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Tribute to Professor Calvin William Sharpe

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TRIBUTE TO PROFESSOR CALVIN WILLIAM SHARPE

The editors of the *Case Western Reserve Law Review* respectfully dedicate this issue to Professor Calvin William Sharpe.

Laura J. Cooper[†]

One can only stand in awe when reflecting on the extraordinary professional accomplishments of Professor Calvin William Sharpe. It is rare in the legal academy to find a professor whose academic range is so broad and whose level of quality is so consistently high. That range and quality are evident regardless of whether one looks at Professor Sharpe's teaching, scholarship, or professional service.

As a teacher, there is no question that Professor Sharpe has always cared deeply about his students' learning and has regularly pursued efforts, more broadly, to improve legal education generally. I know firsthand about his devotion to teaching from having been his colleague during a semester he spent as a Visiting Professor at the University of Minnesota Law School. Despite already then being an experienced teacher, he was always looking for new teaching ideas and generously ready to share his own ideas with others. You can also see his commitment to legal education in his co-authorship of a treatise designed to make the complexities of labor law comprehensible to law students,¹ his path-breaking work expanding the labor-law curriculum to include international employment issues,² and his writings about legal pedagogy and student learning.³

Professor Sharpe's scholarship has focused on both the law of evidence and labor law. As a fellow teacher of labor law, it is his work in this field that I know best. His broad intellectual range is seen in

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1. DOUGLAS E. RAY, CALVIN WILLIAM SHARPE & ROBERT N. STRASSFELD, *UNDERSTANDING LABOR LAW* (3d ed. 2011).
2. JAMES ATLESON, LANCE COMPA, KERRY RITTICH, CALVIN WILLIAM SHARPE & MARLEY S. WEISS, *INTERNATIONAL LABOR LAW: CASES AND MATERIALS ON WORKERS' RIGHTS IN THE GLOBAL ECONOMY* (2008).
3. *See, e.g.*, Calvin William Sharpe, *Evidence Teaching Wisdom: A Survey*, 26 SEATTLE U. L. REV. 569 (2003); Calvin William Sharpe, Book Review, 46 J. LEGAL ED. 150 (1996) (reviewing EDWARD J. IMWINKELRIED, *EVIDENTIARY DISTINCTIONS: UNDERSTANDING THE FEDERAL RULES OF EVIDENCE* (1993) and ARTHUR BEST, *EVIDENCE: EXAMPLES AND EXPLANATIONS* (1994)).

the diversity of analytical approaches he has employed and the variety of readers he has sought to reach. Among his many publications are writings that draw analytical power from historical events, that identify solutions to thorny doctrinal problems, and that provide practical guidance to advocates and neutrals. For example, his work at the intersection of race discrimination and labor law brings historical details to light and uses those insights to articulate larger legal themes.⁴ Some of his articles take on fundamental problems in labor law and, after careful articulation and analysis of precedents, suggest creative new analytical approaches.⁵ At other times, Professor Sharpe has offered practical substantive and procedural guidance for labor arbitrators and advocates for labor and management. For example, when the National Academy of Arbitrators sought to restate the basic principles reflected in decades of arbitrators' decisions as "The Common Law of the Workplace," Professor Sharpe was selected, as one of the most distinguished labor arbitrators in the country, to craft one of the chapters.⁶ In other articles and presentations, Professor Sharpe has shared wisdom gained from his years of experience as a successful labor arbitrator to guide both advocates and arbitrators toward better professional practices.⁷ Several years ago, when I was asked to organize a panel for an

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4. Calvin William Sharpe, Marion G. Crain & Reuel E. Schiller, *The Story of Emporium Capwell: Civil Rights, Collective Action, and the Constraints of Union Power*, in LABOR LAW STORIES 241 (Laura J. Cooper & Catherine L. Fisk eds., 2005); Calvin William Sharpe, "Judging in Good Faith"—*Seeing Justice Marshall's Legacy Through a Labor Case*, 26 ARIZ. ST. L.J. 479 (1994).
 5. Calvin William Sharpe, *Integrity Review of Statutory Arbitration Awards*, 54 HASTINGS L.J. 311 (2003); Calvin William Sharpe, "By Any Means Necessary"—*Unprotected Conduct and Decisional Discretion Under the National Labor Relations Act*, 20 BERKELEY J. EMP. & LAB. L. 203 (1999); Calvin William Sharpe, *NLRB Deferral to Grievance-Arbitration: A General Theory*, 48 OHIO ST. L.J. 595 (1987).
 6. Calvin William Sharpe, *Seniority*, in THE COMMON LAW OF THE WORKPLACE: THE VIEWS OF ARBITRATORS 133 (Theodore J. St. Antoine ed., 2d ed. 2005).
 7. Calvin William Sharpe, *From an Arbitrator's Point of View: The Art of Being a Good Advocate*, 50 DISP. RESOL. J. 60 (Jan. 1995); Calvin William Sharpe, *Issues in Controlling the Arbitration Hearing*, in ARBITRATION 2008: U.S. AND CANADIAN ARBITRATION: SAME PROBLEMS, DIFFERENT APPROACHES, PROCEEDINGS OF THE SIXTY-FIRST ANNUAL MEETING, NATIONAL ACADEMY OF ARBITRATORS 287 (Patrick Halter & Paul D. Staudohar eds., 2009); Calvin William Sharpe, *Optimality Theory and Its Implications for Arbitral Practice*, in ARBITRATION 2004: NEW ISSUES AND INNOVATIONS IN WORKPLACE DISPUTE RESOLUTION, PROCEEDINGS OF THE FIFTY-SEVENTH ANNUAL MEETING, NATIONAL ACADEMY OF ARBITRATORS 30 (Charles J. Coleman ed., 2005).

