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## BILL WHITFORD TRIBUTE

*Elizabeth Warren*\*

Good afternoon, and thank you to Jonathan Lipson for organizing this fabulous event. I know there are many colleagues and friends in the room today—Jay, Lynn, Bob, Katie, Angie, and Melissa. . . . I could go on and on. I really wish I could be there with you in person to help pay tribute to my friend Bill Whitford, but I'm afraid we're just going to have to settle for a video.

So I thought I'd start out with just a little story. Jay will remember part of this. I was visiting, many, many years ago, at the University of Texas, I was teaching bankruptcy for the first time. I didn't have a casebook because it was the early 1980s, and the new Code had just gone into effect and, back then, books were slow to change. So for my class, all we had were copies of the statute and some materials I had photocopied and handed around. I taught bankruptcy sort of like a game of Jeopardy, "If this—the statute—was the answer, then what was the question." That is, what was Congress trying to fix with each of the provisions in the code.

So we were going along for a couple of months, and a world-famous professor who had helped revise the Bankruptcy Code visited the University of Texas for several days, and he agreed to come talk to my class. It was really just an amazing experience and opportunity for me. So he's talking to the class and in the course of the discussion, he explained who the Bankruptcy Code was written to help, who was going to need bankruptcy protection. And he said that the people in bankruptcy were all people on the economic margins—housemaids and day labors—who made poor life choices, poor decisions. I was genuinely surprised, I didn't know that. So I asked him: "How do you know that?" He kind of fluffed me off and I asked again and he kind of fluffed me off again. But finally he got irritated with me and he said, "Well, *every expert* knows that."

So, when Jay and Terry and I finally started studying the families who were filing for bankruptcy in a very systematic way, we found they weren't the people on the economic margins. By most criteria, these were pretty solidly middle class people, but people who had been hit hard by medical illness, a job loss or a family breakup. These were good people who worked hard, played by the rules, and who, with a twist of bad luck, had had their lives had been turned upside-down.

Back then, many of the fanciest world-famous experts relied on theories and assumptions for their legal arguments. A few of them collected anecdotes.

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\* Elizabeth Warren is a United States Senator for the Commonwealth of Massachusetts and the Leo Gottlieb Professor of Law, Emerita, at Harvard Law School. This is a transcript of the speech Senator Warren delivered by video at the Symposium honoring the work of Bill Whitford. – *Temple Law Review* Editors.

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But not many were looking for a data-based analysis of what was actually happening.

And that's how I knew Bill Whitford. Bill was a quiet hero in our field, working with colleagues like Stewart Macaulay to turn the University of Wisconsin Law School into a very special place where empirical questions were framed, careful research was honored, and creative ideas were born. Even though I never taught there, I long regarded Wisconsin as a sort of philosophical home.

It wasn't just how Bill approached his work that mattered to me—it's what he studied. At a time when it was the fashion to talk only about "big cases" or "important cases," Bill dedicated his work to some of the issues that I believe matter most: to consumer protection, to social justice, to human dignity. His bankruptcy and his contracts work shed a light on the widest range of transactions and circumstances, from the biggest restructurings in our nation's history, to consumer loans of just a few dollars—and the fact that he did that was an inspiration to a generation of scholars for whom this kind of work was both foreign and professionally risky.

So, there's really no doubt about it, Bill has been a leader. He's been a leader and he's been a colleague, a mentor, and a friend. Someone who made me question my ideas and work a whole lot harder to prove my conclusions.

And he hasn't only been a mentor to me. Bill has had a deep dedication to his teaching career. He believes in the transformative power of a legal education in his students' lives. He's the kind of teacher we all hope to be—or in my case, hoped to be.

Bill is a humble guy and doesn't like to take credit for what a pioneer he has been in our profession. So I'm really glad that you are all gathered today at Temple University to give him the recognition he so justly deserves. So this is my chance to say congratulations Bill for your many many years of outstanding work, and thank you for all that you've done for all of us. You really have changed the world.