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Tribute to Professor George W. Dent

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George W. Dent, Jr.

Erik M. Jensen[†]

George Dent made his first appearance at the Case Western Reserve School of Law in the fall of 1988, when he presented a faculty workshop. He was then based at New York Law School, but we had an interest in getting him, wife Rebecca,¹ and daughters Chloe and Delia to consider a move to Cleveland.² We needed to do more due diligence, however. We already knew about the quality of George’s scholarship, of course; we didn’t have to bring him here to read his articles. We invited him to be a visiting professor in the fall of 1989 so we could see him in the classroom and also ensure that he had the full complement of social graces.³ And George needed to check us out as well.

George passed all the tests. After the visit, we made him an offer he could have refused, but didn’t. We must have passed his tests too. George has been here as a regular faculty member—or as regular as any of the rest of us—since 1990.

In another tribute in this issue, Jon Entin has provided details about George’s life—Little League batting averages, number of sub-four-minute miles, SSRN downloads, etc.—and I’m not going to reinvent the wheel here.⁴ But I want to expand on the discussion of George’s initial contacts with this institution⁵ before I move on to other essential material about George.

In one of the piles on my desk, I have copies of two memos I wrote when we were recruiting George. With a little embellishment, they provide important historical background.⁶ Besides, I don’t usually get

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1. The real lawyer in the family.
2. Despite, or maybe because of, his long time in New York, George passionately dislikes the New York Yankees. The Yankees had gotten another George—George Steinbrenner—from Cleveland in 1973, and George Dent, we hoped, was the professor to be named later.
3. Whether he had the graces or not, he unquestionably had a full complement of social and frighteningly smart women. *See supra* notes 1-2 and accompanying text.
4. Squares aren’t good at wheels.
5. For a school as awkwardly named as Case Western Reserve University, initials (“CWRU”) are very important.
6. Get to a certain age, and memory becomes a problem—or a benefit, if the right things can be forgotten. Rereading these memos refreshed *good* memories.

the opportunity to publish my memos in a widely disseminated forum,⁷ and I'm not going to let an opportunity like this get away.⁸

On my own initiative, I prepared a memo for the Appointments Committee about George's performance at a Cleveland Indians game.⁹ Just as we'd be concerned if, at dinner, a faculty candidate made slurping noises and spilled food down his or her front—George didn't and doesn't—I thought the faculty should know whether a candidate had acted appropriately at an intellectual event like a ballgame.¹⁰ George hit the ball out of the park.¹¹ The Baseball Reference report on the game characterizes it as a "Night Game, on grass,"¹² but we weren't. The game was played on September 12, 1989, and basic data confirm how long ago that was. Both starting pitchers, Bud Black for the Indians and Frank Tanana for the Tigers, went the distance—no endless parades of relievers!—and the final score was 1-0, with the Tribe on top.¹³ The game took only 2 hours and 8 minutes to play.¹⁴ That's about five innings' worth of a game today. Here's my memo, just as it was written back in the day, except that I've added annotations in brackets and italics:

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7. I understand that "widely disseminated" doesn't mean "widely read." But I'm grateful to both of you readers.
 8. I've always wanted to publish a volume collecting my law school memos. The ones dealing with by-laws revisions are particularly insightful. That will have to wait, I guess. Publishers, make me an offer.
 9. My wife, Helen, and I took George to dumpy Cleveland Stadium during his time as a visiting professor.
 10. Yes, an intellectual event. George is a Columbia graduate, and the other Mr. Columbia, Jacques Barzun, got it right: "Whoever wants to know the heart and mind of America had better learn baseball, the rules and reality of the game." JACQUES BARZUN, *GOD'S COUNTRY AND MINE* 159 (1954). Barzun gushed about baseball for six pages, but, late in his life—he lived to be 104, older than George now is, dying in 2012—Barzun apparently became disgusted with the commercialization of the game and stopped following it. Douglas McDaniel, *Jacques Barzun, "Baseball's Best Cultural Critic," Turns His Back on the Game*, BLEACHER REP. (July 6, 2009), <http://bleacherreport.com/articles/212819-when-baseballs-best-cultural-critic-turned-his-back-on-the-game> [<https://perma.cc/MK5Q-YKP9>]. I'm sticking with the 1954 quotation, however.
 11. In fair territory.
 12. *Detroit Tigers at Cleveland Indians Box Score, September 12, 1989*, BASEBALL REFERENCE, <http://www.baseball-reference.com/boxes/CLE/CLE198909120.shtml> [<https://perma.cc/73YG-VN2Z>] (last visited Sept. 28, 2017).
 13. *Id.*
 14. *Id.* Both pitchers threw slightly over 100 pitches. *Id.* Tanana had only two strikeouts and no walks; Black, four strikeouts and two walks. *Id.* The ball was being put into play, the way the Almighty intended.

