truman nominated Judge Sherman Minton, a former Senator. With Senatorial courtesy, and in a simpler time, Minton was confirmed and sworn in a month later on October 12. Justice Minton asked Keith to stay on, and so Keith had the special pleasure of learning the ropes with a brand new Justice.

In my case, on the first of October, 1949, I put on my best suit and waited nervously at what was then known as National Airport to meet "my" Justice, William O. Douglas. After several hours, someone from the Court arrived to tell me that a horse had fallen on the Justice. At that moment, it could as well have been on me. Fortunately, Justice Douglas survived the accident but didn't return to the Court for several months.

There I was, green as grass, without a co-clerk, a mentor or a clue. Keith immediately understood my plight and took action to include me in all the life of the Court. His office was next to mine on the South wing of the building, and we visited back and forth just as if I had a real Justice. Maybe it was because we were both raised in the Middle West; maybe it was because neither of us had gone to Harvard or Yale, but we bonded.

Bayless Manning was also next door to Keith, clerking for Justice Reed, and so a lot of Stanford, past and future, occupied that South wing.

Keith had many wonderful qualities, but the one that sticks with me was his acute sensitivity to other people and how he could help advance -- and sometimes protect -- their interests. Let me tell you about one of the many times I benefited from this singular ability.

Justice Frankfurter, with his incomparable capacity for flattery, asked if I would like to help him with a Fourth Amendment opinion. I did not hesitate in saying "yes," even though I was plenty busy doing the certs and helping the still bedridden Douglas with a book he was writing in Arizona. I started doing some research for Frankfurter without mentioning it to Douglas. It fell to Keith to tell me, with characteristic sensitivity, that my Justice might be less than thrilled to learn of my moonlighting for his ideological foe. I backed away, Douglas never found out, and I kept my job.

It was a big time Court in those days. Black and Douglas, Frankfurter and Jackson, none of them had ever served a day as a judge before joining the Supreme Court. Despite that fact, during their tenure they added enormously to the achievements of the Court and, in the bargain, added a unique worldliness to the decision-making process.

Keith was one of the original promoters of the idea of the clerks inviting the judges to lunch, one at a time. Justice Black was the first and, by the end of the term, all of the others had done likewise.

In a gym on the floor above the Supreme Court, the clerks played pick-up basketball. It was Keith, I think, who named that space the Highest Court in the land.

There are a lot more clerking stories, but you have heard enough from me -- except to say that our clerking year went too fast and ended too soon.

Ginny came on the scene at about that time, bringing her prettiness, poetry and practicality into Keith's life. He had the good sense to marry her the next year, and we had great times in their home in Georgetown. Although we traveled different paths in the years thereafter, we remained devoted friends. In large part, our friendship was sustained through the mail, and many of you will understand immediately when I say that Keith was a master correspondent.

In closing, I borrow from E.B. White's description of Charlotte in his great book, **Charlotte's Web**:

"Keith was in a class by himself. It is not often that someone comes along who is a true friend and a good writer. Keith was both."

Keith Mann—Tribute by Tom Ehrlich, Dec. 13, 2006

Keith Mann gave deep and lasting loyalty and affection to those privileged to be his friends. He was an arbitrator of renown, a fine teacher of labor law, and, in his prime, an innovative scholar of the field as well. But I want to remember with you Keith, dear friend and colleague.

In 1970, I was a young dean who know little about the Law School and nothing about administration. Fortunately for me and the School, Keith took me in hand and with his quiet confidence gave me tutorials that lasted the entire time of my tenure, and were sound lessons for my subsequent years in university administration.

Keith was the eyes and ears of the School, the person who kept it all together as we engaged in the capital campaign that raised the funds for the shift from our dilapidated quarters in the old Quad to what I still call the new Law School buildings. Throughout that time, Keith was always sensitive to the individual needs of those around him, was always reaching out to help others, was always mindful of what others wanted or needed—sometimes well before those persons knew themselves. It is tempting simply to say that he put helping others before helping himself, and that is true enough. But it is

also true that helping others was so much a part of Keith's whole being that it was inherent in his very being.

