

MY FRIEND CHARLES ARES

Norman Dorsen*

It is widely known in Arizona that Chuck Ares has had a large and positive impact on the Arizona Law School—as honor student, professor and dean. It is probably far less known that he had a similar impact on New York University School of Law in the five and one-half years that he taught there.

Chuck joined our faculty in February 1961, one month before I did. He rapidly became a popular colleague and gifted classroom teacher. My wife was one of his early students, and she did not hesitate to report—let the chips fall where they may—that Chuck was the most widely admired of a good group of young faculty members.

Chuck also contributed lasting scholarship during those days. Perhaps the best known article was an empirical study of pre-trial parole in the criminal courts of Manhattan.¹ Chuck and his two co-authors engaged in extensive field work to discover exactly what was happening out there—who received bail, for how much, what percentage of bailed defendants failed to appear in court, what happened to those who did. All of the data was broken down usefully by type of crime. The bail study is still cited authoritatively in works on pre-trial detention.

But it is a less famous piece that for me captures the essential Charles Ares. In a symposium on poverty and civil liberties held at N.Y.U. Law School in 1965, Chuck explained how “in important respects the *substantive* law is biased against the poor in ways quite distinct from the procedural or structural bias that naturally confronts those who are without means to hire advocates.”² He concluded his remarks as follows:

We must provide lawyers who are of these people, who feel what poverty is, who understand what poverty means to individuals not simply intellectually but emotionally, and who see the solution politically. They must have the stamina to stand and fight against the greatest odds and against all the pressures that middle class conformity can bring to bear on one who represents people of this segment of society. They must be able to inspire, to nag, to stimulate people to articulate their needs and to organize themselves into action.

To produce that kind of lawyer, it seems to me, is the greatest challenge that a law school can face, and to be that kind of lawyer is worthy of the best of the mind and spirit of the very fine students who are now coming through our doors.³

These moving words have a dated quality. Although many law professors and law students today would agree with them—possibly more than when Chuck spoke in 1965—the mood of the country has changed. Concern for the onerous

* Stokes Professor of Law, New York University School of Law. President, American Civil Liberties Union 1976-1991.

1. Charles E. Ares et al., *The Manhattan Bail Project: An Interim Report on the Use of Pre-Trial Release*, 38 N.Y.U. L. REV. 67 (1963).

2. *Poverty, Civil Liberties, and Civil Rights: A Symposium*, 41 N.Y.U. L. REV. 328, 345 (N. Dorsen, ed. 1966).

3. *Id.* at 351-52.

legal problems of poor people has not been a high priority of the legal profession or of the government for some time. But when Chuck spoke, the national consciousness was gripped by the problem, as well as by the tough question of how concepts of civil liberties and civil rights related to it. Chuck laid out the issues and offered a pointer to their solution in words so gripping that the large audience rose in a spontaneous ovation when he was finished.

There is yet another way in which Chuck made a mark at N.Y.U. Law School. His years here coincided with efforts to alter the law school's direction. In a recent short history of the school, I recalled that "In the 1960s there were great internal struggles based on sharp differences of educational philosophy and, sometimes, of personality."⁴ At the time most of the younger faculty sought major change in the institution, change that we hoped would result in higher intellectual standards and a more democratic environment.

Although Chuck left N.Y.U. before the end of the battle to return to Arizona Law School as dean, he made an indispensable contribution to the happy outcome, which benefits thousands of students to the present day. Throughout the most difficult institutional conflict that I have ever participated in, he showed intelligence, good judgment, tact and a much-needed sense of humor.

Charles Ares is not only a distinguished academic, he is also a dedicated civil libertarian. He was an early leader of the Arizona Civil Liberties Union and, at the national level, when the American Civil Liberties Union faced sensitive issues over the years, we were fortunate to obtain his counsel. In partial recognition of his special qualities, he was elected to the ACLU's National Advisory Council, the only member from Arizona.

Chuck is one of the rare people who bring sunshine wherever they go. Adversaries as well as allies admire him. And friends such as I count themselves fortunate that they know him.

4. Norman Dorsen, *How N.Y.U. Became a Major Law School*, N.Y.U. LAW MAGAZINE, Fall 1991, at 42, 44.