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## Amicus Curious

### Grade papers by day, sign books by night

By David Mitchell  
Law Bulletin staff writer

Benjamin E. Alba sits in his office at DePaul University College of Law and jokes that colleagues believe he may be the only author to receive a write-up in both *The Weekly Standard* and the *National Enquirer*.

"Hi, Ho! Steverino" blares the headline on *The Weekly Standard* piece and, in the *Enquirer*, an article on Alba's latest work appears just below the story titled "Katie Couric Admits She Can't Find Love."

Alba, who teaches legal writing and directs the college's bar passage program, is quick to note that a colleague reminded everyone that even the *Harvard Law Review*, presumably a more respectable format for an attorney, has a circulation of about 8,000, compared to the *Enquirer's* more than 2 million.

Whatever the forum, Alba admits his work is an oddity from someone who became a law professor after spending 19 years as a trial lawyer with Sneckenberg, Thompson & Brody LLP.

Then again, not many trial lawyers and professors have their work blessed by Steve Allen.

With the assistance of the man who invented what would become "The Tonight Show" and, for that matter, late-night television as it has come to be known, Alba recently penned his extensive work, "Inventing Late Night: Steve Allen and the Original Tonight Show."

"I guess you'd say this is not the average book you'd expect to see from a law professor," he said.

But Alba's interests are anything but average. He is an entertainment aficionado. Alba is a musician who regularly plays in piano bars downtown. He has always been drawn to writing. He was a journalist for the DePaul University student newspaper and authored more than 20 Op-Ed pieces that have appeared in the *Chicago Sun-Times* and *Chicago Tribune*.

It was a combination of those interests outside of the law that led him to Steve Allen. Alba wrote the liner notes for a number of albums by Andy Williams, the long-time entertainer who was one of the original singers on Allen's show, which at the time was called "Tonight."

In 1997, Alba interviewed Allen about

Williams. What he learned was that Allen was disappointed that there was so little footage preserved from the original late-night show. Alba suggested that Allen write a book about it. Out of nowhere, Allen told Alba that if he wanted to write the book, he would refer him to colleagues and assist where he could.

"And I thought, how do you turn down that?" Alba said.

Even Alba was surprised by some of the things he learned along the way.

"I had no idea that he [Allen] was really responsible for creating the 'Tonight Show' and, in doing so, creating a new genre of late-night television," Alba said.

Prior to Allen, early television was essentially an extension of Vaudeville shows, Alba said. Allen, in part because he grew tired of fully scripting shows, decided to begin interviewing stars instead, Alba said. One night, Doris Day could not make it to the show, so Allen walked into the audience with the microphone and began interviewing regular people.

Allen eventually would conduct some parts of the show outside the studio and perform skits like covering himself in tea bags and sitting in a huge bowl of warm water, Alba said, noting that current late-night shows mimic those activities.

Allen's connections were not only paramount to writing the book, but also very well could have led Alba to a career change, had he wanted one. Allen once mistakenly assumed that Alba wanted to break into the entertainment business and quickly typed out a memo to the president of a production company asking that he give Alba an interview.

"He's the kind of guy who, in the old days, I probably would have told my producer to bring aboard our staff," wrote Allen, in a letter Alba keeps as a memento.

To craft the 368-page book, Alba traveled extensively across the country and interviewed scores of past and present celebrities, while still working as a trial lawyer. Jay Leno wrote the forward. Stars like Bill Maher, Don Knotts, Bob Costas, Tim Conway, Carl Reiner and dozens of others fill the pages.

"I had to reassure them that, even though I was a lawyer, I wasn't going to be taking their

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depositions,” Alba jokes.

Alba said his legal experience was an invaluable asset while putting together the book. His work as a litigator taught him how to listen to people, ask the right questions and juggle a number of projects at the same time.

At one point, though, Alba said it looked like the book might never see print after Allen died in October 2000 from complications following a car accident.

“I wasn’t sure whether the project had gone with him,” Alba said.

About a year later, Alba said, he met with Allen’s widow, Jayne Meadows, and son, Bill Allen, to tell them what he had been working on. The family decided to cooperate with Alba because they, too, did not feel that Allen had received proper credit for his pioneering work.

Bruce L. Ottley, acting dean at the College of Law, said Alba’s outside work has been a hit among faculty members, most of whom never have the chance to write about anything other than legal issues.

“To begin with, the reaction of the faculty has been extremely enthusiastic,” he said. “To be honest, I think most of us have been pretty jealous ... he’s out there writing something that’s extremely interesting.”

Ottley said Alba has the enthusiasm and organizational skills to manage a project like a major book, and conveys the need for such skills to his students. Alba was chosen to direct the bar passage course in part because he has the ability to organize so much material and balance so

many responsibilities, Ottley said.

Alba said the book, as has other writing he has done outside of the legal community, actually has served him well in the classroom where he tries to instill in his students the importance of writing well.

“If they can become good legal writers, and a lot of the foundation for that is clarity, they can be good writers across the board,” he said, adding later, “I really wanted to use the book as a lesson on how you really can bridge a lot of disparate areas of your life if you can write well.”

Ottley said the fact that Alba has published such a large work gives him a sense of legitimacy among his writing students, who recognize they are learning from an accomplished writer.

Regardless of the subject matter, Ottley said, Alba’s work also illustrates the importance of skills like discipline, rewriting and editing that an attorney regularly utilizes.

“Whether it’s a book about Steve Allen or a brief about a tax case, you have to do the same thing, you have to do the writing and the research,” Ottley said.

Even with the publication of the book — which has been well received — when asked what he would most like to make a career out of, writing, music or law, Alba said the decision would not be difficult at all.

“I love the fact that I’m able to make a contribution to the lives of these law students and have the time for these other pursuits,” he said.