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Tribute to Professor Jonathan L. Entin

Erik M. Jensen

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hazard by university officials. Yet, it too proves the great powers of Jonathan's mind. Who else could consistently and instantaneously find exactly what he needs among the tall piles that populate every inch of space?

Professor Jonathan Entin has been everything one can hope for in a faculty member and a colleague. He is brilliant, dedicated, generous, and extraordinarily hard-working. He is the consummate institutional citizen and has made invaluable contributions to the school in every area that matters: scholarship, teaching, and administrative service.

I know all of us at Case Western will miss having Jonathan as a full-time faculty member. We are confident, however, that we will see him often and that he will continue to contribute to the intellectual life of our institution in every way he can.

Erik M. Jensen[†]

I met Jon Entin in the fall of 1983, when I was a newbie at the law school and he was interviewing for a faculty position. Jon was the best-prepared faculty candidate I had ever seen;¹ he had obviously burned the midnight oil² doing his homework about Case Western Reserve University. Among other things, he seemed to have memorized several years' worth of *In Brief*, the alumni magazine. He knew more about my background than I did,³ and his interview provided an opportunity for me to catch up on what had happened in my life.

The man was clearly desperate for a job.

Oh sure, he had an impressive resume⁴—or impressive to some, I've been told. He's a graduate of Brown (but *everyone* graduates from Brown);⁵ a former graduate student at Michigan in sociology (sociology being the sort of stuff Brown folks do); former director of the ACLU in Arizona (observing lawyers in action and realizing that going to law

† Coleman P. Burke Professor Emeritus of Law, Case Western Reserve University.

1. He might also have been the first one that I had seen, so being ranked number one didn't mean much at the time. But no one has surpassed him since (at least not in level of preparation).
2. That was a very dangerous thing to do given what I assume was the condition of his workspace—i.e., a tinderbox. *Cf. infra* note 17 and accompanying text.
3. Jon's real calling should have been at Ancestry.com.
4. I'm referring to his own resume. He might very well have collected a few impressive resumes from other folks as well.
5. This footnote exists only to create a later cross-reference. In legal writing, you do what you have to do.

school could help in advancing left-wing causes); and a graduate of Northwestern's law school (a respectable institution, I guess, even if it admits Brown grads).⁶ He then clerked for Ruth Bader Ginsburg—who didn't attend Brown—in her second year on the D.C. Circuit.⁷ He got her headed in the right direction,⁸ and, after a detour in Washington legal practice (his, not hers),⁹ he returned to the academic world.

Which is to say that he got the gig at CWRU, starting in 1984, and it's too late for a recount.¹⁰ What's done is done, it's water under the bridge (or over the dam), you can't unscramble eggs, etc.

Besides, the school has had no reason to want any unscrambling. As it turned out, we got a terrific deal when Jon inked his pact.¹¹ Long-term employment relationships often don't work, but this one was an unqualified success.¹² How has Jon Entin benefited the law school (and the larger community)?¹³ Let me count the ways¹⁴:

1. He has gotten us out of many jams.¹⁵
2. He is keeper of the institutional memory.¹⁶
3. Because of Jon's office, which (like mine) is full of combustible material, the fire warden pays special attention to the law school, making us all feel safer.¹⁷ We can deal with the burning issues of the day without, we hope, having a burning issue.

6. That law school is now named after the Pritzker family, whose money came from Hyatt hotels. I assume this means that the Northwestern Pritzker School of Law will admit Brown alums only with reservations.

7. The late, legendary tax lawyer and professor Marty Ginsburg, the justice's husband, used to note on his website that the two of them moved to Washington (from New York) when his wife got a good job there.

8. Actually, because she began at Cornell rather than you-know-where, she was already oriented.

9. See *infra* note 47 and accompanying text.

10. Law professors aren't good at counting, much less recounting.

11. Sorry, I couldn't resist the sportswriting lingo.

12. It's the relationship, not Jon Entin, that was an "unqualified success." Except for his undergraduate degree, Jon was highly qualified.

13. I'm part of that "larger community," but I hope to lose twenty pounds in the next few months.

14. Despite what I said in note 10 *supra*.

15. No one is better at dealing with paper misfeeds in copiers and printers.

16. He might be making up most of what he says—I've always been skeptical that Christopher Columbus Langdell began his teaching career at Western Reserve—but Jon provides apparently definitive answers to many questions, thus helping us avoid barroom brawls.

17. Jon's office was once cited by the warden, temporarily increasing Jon's citation count—very important in the academy. Facing a possible litigation quagmire, however, the warden backed off (tripping over a pile of books by the door).