At the Law School, Keith operated just outside the limelight's edge. In that space he was a master choreographer. He ensured that the School's interests were protected and promoted in ways that were marked by integrity, vigilance, and incredible hard work. He knew everything that was going on at the School--and throughout the University as it affected the School--and he worked tirelessly so that things never fell apart. Keith was a rock, wise and insightful without a condescending bone in his body.

Many examples come to mind of Keith's special talents as a craftsman for the Law School. The one I'll choose is his preparation of dossiers in support of each faculty member who was being considered for tenure or promotion by the School's faculty and then the Advisory Board of the Academic Council. This step was particularly important in terms of the Advisory Board because that group was always composed of faculty members from other parts of the University with little or no understanding of the standards of leading law schools, particularly in terms of scholarship.

Many in this room, I suspect, are here in part because Keith was such a master of this dossier craft—I certainly am one of those. He would literally spend days, sometimes weeks, marshalling evidence and then writing a powerful, persuasive, and extensive brief in support of the particular candidate for promotion or tenure. And it is a tribute to his prowess that, at least in my memory, we were never turned down by the Advisory Board, unlike other schools in the University.

When I was dean we kept a list of those faculty members who we thought might be raided by Yale or one of the other leading law schools, and Keith was also a brilliant spider in devising multiple, intersecting webs to tie those colleagues and their families to Stanford so that all of them said no when faced with the offers from those other schools.

Keith was a graduate of Indiana University Law School before he went on to clerk for Supreme Court Justice Rutledge and his successor Justice Minton. He was always proud of his Hoosier connection, and it was a source of particular pride to both of us when he was chosen for the IU Law School's distinguished alumni award. I can still see him standing there on the stage before alumni, faculty, and students of the School who stood and cheered our dear friend Keith—cheered him for

his many accomplishments and cheered him no less for the ways that he exemplified the moral best of the legal profession.

Keith, who was born and raised on his family's farm in Illinois, personified Midwestern virtues of hard work, modesty, lack of pretension, unwavering loyalty to friends and family, and an unfailing moral compass. Somehow, over the last 54 years, in spite of living in California all that time, he managed to maintain these virtues and to practice them every day. All of us were beneficiaries.

Ginny Mann had much to do with this, of course, as she did in every aspect of both their lives and those of their children. Ginny is a remarkable woman, wise and patient, with a rare breadth of interests and depth of understanding. Ginny and Keith were a couple who grew up together and stayed fiercely loving and loyal to each other for 56 years.

The last years were hard ones—hard for Keith, hard for Ginny, hard for their children. Let's remember, instead, the Keith we knew in his prime—and what a prime it was. Let's remember Keith playing with his kids at Fallen Leaf Lake, and laughing with those of us who were his colleagues as we had so much fun while working together.

As we say goodbye, let us remember the man we loved and be thankful that we were privileged by his friendship.

Remarks at Memorial Service for J. Keith Mann, Moot Courtroom,
Stanford Law School, December 13, 2006

William B. Gould IV

A little more than 24 years ago, in a most eloquent and compelling eulogy to our late friend,
Joseph Leininger, Keith Mann adverted to a treasured poem---John Donne's Holy Sonnet, in
which Donne writes:

Death be not proud, though some have called thee
Mighty and dreadful, for, thou art not soe,
For, those, whom thou think'st, thou dost overthrow,
Die not, poore death, nor yet canst thou kill mee;...

I first met Keith Mann in the fall of 1971 when I was interviewed for a position here. I
shall never forget how he and his wife, "Ginny" Mann, welcomed my wife and me at a reception
at their home. As with so many other get-togethers which our families enjoyed with each other
over the years, that evening radiated both warmth and a sense of genuine welcome. And on that
night, when Keith was fielding a host of phone calls about President Nixon's Supreme Court
nomination of Stanford Law School alumnus William Rehnquist and was simultaneously

enmeshed in the difficult West Coast longshore strike as Chairman of the President's Board of Inquiry, he was ever the generous and unflappable host.