MEMORANDUM

TO: Bill Marshall, Co-chair
Calvin Sharpe, Co-chair
Appointments Committee

FROM: Erik Jensen
RE: George Dent
DATE: September 13, 1989

Last night I attended the Indians-Tigers game with George Dent and my wife, Helen.¹ [*The comma after "wife" indicates that, although I'm from Utah, I had only the one wife. That's still true.*] George was quite well prepared for the situation [*I don't know why I put the "quite" in that passage*], familiar with the players, the rules, and the grand old game's traditions. He cheered at the right times and for the right team. He handled unsettling news (the departure of Doc Edwards [*the Indians' manager had just been fired*]) with no signs of rattling. All in all, George displayed the poise of a real professional. I offer my highest praise: he did not embarrass the institution. [*I'm set in my ways; that's still my highest praise.*]²

George's reputation has obviously spread beyond academe. Until last night, I had not seen a collector ask an academic to autograph a baseball. In his first visit to Cleveland Stadium, George was asked to do just that.³ He did so with aplomb [*and a pen*].

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1. Since Helen is not a candidate for a faculty position, I will leave her behavior out of this. [*Her behavior was OK, anyway.*]
 2. Moreover, he has yet to see an opposing team score against the Indians. [*That has changed.*]
 3. I suppose I should note that an usher, a hot dog man, a beer vendor, a cotton candy salesman, Helen, and I were also asked to autograph the ball. Do you have any idea how hard it is to write on a baseball? [*The announced attendance was 5523, which probably means about 500 people were there. Almost everyone in the ballpark might have signed that baseball.*]

The baseball experience in 1989 was a happy one, but I've learned that attending games with George doesn't ensure Tribe victories. In 2016, he and I were at game six of the World Series, and, after the Indians muffed a fly ball in the first inning, they were pretty much out of the game. A win would have clinched the Series, but oh well . . . we'll get 'em next century. On the other hand, we were together at the first playoff game in 1995, ended by Tony Pena's walk-off homer for the Tribe in the thirteenth inning at 2:08 a.m.,¹⁵ the first Indians' postseason victory since the 1948 World Series. And we were part of a group at the first night game at Jacobs Field, as it was then called, on April 7, 1994, played in 35-degree weather, with the Tribe victorious 6-2, and Eddie Murray hitting the first home run at the new ballpark.¹⁶ You could look it up, as another Old (or Ol') Perfesser (or Perfessor) Casey Stengel, used to say,¹⁷ and I did.

Back to 1989: a week after the ballgame, the Appointments Committee had me visit one of George's classes. As it happened, one of the committee co-chairs was there as well. My report, again with up-to-the-minute annotations in brackets and italics:

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15. I squeaked a lot during my 9 a.m. class later that day.
 16. *Seattle Mariners at Cleveland Indians Box Score, April 7, 1994*, BASEBALL REFERENCE, <https://www.baseball-reference.com/boxes/CLE/CLE199404070.shtml> [<https://perma.cc/EKX7-2TD4>] (last visited Oct. 23, 2017).
 17. See MAURY ALLEN, *YOU COULD LOOK IT UP: THE LIFE OF CASEY STENGEL* (1979). Casey always spoke the truth. For example: "You have to have a catcher, otherwise you will have a lot of passed balls." *Casey Stengel Quotes*, BASEBALL ALMANAC, <http://www.baseball-almanac.com/quotes/quosteng.shtml> [<https://perma.cc/4MX6-NLX4>] (last visited Sept. 28, 2017). In doing "research" for this essay, I learned that Casey got the "title" Professor (later "Perfesser" or "Perfessor"—consistency in spelling isn't high on the baseball priority list) from helping coach the baseball team at Ole Miss—my spouse's alma mater—in 1914, so maybe the title should be *Ole Perfesser*. In any event, the Yankee-to-be was once a Rebel. Life is a seamless web, or a webless seam, or something. See Jack Mayfield, *Casey Stengel Was Ole Miss Baseball Coach, Man About Campus*, OXFORD EAGLE (Feb. 5, 2017), <http://www.oxfordeagle.com/2017/02/05/casey-stengle-ole-miss-baseball-coach-man-about-campus/> [<https://perma.cc/E5SC-PTQ5>]; MARTY APPEL, *CASEY STENGEL: BASEBALL'S GREATEST CHARACTER* 38–39 (2017).

