

2008

Mel Durchslag - Forever Young

Gary J. Simson

Follow this and additional works at: <https://scholarlycommons.law.case.edu/caselrev>



Part of the [Law Commons](#)

Recommended Citation

Gary J. Simson, *Mel Durchslag - Forever Young*, 58 Case W. Rsrv. L. Rev. 999 (2008)

Available at: <https://scholarlycommons.law.case.edu/caselrev/vol58/iss4/3>

This Tribute is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Law Review by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.

TRIBUTE TO PROFESSOR MELVYN R. DURCHSLAG

MEL DURCHSLAG—FOREVER YOUNG

Gary J. Simson[†]

Although I did not join the law faculty at Case Western Reserve until becoming Dean in July 2006, I had long been familiar with, and admiring of, Mel Durchslag's scholarship in constitutional law, one of my two primary areas of scholarly interest over the years. Mel's writings in the field range widely, from voting rights to separation of powers to federalism and more, and they invariably have something interesting and provocative to say. As anyone who meets Mel quickly realizes, Mel has an unusually lively and probing intellect, and that is reflected in the creativity and thoughtfulness of his written work.

Mel chaired the law school's Faculty Appointments Committee during the academic year in which the dean search that resulted in my selection occurred. As the appointments chair, Mel was responsible for ensuring that the committee assembled the ten outside letters on my scholarship needed to support my appointment to the faculty. Under Mel's leadership the committee secured the outside letters in remarkably little time. His decisiveness and efficiency were impressive, and it was apparent to me that as Dean I would do well to appoint Mel to an important administrative post.

My first thought was to offer Mel the position of Associate Dean for Academic Affairs. I soon discovered, however, that Mel had

[†] Dean (2006–2008) and Joseph C. Hostetler—Baker & Hostetler Professor of Law, Case Western Reserve University School of Law.

occupied that position from 1988–91. Whatever allure that position may have once held for Mel, I was confident that he was not particularly eager to serve in it again. As my thoughts then turned to Sharona Hoffman to fill the post, I stumbled onto a seemingly ideal position for Mel. When asked, Sharona expressed interest in the position but cited a major impediment to her taking it. She was due a sabbatical in what would be the second semester of her associate deanship. What if, I wondered, Mel could be persuaded to serve for a year in an interim position? In the first semester he could work alongside Sharona, showing her “the ropes,” and in the second semester he could hold down the fort as the sole academic affairs dean.

So far, so good, but there remained the not insignificant issue of getting Mel to agree to his part in this plan. Not only was Mel almost certainly not aching to return to a role that he had left behind years before, but, in addition, he had recently confided in me that he was seriously pondering whether the time had come to retire and move on to new things. Even at my most optimistic, I could not imagine persuading Mel that he owed it to himself to do another stint as associate dean for academic affairs. There was another tack, however, that I suspected might work: ask him to do it for the good of the school. When it comes to institutional loyalty, Mel is second to none. Told that the school and its new dean needed him, Mel was soon on board.

From the start, Mel threw himself fully into the role. He and Sharona worked together beautifully, and by the example he set of diligence, good humor, and an uncommon amount of common sense, he provided her with mentoring of a sort that would long stand her in good stead. As the first semester drew to a close and Sharona prepared to leave for her sabbatical, I decided that the job done so well by Mel and Sharona was truly a job for two and that the time had come for the law school to have on a regular basis two associate deans for academic affairs. I named Jonathan Entin to the new position, and Mel provided Jonathan, as he did Sharona, with as good an education in associate deanship as one could ever hope to get.

Given that Mel has crossed the threshold of sixty-five, it may not seem particularly surprising for him to choose to retire now. In fact, however, it is rather jarring, because in spirit, Mel is one of the youngest people I know. Though dedicated and conscientious to the highest degree, he never fails to see the humor in a situation. His sense of the ridiculous is always on the alert. He takes neither himself nor others overly seriously, and his good-natured irreverence

helps everyone around him keep things in proper perspective. Although he is a rigorous and demanding teacher, it is no wonder that so many present and former students regard him with great affection. He is, to borrow a phrase from the title of a Dylan song that Mel and I both love, forever young.

Fortunately, although Mel is leaving the classroom behind, he will retain an important connection to the law school. When he told me of his decision to retire and I responded by trying to dissuade him, he underlined—very much in keeping with his forever-young approach to life—his eagerness to use his retirement to explore new things. Knowing the depth of Mel’s commitment throughout his teaching career to promoting students’ and graduates’ opportunities to practice public interest law, I proposed to Mel a role in the law school’s newest major venture—the Center for Social Justice. To my delight, he accepted soon after.

In closing, I thank Mel, on behalf of his numerous past and present colleagues and students, for the many gifts that he has bestowed on all of us and for the many more yet to come. In addition, in the remarkably simple and simply remarkable final words of the song mentioned above, I wish Mel—someone whom I am honored to be able to call a friend—all the very, very best in the new beginnings of his retirement:

May your heart always be joyful.

May your song always be sung.

And may you stay forever young.¹

¹ BOB DYLAN, *Forever Young*, on PLANET WAVES (Asylum Records 1974).