4. In fact, Jon's office is a tourist attraction. When his office was near mine, it was great fun (for nerds) to watch folks at his door stretching one way and then the other to see if anyone was behind the stacks of paper on the desk. (Sometimes yes, sometimes no.)
5. Jon's a grammarian of the first rank, with a black belt (which is better than a Brown belt) in Bluebook erudition.¹⁸ Every year his team is in the pedant race.¹⁹
6. He's become a paragon of sartorial splendor. For the longest time, his attire seemed to be limited to an atrocious, red sweater.²⁰ The sweater was unseemly, but unfortunately not unseamly. It stayed in one piece. (It seemed indestructible, and, given the half-life of vinyl, it probably is.) Fearing for the institution's reputation, Leon Cabinet eventually bought Jon a new, more respectable sweater.²¹ No longer would Jon be pulling the vinyl over his (and our) eyes.²²
7. Just as Jon knows the official citation for almost every Supreme Court opinion, or so it seems,²³ he knows the batting average of almost everyone who ever played major league baseball. That's so even though his own athletic capabilities were below

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18. What a colorful sentence! And we haven't even gotten to the red sweater yet. *See infra* notes 20–22 and accompanying text.
 19. Grammar and Bluebooking aren't the same thing, but they represent similarly pedantic viewpoints. (To us nerds—or, as people today who aren't nerds would be inclined to say, “to we nerds”—that's a good thing.)
 20. By “limited to” I don't mean that he would have only a sweater on; that would have shocked the conscience even more than the sweater did.
 21. Finding a “more respectable” sweater was a piece of cake. The color (of the sweater, not the cake) was maroon, of course, given that Leon is Mr. (or Dr.) University of Chicago.
 22. On my final exam in the basic tax course I've occasionally had a character named Entin who, among other things, donated his red sweater to the fashion museum at Kent State to complete the museum's “history of polyester” collection. The questions: Was a charitable deduction available, and, if so, how much? (The value of the sweater fluctuated with oil prices.)
 23. He ignores most tax cases, however, other than *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819) (stating that “the power to text is the power to destroy,” or something like that). *Cf.* Martin D. Ginsburg, *A Uniquely Distinguished Service*, 10 GREEN BAG 2D 173, 174 (2007) (quoting spouse who eventually became Justice Ginsburg: “I don't read tax cases”). Having said that, I should note that Jon has appeared as co-author twice in the pages of *Tax Notes*, which, despite its unimpressive name, is a prominent tax publication. *See, if you dare*, Jonathan L. Entin & Erik M. Jensen, *Taxation, Compensation, and Judicial Independence: Hatter v. United States*, 90 TAX NOTES 1541 (2001); Jonathan L. Entin & Erik M. Jensen, *United States v. Hatter and the Taxation of Federal Judges*, 92 TAX NOTES 673 (2001). He's thus not beyond hope (on this issue), at least as long as he has a good co-author. (Hey, these references boost citation counts for both of us, right? *See supra* note 17.)

the Class D level.²⁴ (For those of you not in the know, that’s an old-timey reference to baseball’s minor leagues. Classes B, C, and D don’t exist anymore, however, presumably because of grade inflation. Just like law school (and unlike batteries²⁵), everything is now A, AA, or AAA.)

8. Jon also knows a lot about the minor sports—that is, everything other than baseball. His knowledge comes, however, from the era of two-hand set shots, the single wing, and goalies without helmets.²⁶
9. He can connect almost *anything* to *Marbury v. Madison*²⁷—and he does. Why did the sick chicken cross the road?²⁸ To get judicial review.²⁹ Although Jon didn’t cross paths with James Madison, except intellectually, he talks about William Marbury as if they were old friends. (Since Marbury was born in 1762, he would be a very old friend indeed.)³⁰ Jon’s been overdoing the *Marbury* stuff for years.³¹ Maybe in retirement he can control his Marburyian impulses.³²
10. Jon’s a beautiful writer.³³ In the category of it-can-happen-only-in-the-academy, Jon’s writing was once criticized by a colleague

