

# Remembering Dan Markel

*By Christi N. Morgan*



ON THE AFTERNOON OF TUESDAY, SEPTEMBER 16, THE LAW SCHOOL COMMUNITY GATHERED TO HONOR PROFESSOR DAN MARKEL, WHO PASSED AWAY ON JULY 19. MARKEL'S STUDENTS AND COLLEAGUES WERE JOINED BY HIS FAMILY AND FRIENDS.

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Shelly Markell



Franita Tolson



Fernando Tesón

Following a brief welcome from Dean Don Weidner, several individuals spoke about Markel:

- Wayne A. Logan, Gary & Sallyn Pajcic Professor,
- Michael Cahill, vice dean and professor of law at Brooklyn Law School,
- Fernando Tesón, Tobias Simon Eminent Scholar,
- Franita Tolson, Betty T. Ferguson Professor of Voting Rights,
- Mary Rachel Barnhill, Esq., former student from Norton, Virginia,
- Alejandra Berlioz, third-year student,
- Mark Spottswood, assistant professor, and
- Shelly Markel, Professor Markel's sister.

Described by Logan as a “publishing dynamo” who was admitted to full professor two years early, Markel was a respected scholar in the area of criminal law. Logan, who also publishes and teaches in the criminal law area, remarked, “He was what might be called a new retributivist, so he critically re-examined retributive theory in criminal law and he was really at the forefront of that and he achieved a national and international reputation in that regard.”

Logan continued, “Dan was firmly ensconced in the legal academy and really distinguished himself in traditional law reviews in the publishing world. He also was a public intellectual. Dan published in *The New York Times*, *The Atlantic* magazine, *The New Republic* magazine, and *Slate*. It's rare these

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days for law professors to have such a broad reach in terms of their intellectual grasp and Dan really did that.”

In addition, Markel's colleagues praised him for bringing the Florida State faculty together and for connecting members of the national legal academy, especially young professors.

“He really was the Kevin Bacon of the legal academy. Like, literally, six degrees of separation between Danny and everybody else,” said Tolson. “We also know that at least half of the legal community, or probably more, had the privilege of calling him either mentor, or calling him friend, or calling him both or some variation thereof.”

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Cahill spoke about a colloquium on which he had collaborated with Markel for several years. “I say that we co-organized

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**Alejandra Berlioz**



**Michael Cahill**



**Mark Spottswood**

it, but Dan did all the work. He did everything and I was there only for the sake of giving the New York City Criminal Theory Colloquium some connection to New York City.

“It was my hope that we’d be able to bring together people from all of the schools in New York, maybe if we were lucky people from New Jersey would show up. Dan’s ambitions were not so modest. The mailing list for our colloquium over time grew to include pretty much everyone around the world who cares about criminal law theory. He actually had the sheer force of will to get people not only to receive our mailings but to actually to come. So instead of just coming from across the

Hudson River, we would get participants from Philadelphia and Illinois and California and Canada and Great Britain and Israel and everywhere else that Dan knew people, which is to say, everywhere.”

Tolson also spoke about Markel’s impact on the College of Law community. “Since I have been a member of the faculty here, I have felt very lucky to be a part of such an inclusive community and Danny was a big part of that. The year I arrived at FSU was the year that Danny went up for tenure, so that gives you some sense of how busy he was. Despite being busy, he would invite me to lunch, he would invite me to his home to spend time with him and his family, he consistently asked about my well-being and that of my family. And all of this was on top of the things that he did for me career-wise.”

Markel’s former students spoke through tears about the impact Markel had on their lives.

“After your passing, I read every news article about you. I became so eager to soak up all of your wisdom. I reread our emails. I read the letter of recommendation you wrote me when I was applying for federal clerkships, and it became so clear how much of an impact you had in my life.” said Berlioz, who was Markel’s research assistant. “You assisted me in so many ways during the period that I worked with you. You went above and beyond in helping my development. You were truly a great professor.”

Speakers also peppered their remarks with heartwarming stories about their friendships with Markel.

“He was a very unusual law professor,” said Spottswood. “Faculty, in general, can have a tendency to sort of compartmentalize their lives. Danny just wanted to tear all of those



**Mary Rachel Barnhill**

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walls down, and the way he did it was just to exemplify it in his own life. I don't have many colleagues I've ever had who would say, 'Come over to my house and have dinner with my kids and then we'll read them stories together.' It was a very different kind of friendship that Danny modeled and encouraged the rest of us to live."

Speakers also remarked on Markel's deep devotion to his children. His sister stated that her brother was "a serious guy, an academic, a professor, and yet he always knew his priority was his boys and he wasn't afraid to let the entire world know it."

"If his eyes lit like candles for academic passions, I can only describe the light that shone in Markel the father's eyes as grand beacons of unparalleled brightness. He would often have his first son visit the smaller, more intimate classes. Even before his son would arrive, we would know a visit was forthcoming just by the love and excitement in Dan's eyes

and the extra bounce in his step," Barnhill recalled. "Despite all Markel's extraordinary work and other interests, his sons were undoubtedly what Markel considered his greatest achievements."

Tesón tearfully concluded his remarks: "Dear Danny, I miss you and cannot stop grieving for you. I will never forget your brief but shining presence in my life. You'll always be with me."

The memorial concluded with an award presentation by Dean Weidner to Markel's parents. Weidner presented Phil and Ruth Markel with the law school's Alumni Class of '66 Award for Markel. The award recognizes a non-Florida State University College of Law graduate who has rendered distinguished service to the law school and to the community. Recipients are inducted into the entering Class of 1966 to commemorate the year that the College of Law opened its doors. Immediately following the memorial, a reception was held in the Rotunda. ■