audience of Canadian and American advocates and arbitrators that was designed to identify best practices for arbitrators to control advocates' hearing misbehavior, Professor Sharpe was my first choice of an arbitrator to offer insight on the topic. I knew that I could count on Professor Sharpe's ability to offer calm and rational leadership in the most difficult of situations.

All of Professor Sharpe's published work is characterized by careful thought, a clear and precise writing style, and a sincere desire to improve the law and legal practice. Washington University law professor Marion Crain, one of his co-authors for a chapter in *Labor Law Stories*, wrote this about her collaboration with Professor Sharpe:

There are not too many people with whom I would have welcomed such lengthy late night conference calls to hammer out sentence by sentence details of phrasing and citation to authority, but Calvin's unrelenting quest for precision and excellence, as well as his patience, ineffable sense of humor and gentle manner, made the calls so enjoyable. Throughout our work he demonstrated an enviable ability to adopt an even-handed stance, to avoid hyperbole, and yet to make his points with power and passion.⁸

It is an unfortunate fact of legal education that many professors who are successful and active scholars devote their time and attention to their own professional advancement and make little effort to strengthen institutions and professional organizations that can benefit others or to mentor others so that they too might be successful. Professor Sharpe, on the other hand, has consistently taken time to be an organizational builder and mentor. He has achieved positions of trusted leadership in the Association of American Law Schools, the National Academy of Arbitrators, and the International Society of Labor and Social Security Law. The depth of his service to such organizations is extraordinary. For example, during his years of membership in the National Academy of Arbitrators, Professor Sharpe served on fourteen different committees and was elected to serve as Vice President and as a member of the Board of Governors. Within the legal academy, Professor Sharpe is known as a reliable mentor of more junior professional colleagues—listening attentively, answering their questions, and providing valuable guidance.

It would be a mistake, in reflecting on Professor Sharpe's professional career, to think that his accomplishments alone represent who he is. He is a person of extraordinary character—gentle, caring, empathetic, selfless, and a person of the highest integrity. The legal

8. E-mail from Professor Marion G. Crain, Wiley B. Rutledge Professor of Law, Washington University School of Law, to author (June 27, 2013, 16:59 CDT) (on file with author).

academy and his wider professional world now, at his retirement, give deserved tribute to Calvin William Sharpe.

Jonathan L. Entin[†]

Calvin William Sharpe, the Galen J. Roush Professor of Law, has retired after thirty years on our faculty. These are among the most difficult words I have ever written. We met during my interview, which took place during his first semester at Case Western Reserve University, and our conversation that day began a deep friendship that has shaped my outlook on the law, legal education, and life. Calvin is retiring only because physical problems make that step necessary, but his mind remains as strong as ever.

Calvin helped me learn my craft. He read drafts, taught me a lot about teaching, and helped me surmount the insecurities that afflict junior faculty. He set me straight on a few occasions, but he did so in a way that conveyed not only his disappointment that I had gone astray but also his confidence that my missteps were aberrations. I haven't always agreed with Calvin, but even our differences helped me learn and grow.

An expert in labor and employment issues, Calvin founded the law school's Center for the Interdisciplinary Study of Conflict and Dispute Resolution (CISCDR, pronounced like "sister") and served as Associate Dean for Academic Affairs. Among his publications are a leading text in labor law¹ and a pioneering casebook on international labor law.² He also has written numerous book chapters and articles³ and taught a wide variety of courses and seminars in the fields of evidence, labor law, and dispute resolution.

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1. DOUGLAS E. RAY, CALVIN WILLIAM SHARPE & ROBERT N. STRASSFELD, *UNDERSTANDING LABOR LAW* (3d ed. 2011).
2. JAMES ATLESON, LANCE COMPA, KERRY RITTICH, CALVIN WILLIAM SHARPE & MARLEY S. WEISS, *INTERNATIONAL LABOR LAW: CASES AND MATERIALS ON WORKERS' RIGHTS IN THE GLOBAL ECONOMY* (2008).
3. *See, e.g.*, Calvin W. Sharpe, *Two-Step Balancing and the Admissibility of Other Crimes Evidence: A Sliding Scale of Proof*, 59 NOTRE DAME L. REV. 556 (1984); Calvin William Sharpe, *Judicial Review of Arbitration Awards Under the New South Africa Labour Relations Act of 1995*, 33 CASE W. RES. J. INT'L L. 277 (2001); *see also* Laura J. Cooper, *Tribute to Professor Calvin William Sharpe*, 64 CASE W. RES. L. REV. 1 (2013) (citing numerous other works by Professor Sharpe).