Unflappable, extraordinarily smart, circumspect, the "wise owl" as he was called at his 1988 retirement function, and sometimes downright enigmatic...he was all of these, but always so much more.

Keith Mann played a big role in opening the Stanford Law School's door to me, as the first black law professor ever employed here. One of the guests that October 1971 evening was his prize ex-student Jim Danaher, who had been involved in civil rights matters since the early or mid-'60's and, someone with whom I hit it off immediately and bonded with as a good friend ever since. And that helped set just the right tone about the Law School and made us feel at ease that night.

Keith had taught the Labor Law course here prior to my arrival in 1972. Just a few weeks before our first meeting in '71 the *New York Times* had referred to him as "one of the country's leading experts on labor law." Subsequently, I was to learn that he had provided a veritable tutorial on labor law and labor arbitration to the U.S. Senate Committee on Labor and

Public Welfare at the age of 27! Yet, in a most unusual gesture, he relinquished the course so that I could come here and teach it these many years.

The same *New York Times* 1971 "Man in the News" piece also noted that Keith Mann was one of those rare academics who brought the practical world of his subject matter, labor management dispute resolution, to bear in the classroom. More than a generation of former Keith Mann students whom I have met have testified to this.

Keith was uniquely equipped to accomplish this because he was almost there at the creation itself of a new and modern labor arbitration process in the post World War II days when both labor law and labor dispute resolution were in their halcyon period--- when there was actual union growth! Obtaining his start in the Korean War's Wage Stabilization Board as assistant to the Chairman, with Wisconsin Professor Nathan Feinsinger, he was called upon to resolve the toughest of labor disputes again and again. He was one of the youngest of the new group who gained acceptance in the 1950's.

President Dwight Eisenhower's Secretary of Labor James Mitchell brought Keith in from Stanford to examine atomic energy labor management problems and conflicts in 1955. Soon the vexatious and vital railway and airline industries were also on his plate. President Kennedy and

President Johnson appointed Keith on numerous occasions to emergency boards in the multi union-railway and airline sectors of the economy. Frequently the problems involved the difficult balance between the technological innovation which is a prerequisite for competitiveness, on the one hand, with job security or a safety net for displaced workers on the other. Keith always seemed to get the balance between these competing considerations just right.

So much was this so that President Nixon called upon him in one of the most important and difficult strikes in recent history-the 1971 longshore dispute in which he acted as Chairman of the special Taft Hartley Board of Inquiry established under the national emergency strike provisions of that statute. Said the *New York Times* in referring to one of the railroad disputes where he was appointed by President Kennedy, “[The] Board, headed by J. Keith Mann, a law professor at Stanford University, offered some fresh approaches in an area of labor-management relations that is getting increasingly complex and acrimonious.”

He also brought his expertise to bear in local disputes as well, serving in voluntary arbitration procedures involving wage controversies relating to nurses at the Palo Alto-Stanford Hospital Center. And when baseball devised its so-called “final offer” salary arbitration procedure for individual player contracts, Keith was in the first group to resolve these cases-

particularly some difficult ones involving the irascible Oakland A's owner Charlie Finley and his players. Like his atomic energy, railroad, airline and longshore disputes, these were the tough ones, all of which had great visibility.

Meanwhile, Keith somehow found the time to run the Law School and, in the process, become its institutional memory. In this capacity, most people who thought of the Stanford Law School, first thought of Keith Mann. He was a goodwill ambassador to the outside world as well as knowing the nooks and crannies inside the Law School. As so many here know, he was the "point man," the "go-to guy," to use the sports metaphor.

Keith was always solicitous of and gracious to my parents, inviting them to festive Christmas gatherings at his home where songs and carols were sung, with Joe Leininger at the piano. He and my father had a number of tête-à-têtes together and I know that they had a feeling of considerable mutual respect for one another.

