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Summer 2010

Tribute

Lawrence M. Solan

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Tribute

Lawrence M. Solan[†]

Margaret Berger and I have been colleagues at Brooklyn Law School since I joined the faculty in 1996. In the beginning, I really didn't know what to make of her. Some people are best described as "no-nonsense," others as "warm and friendly," still others as "brutally honest." Margaret is all of those things among others, and sees no conflict among them. She is a complex and brilliant woman. I learned this about her fairly quickly, and we soon became close friends.

I know Margaret's work well, and have even been fortunate enough to have written with her, which I hope to do again. Her work reveals a tightly argued, yet compassionate vision of the law. To take one example: Legal scholars have been concerned about the fact that there is not enough science in what passes as scientific evidence. Margaret has been part of this movement. But at the same time, Margaret has forged another, contrarian movement, whose theme is that the fetish of unattainable scientific certainty is being used by the courts to ensure that those injured by chemical and pharmaceutical products cannot recover for their injuries. That is because the courts require scientific proof of causation that is stricter than the scientific community can generally provide.

Margaret proposes changes in the substantive law, as well as the law of evidence and procedure, the latter two of which she regards as parts of the same package. She not only sees the big picture, but she is willing to paint a new one if that is what is needed.

For those who know how deeply Margaret has devoted herself to music, opera, and theater (for most of her life with her late husband, Mark), it should not be surprising that her work is as humanistic as it is intellectually crisp. I can't say with scientific certainty that Margaret Berger is one of a kind,

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but I've been attempting to falsify that hypothesis for some time, and have come up empty so far.