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# WILBUR C. LEATHERBERRY: A CWRU LIFER

*Jonathan L. Entin*<sup>†</sup>

Bill Leatherberry arrived on this campus straight out of high school in the fall of 1961 and, except for a brief hiatus at the beginning of his professional career, has been here ever since. When Bill got here, Western Reserve University and Case Institute of Technology were still separate entities; it would be six years until the federation that created Case Western Reserve University, at the start of his third year in law school.<sup>1</sup>

In 1961, when Bill started college, Louis Toepfer was vice-dean of Harvard Law School;<sup>2</sup> Morry Shanker was a rookie assistant professor;<sup>3</sup> Leon Gabinet was a lawyer in Portland, Oregon;<sup>4</sup> Lew Katz was a second-year law student;<sup>5</sup> Peter Gerhart was in the eleventh grade;<sup>6</sup> Frank Battisti was the youngest federal judge in the country;<sup>7</sup> John Glenn was an astronaut who hadn't yet orbited the

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1. See C.H. CRAMER, *CASE WESTERN RESERVE: A HISTORY OF THE UNIVERSITY, 1826–1976*, at 281 (1976). The two schools federated in 1967.
2. Toepfer became dean of what was then Western Reserve University School of Law in 1966, when Bill was in his second year of law school, and president of Case Western Reserve University in 1970. *Id.* at 288–89; C.H. CRAMER, *THE LAW SCHOOL AT CASE WESTERN RESERVE UNIVERSITY: A HISTORY, 1892–1977*, at 79–80, 102 (1977).
3. Wilbur C. Leatherberry, *Professor Shanker*, 61 *CASE W. RES. L. REV.* 7, 7 (2010). Shanker retired in 2010, after forty-nine years on the faculty, and is now the John Homer Kapp Professor Emeritus of Law.
4. Now the Coleman P. Burke Professor of Law, Gabinet joined the faculty in 1968, just after Bill graduated from law school.
5. Now the John C. Hutchins Professor of Law, Katz joined the faculty in 1966, when Bill was in his second year of law school.
6. Gerhart, who remains on the faculty, became dean of the law school in 1986 and appointed Bill as academic dean in 1992. See Peter M. Gerhart, *Wilbur Leatherberry: Our Center of Gravity*, 63 *CASE W. RES. L. REV.* 9, 10 (2012). Gerhart stepped down from the deanship in 1996, but Bill stayed on as academic dean for four more years.
7. Judge Battisti heard the long-running Cleveland school desegregation case and many other high-profile cases during more than three decades on the bench. Wolfgang Saxon, *Frank Battisti, 72, Federal Judge Presiding Over Demjanjuk Case*, *N.Y. TIMES*, Oct. 21, 1994, at A29; Zina Vishnevsky, *Frank J. Battisti, 1922–1994*, *PLAIN DEALER*, Oct. 20, 1994, at 1A.

earth;<sup>8</sup> the Cleveland Browns were three years away from winning the last sports championship that this city has seen;<sup>9</sup> Sherman Lee was the relatively new director of the Cleveland Museum of Art;<sup>10</sup> and George Szell was a little over halfway through his tenure as music director of the Cleveland Orchestra.<sup>11</sup> What a difference fifty-one years make!

Bill thrived here as a student, graduating Phi Beta Kappa and Order of the Coif. With credentials like that, he could have gone to a large law firm pretty much anywhere in the country. But Bill had strong commitments to public service and went instead to the Legal Aid Society of Cleveland, where he thought he could make a real difference to people who didn't have access to the kind of high-powered lawyers who generally had more affluent clients. After three years representing low-income clients in a wide variety of matters, he joined the staff of Congressman Louis Stokes and spent two years working on legislative issues.<sup>12</sup> He returned to his alma mater in 1973 and spent almost four decades on the faculty.

What an extraordinary impact he's had on this institution! Bill bridged the gap between skills and doctrinal training. He laid the foundation for our clinical program and has taught Contracts, Dispute Resolution, Insurance, Juvenile Law, Lawyering Process, Legislation, Products Liability, Sales, and Secured Transactions. He invented several of those courses and has published thoughtful articles about insurance<sup>13</sup> and campaign finance regulation,<sup>14</sup> among other subjects.

