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# A WISE MAN MAKES HIS EXIT

*Melvyn R. Durchslag*<sup>†</sup>

When you have been around long enough (and I have), writing a short piece to celebrate a colleague and friend's retirement ought to be easy. But in this case it is not. Attempting to catalogue, much less describe, Spencer Neth's many accomplishments and what he has meant to Case Western Reserve University Law School this past thirty-nine years is extraordinarily difficult. This is not because I don't know Spencer well. Spencer and I joined the faculty at the same time, the academic year 1970–71.<sup>1</sup> Like classmates in a small school setting, we became instant friends and have remained so over the years. We saw each other's children grow up and eventually mature, and we each saw the other go through good times and not so good times.

I also know Spencer in another capacity—we are both “ACLUers.” Spencer has been on the Affiliate Board of the ACLU of Ohio for many years and in that and many other ways contributed significantly to its successes. Hopefully next year he will join me in an adjacent cubicle (sorry—no corner windowed offices are available) and become a lawyer once more.

So why, after all of these years and shared experiences, is this task taking so much of my mental energy? Simply because Spencer Neth is so multifaceted that he is difficult, almost impossible, to describe. It is not that he is enigmatic, far from it. Rather he is unique. Spencer combines an intellect so extraordinary that he can sometimes make your jaw drop, with a sense of humor and, more importantly, timing that can make you laugh in and at the most serious of circumstances. To one who doesn't know him well he sometimes appears, well, preoccupied. But when events turn serious, crying out for pragmatism and wisdom, there is no one I know or maybe ever have known that

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<sup>1</sup> To his credit (maybe) Spencer outlasted me by one year.

can bring order to an otherwise chaotic situation. Indeed, if I had to choose one word to describe Spencer it is **wise**, wise in the ways of the world, wise in the ways of human behavior, and wise in the ways institutions do and should function.

In all fairness, Spencer has not published a large body of scholarship.<sup>2</sup> But that doesn't detract from his being a scholar of the first order. According to the Cambridge Online Dictionary, a "scholar" is "a person who studies a subject in great detail, especially at a university," and "scholarly" describes "someone who studies a lot and knows a lot about what they study."<sup>3</sup> I know of no one who would argue that Spencer doesn't fit either definition to a tee. There are few people I know that read more and read more diversely than Spencer. And there are few people I know that can speak effortlessly, intelligently, and in depth about matters that range from United States foreign policy to *The Common Law*<sup>4</sup> to the vagaries of the Bankruptcy Code. One doesn't have to read what he has written to appreciate his scope and depth. One only has to speak with him, or listen to him speak with others.

But his wisdom, his humor, and his scholarship are only a part of what Spencer has contributed to the Law School over the past thirty-nine years. Fresh from his LLM and Teaching Fellow days at Harvard, Spencer established and supervised what has become one of the most innovative and premier Research and Writing programs in the country. At a time when few, if any, legal academicians even heard of, much less understood, the concept of computerized legal research, Spencer was working on its applications. He was a pioneer in helping develop what is now known as LexisNexis. He persuaded that (then) fledgling company and the Law School to enter into a contractual arrangement whereby Lexis services were provided free to our student body. Indeed, we may have been the first law school in the country (certainly one of the first) to provide that service to our students. At the same time he was doing all of this, Spencer was also teaching a full compliment of Contracts and Commercial Law courses.

Were that not enough Spencer served on every major committee in the law school, and virtually ran the admissions program for a number

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<sup>2</sup> This is not to say that Spencer has not published—he has. And what he has published, not surprisingly, has been important. See, e.g., Spencer Neth, *The First to File Priority in Article 9: Can You Sell Your Place in Line?*, 31 UCC L.J. 64 (1998). Even now, on the eve (as it were) of his departure, he is working on another article.

<sup>3</sup> Cambridge Dictionaries Online, <http://dictionary.cambridge.org/define.asp?key=70338&dict=CALD> (last visited Aug. 25, 2009).

<sup>4</sup> O.W. HOLMES, JR., *THE COMMON LAW* (1881).

of years when he was Chair of the Admissions Committee. He has been active in the University's Faculty Senate, serving as the Law School's representative (when no one else in the building would do so), as Chair of its By-Laws Committee, and as Chair of the Faculty Senate itself. Those efforts served not only the larger University community but the Law School as well. Case Western Reserve University is a school that is dominated by the pure and applied sciences, and whose graduate programs are dwarfed by the size of the Medical School, its faculty, and the resources it brings in. It is hard enough for such an institution to understand the arts and humanities, much less a Law School.<sup>5</sup> It fell to Spencer to educate our colleagues in other parts of the University and the University Administration about law schools and what they do. Those in the academy understand full well what a difficult and important, indeed essential, responsibility that is.

I could go on, but I've used enough trees as it is. Suffice it to say, that when the Law School's last chapter is written (I hope that extends beyond the time of five or six or even more Rules Against Perpetuities—21 years after a life in being for those who don't remember) no one will rank higher on the scale of contributions to the Law School than Spencer Neth. In more ways than can be counted, Spencer has made the Law School work.

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<sup>5</sup> A number of years (and University Presidents) ago, the newly selected President came to the Law School to "get acquainted" with the faculty. During his remarks, he commented that he never understood what law schools contribute to a university or what lawyers contribute to the betterment of the world. (One can only imagine the relationship between the Law School and the University that followed.) And this was someone who came to the University from a major university that had a so-called "top tier" law school. This individual, like a number of his predecessors and successors, was (maybe still is) a scientist—a physicist as I recall.