I shall never forget what I have always regarded as the highest compliment of all about Keith Mann when I heard my father say, "He is on our side."

He was, in John Donne's words, one of "our best men" with whom death "doe goe"---and for whom "[o]ne short sleepe past, wee wake eternally, and death shall be no more, Death thou shalt die."

We miss him and I extend my condolences to Virginia and all of the children and grandchildren and his many friends that he made during his life on this earth.

Memorial for Keith Mann
Stanford Law School
Dec. 13, 2006
Remarks of Kathleen M. Sullivan

In a NYT profile published in 1971, just after he was appointed by President Nixon to settle the West Coast dock strike, our beloved colleague Keith Mann was described as “the round-faced, blue-eyed Professor Mann.” That description is resonant for all of us—the first picture of Keith that pops to mind to any of us who were lucky enough to be his colleague is his utterly cherubic, even impish, and always smiling, face as he walked these halls. Genial, friendly, and a great raconteur, he was always a delight to spend time with.

Like all great poker faces, his disarming and cherubic looks were of course a great asset. He enjoyed a long career as a determined and successful labor negotiator: he chaired the Review and Appeals Committee of the Wage Stabilization Board during the Korean War. He helped settle a shipyard strike under President Johnson and helped to resolve airline and railroad labor disputes under President Kennedy. He headed labor-management relations and wage boards for agencies of both the state and federal governments.

Keith's combination of personal charm and analytic shrewdness also made him a key leader in the Law School's history. Serving as associate dean for academic affairs from 1961 to 1985, and serving not once but three times as Acting Dean in 1976, 1981 and 1982—a job for which being a labor negotiator was not bad preparation—he helped launch the great advances in the School's ambitions and reputation under Dean Carl Spaeth (Sheila, Laurie and Graham are here today). He helped serve as the School's coach, guide, conscience, institutional memory and as Warren Christopher puts it, the "glue between the deans." There was not a question I ever had about the School's history that Keith could not answer, and not an aspect of its procedures or curriculum he had not thought of. The files we keep in the Dean's Office on all the faculty members are liberally interleaved with notes in Keith's beautiful cursive handwriting, taking care of every aspect of the faculty's lives both large and small.

Keith, an ex Minton-Rutledge clerk, also had a great interest in the doings of the US Supreme Court. To many of us, his greatest masterwork was the magisterial special master's opinion in the coastline boundary dispute that became the 1996 case of *United States v. Alaska*. The case involved a set of offshore islands and a

three-mile off shore boundary. The state said let's draw it three miles offshore so we can drill for oil. The federal government said let's draw a 3-mile boundary around each island, effectively making such drilling by the state untenable. Keith's magnificent 505-page report principally agreed with the federal government's position, and virtually every recommendation in the report was upheld by the Supreme Court upon final decision. Keith was triumphant, and so were those who were happy to look out from the Alaskan wilderness to see a sea unspoiled by oil drills.

Now who was it who turned Keith, the shrewd labor negotiator, into an environmentalist? That 1971 NYT article suggests it was his children: "Professor Mann . . . enjoys cigars and cigarettes, but he is careful to shun the latter around the house because his ecology-minded children disapprove." (Several of the children are with us today.)

Everything Keith did for us and for the School was immeasurably enhanced by the mother of those children, the incomparably lovely and gracious Virginia McKinnon Mann. (Ginny is with us today.)

I will close with a story of a gift Keith and Ginny gave me upon my arrival at Stanford in 1993. I came home one day to find a straw broom on my doorstep, left by Keith with a kind welcome note. On first inspection, it looked stolid and natural, a fitting reflection of the Hoosier Keith Mann, raised on a farm and filled with the Midwestern virtues. On second, look, however, I was startled to see a man's face carved into the broom handle, subtle and refined, a fitting reflection of the complex and nuanced Keith Mann who ran deep behind that stolid exterior. I have always treasured that gift and its metaphor.