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24. Nevertheless, Jon’s lifetime batting average is the same as that of Archibald Wright (“Moonlight”) Graham, Charles Victor (“Victory”) Faust, and Walter Alston. (If you don’t know who any of those guys was (or is)—and if you have a free afternoon—ask Jon.)
 25. The reference is to power sources, not pitchers and catchers.
 26. Leon Gabinet wasn’t a goalie, but he too played hockey without a helmet. That explains a lot. And Leon is the father-in-law of the president of Brown University. That, too, explains a lot. *See supra* notes 5–8 and accompanying text. Leon has threatened to use his influence to see that Jon’s Brown degree is revoked, but that hasn’t happened. Besides, such a step would *improve* Jon’s credentials, so it’s not much of a threat. (Uh-oh, I just learned about the academic connections of the current *Law Review* advisor. Editors, please tone down the Brown bashing before this goes into print!)
 27. 5 U.S. (1 Cranch) 137 (1803). But you knew that citation already, I’m sure.
 28. Poultry in motion.
 29. *See A.L.A. Schechter Poultry Corp. v. United States*, 295 U.S. 495 (1935) (the “sick chicken” case, filled with nuggets).
 30. In Washington in Marbury’s days the term “midnight appointment” had nothing to do with a romantic rendezvous or a clandestine meeting with Deep Throat. (Indeed, the concept of “parking garage” wasn’t fully developed in 1803. Indeed indeed, almost nothing was fully developed in 1803 Washington, except mud, mosquitos, and judicial review.)
 31. That makes it easier to be a student in one of his classes, however. Answer “Marbury versus Madison” to almost any question he asks, and you’re likely to be right—or close enough.
 32. Nah-h-h.
 33. I mean that he writes really well, not that he’s comely. (I take no position on his appearance one way or the other—except for the red sweater, of

for being too clear. Mumbo jumbo is, after all, the *lingua franca* of today's institutions of "higher learning."³⁴ As a result, except for Jon, who has resisted the movement to incomprehensibility, we have all learned to increase the use in our writing of "hegemonic," "semiotic," "structural totalities," and "univocal predication." Drop such words and phrases into your work, and some people will assume you're saying something profound,³⁵ even if you're not saying anything at all.

OK, let's get serious. (Actually, most of the above is true—I emphasize the "most"—even if it's not all entirely serious.) Jon Entin has been the heart and soul of this institution for thirty-two years. He's a beloved teacher and mentor,³⁶ an incredibly thoughtful and painstaking scholar, a close reader of draft manuscripts, an expert editor,³⁷ and an unbelievable institutional servant.³⁸ (Messrs. Strunk and White:³⁹ Please excuse all the adjectives and adverbs in that sentence. They're necessary.) Jon is the quintessential academic (something that in this context is intended as a compliment).

He's also a very nice guy. Jon's political views are the usual, academic, left-wing gibberish,⁴⁰ and, except for the gibberish part, mine are not. But the two of us have gotten along—most of the time—for thirty-two years. It can be done.⁴¹

course.) Had she written anything, Marilyn Monroe also would have been a beautiful writer, but for a different reason.

34. *Lingua franca* means, I think, linguine with frankfurters. Put it in a crockpot; add water, okra, and spices; and you have mumbo jumbo gumbo.
35. My article "*The Hegemonic Semiotic Univocal Predication*" won several awards.
36. Students leave class singing, "I dream of *Marb'ry*, with the light-Brown hair." (I'll resist commenting on the concept of Brown lite. No, I won't.)
37. See *infra* note 41.
38. Any institution with Jon Entin will be an unbelievable institution. If this law school were in North Korea, he would have been named Associate Dean for Life. (With his two lengthy terms as associate dean, he came pretty close anyway.) In North Korea, however, his knowledge of *Marbury v. Madison* would have been less useful. Well, maybe not less useful—what, after all, could be less useful?—but no more useful.
39. Cornell folks, not Brown ones. Whoever thinks Brown is better and should be replicated should consider what happens when there are multiple Browns. It can be disaster. See, e.g., Cleveland Browns (1999–2016).
40. I say that fondly.
41. We worked together for six and a half years editing the *Journal of Legal Education*, the sort-of-scholarly journal of the Association of American Law Schools. (JLE, that is, was editing *JLE*. It was destiny.) We've written articles together. See *supra* note 23; see also Jonathan L. Entin & Erik M. Jensen, *Taxation, Compensation, and Judicial Independence*, 56 CASE W. RES. L. REV. 965 (2006); Erik M. Jensen & Jonathan L. Entin, *Commandeering, the Tenth Amendment, and the Federal Requisition Power: New York v. United*

None of that excused the red sweater, of course, but Jon has been an essential, irreplaceable member of this faculty.

As law schools seem to be moving more and more towards being trade schools, Jon has continued to insist on treating law, in important respects, as an academic subject.⁴² Law is a profession, not just a trade.⁴³ Legal doctrine and theory matter. Jon understands, as so many legal academics (and practitioners, too, for that matter) don't these days, that good lawyering includes a substantial intellectual component.

