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# TRIBUTES TO SPENCER NETH

## SPENCER NETH: AN APPRECIATION

*Jonathan L. Entin*<sup>†</sup>

Every successful institution needs unsung heroes. For the past thirty-nine years, Spencer Neth has been an unsung hero at Case Western Reserve University School of Law. At first glance Spencer seems unprepossessing, neither physically imposing nor especially outspoken. But, as is so often true, appearances are deceiving. Spencer is extraordinarily intelligent, literate, and thoughtful. It will take several people to fill the large shoes that he leaves behind.

Let me begin with Spencer's intellect. For the past decade he and I have been suitemates. There is a printer outside my office, so I have been able to see much of what Spencer reads simply by sorting through the printer's output. And he reads a lot, about almost everything that a legal scholar might find relevant. From commercial law to judicial administration to dispute resolution to civil rights and civil liberties to legal history and jurisprudence to computerized legal research (a field in which he was a pioneer), Spencer has encyclopedic interests. Those interests are reflected in the penetrating questions he has been asking at faculty workshops and the incisive suggestions he has offered to many colleagues over the years.

Unfortunately for the rest of us, Spencer has not published very much during his career. As a result, his intellectual legacy won't be as tangible as it deserves to be. But the relative brevity of his bibliography reflects something important about Spencer. He has

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many significant ideas, but he has never taken himself too seriously. Perhaps because he came to the legal academy at a time when publication expectations were more modest, he held himself to very high standards that led him to keep tinkering with very promising manuscripts instead of sending them off to law reviews.

Spencer's modesty can be tellingly illustrated in another way. Our faculty has developed a tradition of going to a colleague's final class to pay tribute to the colleague's career. When we went to Spencer's final class, we discovered that he had brought in a guest speaker. At one level, this made pedagogical sense: the speaker had experience and insights that Spencer thought would benefit his students. At another, though, this decision reflected Spencer's hesitancy to hog the limelight. He allowed the speaker to make his points and took only a few minutes at the end to conclude. I am confident that the students learned a lot more than substantive law in that course and in many of Spencer's other courses over his four decades in the classroom. Law teachers talk a lot about modeling professionalism. Spencer did that every day for his students, but also for his colleagues.

I got to know Spencer really well by spending almost two full years on a self-study committee that he chaired early in my time here. A new dean appointed the committee shortly after his arrival. We needed to do a self-study for accreditation purposes, but the dean charged the committee with producing an in-depth analysis of every aspect of our operations so that he could get a more detailed understanding of the institution. The committee meetings sometimes meandered, but Spencer always had a clear notion of what had to be done. He carefully divided up the work, gently but firmly monitored what each member was doing, and in the end pulled together an enormous document that did what the dean asked for and satisfied the accreditors. To say that he did the heavy lifting on this project would be an understatement.

Speaking of heavy lifting, most people would be surprised to know that Spencer was a talented athlete as well as a serious intellectual. I learned this in a faculty-law review touch football game a long time ago. The law review had about three times as many players as the faculty did, and their average age had to be about twenty years younger than ours. Nevertheless, the law review barely beat us. The main reason that the game was so close was Spencer, who turned out to be a fierce pass rusher and a formidable blocker. Only afterward did I learn that he had been a very good high school football player back in the days of 140-pound offensive guards.

Spencer has been both our institutional memory and a source of wisdom and civility. For the past twenty years he has been our Faculty Secretary. In a purely formal sense, that means that he has taken the minutes at more faculty meetings than anyone should want to sit through. But Spencer has been much more than a scribe. He knows how and why we have made decisions over the years (for better or worse) and frequently keeps us on the straight and narrow. Moreover, he has been uniquely involved in faculty governance at the University level. He has been a leader of the Faculty Senate, serving several terms on its executive committee and on numerous other committees (some of which he has chaired), and he is the only law professor to chair the senate itself in living memory. This experience has enabled him to provide important guidance to us and to colleagues around campus.

As soft-spoken as he typically is, Spencer can be tough when he has to be. Toward the end of my first year on the faculty, the President of the University came to a special faculty meeting as part of his rounds of the various schools on campus. Bashing the administration is faculty sport, of course, but I was amazed not to have heard a single positive word about the President in the several months I had been at the Law School, not even that he was kind to dogs and children. When the man arrived, I instantly understood why that was so. The president was an engineer who knew little and apparently cared less about legal education, as his introductory comments made clear. What happened next astonished me. Spencer Neth, my seemingly diffident colleague who typically had the air of an absentminded professor, raised his hand and began pressing the president about University policies. Doing his best Perry Mason imitation, Spencer rattled off a series of penetrating questions that the hapless President never really answered. Only at the end did Spencer reveal what was up: he chaired the Faculty Senate budget committee that year, and the University administration had not provided the committee with the basic information it needed.

That episode was exceptional. Spencer's preferred approach to most issues has been low-key and methodical, with a touch of self-deprecating humor. He has been a terrific colleague, a wonderful neighbor, and a truly unsung hero. We will miss him enormously. Thanks for everything, Spencer.