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8. NASA MANNED SPACECRAFT CTR., RESULTS OF THE FIRST U.S. MANNED ORBITAL SPACE FLIGHT, FEBRUARY 26, 1962 (1962) (analyzing Glenn's flight).
  9. TERRY PLUTO, WHEN ALL THE WORLD WAS BROWNS TOWN: CLEVELAND'S BROWNS AND THE CHAMPIONSHIP SEASON OF '64, at 13 (1997).
  10. Lee became director in 1958 and served until 1983. Evan H. Turner, *Overview: 1958-83*, in OBJECT LESSONS: CLEVELAND CREATES AN ART MUSEUM 159, 159, 161 (Evan H. Turner ed., 1991).
  11. Szell served as music director from 1946 until his death in 1970. MICHAEL CHARRY, GEORGE SZELL: A LIFE OF MUSIC, at xxii (2011); DONALD ROSENBERG, THE CLEVELAND ORCHESTRA STORY: "SECOND TO NONE" 650 (2000).
  12. See Louis Stokes, *Tribute to Professor Bill Leatherberry*, 63 CASE W. RES. L. REV. 1 (2012).
  13. *E.g.*, *No-Fault Automobile Insurance: Will the Poor Pay More Again?*, 26 CASE W. RES. L. REV. 101 (1975) (examining the ability of enacted no-fault automobile insurance statutes and proposed bills to serve the interests of the poor); *Remedies for the Buyer or Beneficiary of an Unsuitable Life Insurance Plan*, 32 RUTGERS L. REV. 431 (1979) (discussing problems that consumers purchasing life insurance face in choosing policies that fit their needs).

Bill's students have recognized his dedication by producing a video about him that was shown immediately following his last class and by making him the only member of this faculty to receive the Law Alumni Association's Distinguished Teacher Award more than once.

Bill served as Academic Dean for eight years under three very different deans. When he stepped down, he became Director of Skills Programs and held that position for the next dozen years. He also administered our judicial externship program for more than fifteen years and served as our faculty secretary, which makes him our institutional memory. In addition, he has been an extraordinary citizen of the university, having taken important roles in the Faculty Senate, on the budget committee, and as chair of the committee that designed the mediation process for resolving faculty disputes everywhere on campus. In all this time, Bill has been unflappable. Nobody on the faculty can remember seeing him lose his cool.

Bill hasn't spent all his time in the academy. He helped to design the alternative dispute resolution system for the United States District Court for the Northern District of Ohio, trains mediators, and has been a mediator himself for many years. And for a long time he has kept close tabs on local politics. An old political adage advises: "vote early and often."<sup>15</sup> Bill votes only once per election, but a lot of us have regularly voted the Leatherberry ticket, especially in judicial races.

Finally, no tribute to Bill would be complete without mentioning his spouse, Diane Phillips-Leatherberry. Diane participated in the 1965 Selma-Montgomery voting rights march, a pivotal event that facilitated passage of the Voting Rights Act.<sup>16</sup> When it became clear that few students knew much about those events, she decided that the law school should teach them about Selma. The original program, more than twenty-five years ago, involved Diane and Vice Dean Daniel Clancy (LAW '62), who was an FBI agent assigned to the march. I was the moderator, serving as something of a referee between two friendly rivals: a movement participant and a federal law enforcement official. What began as a one-time program evolved into a regular event that has attracted an audience from around campus

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14. *E.g., Rethinking Regulation of Independent Expenditures by PACs*, 35 CASE W. RES. L. REV. 13 (1984) (examining the genesis of independent expenditures by political action committees and the issues such spending raises).
  15. WILLIAM SAFIRE, SAFIRE'S POLITICAL DICTIONARY 782 (Oxford Univ. Press 2008) (1968).
  16. Pub. L. No. 89-110, 79 Stat. 437 (1965) (current version codified at 42 U.S.C. §§ 1973-1973bb-1 (2006)).

and the Cleveland community.<sup>17</sup> Bill might be retiring, but Diane and Dan want to keep doing the program.

This little essay is wholly inadequate to thank Bill for thirty-nine years of extraordinary service to this law school. He has always given his full measure of devotion to this place and asked for little in return. It will take a lot of people to cover all the things that he has done for us. Thanks for everything, Bill, and best wishes for the future.

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17. *E.g.*, Grant Segall, *Voting Rights Seeds Sown in '65 Selma: CWRU Speakers Offer Perspective on Civil Rights March Marred by Violence*, PLAIN DEALER, Mar. 1, 1996, at 1B.