But practice skills—intellectually informed—matter too. Jon isn't the now common law professor⁴⁴ with a Ph.D. in English literature⁴⁵ and no legal-practice experience. Despite the Brown and sociology stuff,⁴⁶ Jon practiced (at Steptoe & Johnson in Washington) at a very high level.⁴⁷ He continues to maintain a close relationship with the real world of law practice, and he cares about preparing our students to be *lawyers*. For example, he has done more⁴⁸ for the moot court programs at the law school than just about anyone else. And he has been faculty advisor to the *Law Review* many times, starting with the days in which

States *Revisited*, 15 CONST. COMMENT. 355 (1998); Erik M. Jensen & Jonathan L. Entin, *The Constitution Matters in Taxation*, CLEV. METRO. B.J., Jan. 2010, at 18. And we've eaten innumerable graham crackers together at morning schmooze sessions in the faculty lounge. (Lest there be confusion about that last point: we may have been eating at the same time, but each of us had his own cracker.)

42. By "academic subject," I mean something worth paying attention to—as distinguished, say, from an "academic question."
43. Not that there's anything the matter with trades, mind you, unless you give up Lou Brock and get only Ernie Broglio in return. (Ask Jon about that one, if you have the time. *Cf. supra* note 24.)
44. I mean the common professor of law, not the common-law professor. Gee, this writing is *hard*.
45. Jon does, however, have a secondary faculty appointment in political science, which gets him pretty close to the Department of English.
46. Oh, I suppose that's redundant.
47. A little hyperbole there. His office was only on the second or third floor.
48. A play on words for those familiar with the law school's history. Walter Thomas Dunmore was the school's longest tenured dean; the CWRU moot-court competition is named for him. Given the turnover in the dean's (or deans') office in the last twenty years, it might seem as though having the longest tenure wouldn't be a significant achievement. But Dunmore lasted for *thirty-five* years, longer than Jon was associate dean! *Cf. supra* note 38. Can you believe that? Neither can I.

the journal was carved on stone tablets.⁴⁹ There are those of us, considered dinosaurs by many,⁵⁰ who think that requiring students to engage in substantial legal writing—applying their intellects to real, legal issues—is the best sort of experiential education.

Dinosaurs may be extinct, but Jon Entin isn't. It would be hard to imagine the Case Western Reserve University School of Law without him, and—happily—doing that would just be a thought experiment anyway. Jon isn't going anywhere.⁵¹ I'm sure he'll continue to be around Gund Hall more than just about anyone else, and his office will be as combustible as ever.

It's also good for us that Carol Conti-Entin will continue to be around—although at a safe distance from Gund Hall⁵²—to toot her own horn (she plays the French variety); to upgrade computers (another example of grade inflation); to take bird photos (ornithological, not Larry); to write haikus;⁵³ and to be—well—just thoughtful, fun, and interesting. Jon and Carol are a perfect couple. They are so cute when they do their weekly grocery shopping together—for Brown rice, Br Enough already!⁵⁴

Courage.

49. Footnoting was hard in those days, requiring use of a very small chisel to satisfy Bluetablet citation rules. (My understanding is that's how lawyers got the reputation for being chiselers.) And the *Law Review's* circulation then was low. It took a month to produce each copy, and the price we had to charge was astronomical.

50. Tyrannosaurus lex.

51. Which is, interestingly enough, what many said about him thirty years ago.

52. Safe for her, that is.

53. For poets it's hard to keep a secretary. Tell her (or him) to "Take a haiku," and you have to find a new secretary.

54. None of this Brown nonsense is Carol's fault; she's connected to Brown only by marriage. For what it's worth (no snide remarks, please), in doing research for this essay, I found a discussion in the "literature" about the merits of Brown food. If you have the stomach for it, compare Meghan Telpner, *The Brown Food Myth*, HUFFINGTON POST (Feb. 21, 2014, 3:33 PM), https://www.huffingtonpost.com/meghan-telpner/the-brown-food-myth_b_4675532.html [<https://perma.cc/ME3Q-N8PU>] (dispelling the myth that Brown food is healthy), with Adina Steiman, *In Praise of Brown Food*, EPICURIOUS (Feb. 19, 2016), <https://www.epicurious.com/expert-advice/in-praise-of-brown-food-in-the-age-of-instagram-article> [<https://perma.cc/QP9R-LTXD>]. (Those references make this essay look scholarly, don't they? Well, would you believe semi-scholarly?)