Keith was there not only to greet me when I arrived but to send me off when I graduated from the deanship—as he had seen and sent off so many other deans in his 54-year tenure at the school. With his family's help, he had returned to Stanford, wheelchair-bound but nattily attired, to grace the proceedings, and sit at the center of the garden gathering, at the center of Stanford Law School, right where he belonged. We will miss and treasure him always.

J. Keith Mann
(1924-2006)

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Labor Relations Expert

John Keith Mann

By LAWRENCE VAN GELDER

"He has the coolest head and most even temper of any human being I know," a colleague said yesterday of J. Keith Mann. "He manages to keep his perspective on any problem in the heat of the moment — something that's beyond most mortals and which is why I assume he's

Man
in the
News

been chosen for this job." The job he referred to is one for which President Nixon selected the 47-

year-old Professor Mann—as head of a board of inquiry into the extended West Coast dock strike.

For the round-faced, blue-eyed Professor Mann, who holds the title of associate dean of the Stanford Law School, involvement in difficult negotiations constitutes no novelty. Nor does a Presidential appointment. Under President Kennedy he helped settle a controversy between the Southern Pacific Company and railroad clerks and a dispute between airlines and flight engineers. In 1967 President Johnson appointed him chairman of a fact-finding board during a West Coast shipyard strike.

20 Years' Experience

Professor Mann's career in labor relations extends back some 20 years to the Korean War, when he served as chairman of the Review and Appeals Committee of the Wage Stabilization Board. Since then, he also served as a member of the Secretary of Labor's committee on labor-management relations at Atomic Energy Commission installations and as chairman of the Wage Board for the California State Industrial Welfare Commission.

"Keith Mann," said a Stanford law professor yesterday, "is one of those who manages to stay heavily engaged in his own academic work while staying current on all that's going on in the labor field. He is engaged from time to time in undertakings like this one, and that provides concrete contacts for his academic work. I think what he is doing is an excellent example of the value of outside consulting for professors. He is considered one of the country's leading experts on labor law."

Only First Initial

In choosing a law career, Professor Mann, the youngest of three sons of William Young Mann and the former Lillian Myrtle Bailey, followed in the footsteps of his eldest brother, W. Howard Mann, now a professor of law at the State University of New York at Buffalo.

It was W. Howard Mann who chose to use only the initial of his first name, William, to avoid being confused with his father, who set the pattern for nomenclature among the brothers. Professor Mann of Stanford is actually John Keith Mann and the third brother, who chose a career in pharmacy, is known as F. Dean Mann.



Associated Press
Outside assignments sharpen his academic pursuits.

J. Keith Mann was born on May 28, 1924, on the 400-acre family farm in Alexis, Ill. After two years at Indiana University, he entered the Navy early in World War II as a lieutenant, junior grade, in a Far Eastern studies program. He studied Japanese at the University of Colorado and served in Korea and Japan.

He obtained a bachelor of science degree in Far Eastern studies from Indiana University in 1948 and a bachelor of laws degree the following year. After serving as a law clerk for Associate Supreme Court Justices Wiley Rutledge and Sherman Minton, he carried on a private practice in Washington for a year before joining the Wage Stabilization Board in 1951.

The following year, after joining the faculty of the University of Wisconsin, he came to Stanford, where he was named associate dean in 1961, with responsibility principally for academic affairs relating to the school's educational and research programs.

Professor Mann, whose fading blond hair is cut short, lives in a modern house on a hill in Stanford that commands views of both Stanford and Palo Alto. He and his wife, the former Virginia McKinnon, have five children — Christopher, 19; Marilyn, 16; Kevin, 15; Susan, 10, and Andrew, 6.

It is a home, said one visitor, that seems characterized as a family abode by the children's paintings and a profusion of books and by food that always seems to be coming or going.

Professor Mann is fond of cooking on an outdoor grill, and he enjoys an occasional game of tennis and a bout of volleyball. During the summer, he enjoys boating and walking near a house the family rents at Fallen Leaf Lake in California.

He enjoys cigars and cigarettes, but he is careful to shun the latter around the house because his ecology-minded children disapprove.