MEMORANDUM

TO: William P. Marshall, Co-chair
Calvin Sharpe, Co-chair
Appointments Committee

FROM: Erik Jensen
RE: George Dent
DATE: September 20, 1989

This morning, I visited George Dent's Business Associations class. The class was a very good one, as interesting as agency and partnership [*BA was a two-semester sequence in those days, with corporations covered in the spring*] can be [*yeah, a low threshold*]. In the course of the hour [*50 minutes actually*], we [*the royal "we"*] explored the intricacies of implied (or apparent) authority and termination of authority, and George, with the help of a student who had not already learned the importance of statutory language [*the student must have been clueless*], introduced partnerships. I learned a great deal [*I had to say that, of course*].

As we all know from his workshop presentation last year, George is a very careful speaker--cool in manner and precise in speech. The organization of the class--and, for that matter, of each sentence--was superb [*all true*]. Many students participated, and the level of preparation seemed to be quite high [*another unnecessary "quite"*].¹ I don't believe that George let a single instance of sloppy student language escape unchallenged. (I appreciate also the extra-legal education that George provided--for example, letting the class know that "irregardless," a word used in an excerpted case, is a subliterate substitute for "regardless." [*I later heard George say many times in Business Planning: "Regardless, or, as they say in New Jersey, irregardless."* I regularly said to George that he needed to explain his point to the class. Without help, many students wouldn't know whether he was praising or condemning the Garden State.])

I realize that tradition requires criticism of some aspects of the classroom performance, but I saw

1. By chance I sat next to a student who had briefed each case, a practice I am glad to see some students carry beyond the first year. [*Boy, another indication of how long ago this was. Many class visit reports today comment on students surfing the web. That wouldn't be true in George's classes today, however; he's banned use of laptops in his classroom.*]

nothing to criticize. I originally thought I would be able to complain about audience inattention: one person seemed to be particularly disheveled and bleary-eyed. It seems unfair, however, to hold George responsible for Bill Marshall's condition at 9 a.m. [*Bill, one of the memo's addressees, was a long-time colleague and a great institutional servant, but morning wasn't—and I suspect still isn't—his best time.*]

I taught Business Planning with George many times—eighteen by my untrustworthy count—between 1992 and 2012, so I’ve seen him in the classroom more than anyone else alive.¹⁸ He’s a demanding teacher. Students who put the effort into his courses get an incredible amount out of them.¹⁹

Colleagues do too. I couldn’t begin to list all the things I learned from teaching with George.²⁰ For example: Corporations are legal fictions. Yes, I always knew that in a way, but George drove the point home.²¹ We can think of a corporation as an *it*, and, in writing, we probably should.²² But a corporation is a group of people, not a thing. General Electric doesn’t pay taxes; people do.²³

Something else I knew, but that George reinforced: accounting doesn’t tell you everything, and in many situations it might not tell you much of anything. Every year in Business Planning George described Rebecca’s and his purchase of a Manhattan co-op (long before the move to Cleveland). When they received financial statements from the co-op association, they were horrified to see enormous losses. It looked as though they had bought a dust-bowl farm, with the wind howling. Before going to a bankruptcy lawyer, however, George talked to the association’s president, who was amused, shall we say, by George’s concern. The association’s “losses” were attributable to depreciation allowances, required for accounting purposes but divorced from reality. The impeccably maintained building wasn’t falling apart; in fact, it was going up in value. Read by themselves, the financials provided almost no useful information about the association’s economic condition.²⁴

I could go on, but let me change the focus, such as it is. By any measure, George is a Renaissance man: a connoisseur of the arts, good writing and grammar, fine dining accompanied by fine wine,²⁵ travel, and the Cleveland Indians.

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18. Or dead too, for that matter. *Cf. Casey Stengel Quotes, supra* note 17 (“If anyone wants me, tell them I’m being embalmed.”).
 19. Those who don’t, don’t. That can be said about students in every course, of course. Hmm, that makes me want to break into song: “A horse is a horse, of course, of course, and no one can talk to a horse, of course. That is, of course, unless the horse is the famous Mister Ed.”
 20. Well, I could begin a list, but I’m not going to. In other situations, like George, I’m often listing to the right.
 21. He usually drives a clunker home.
 22. In grading Business Planning memos, George and I regularly corrected students who used the plural pronoun “they” to refer to a corporation. In the U.K. maybe—where folks say British Petroleum *are* going to drill in the Gulf—but not in the U.S. Here in the colonies, it (BP) *is* going to drill.
 23. Not all of them though.
 24. I use the qualifier “almost” just to be polite to the accounting profession.
 25. In moderation, of course.

And George is a great colleague. Yes, he's feisty, but that's a good thing. He's fearless in his willingness to take controversial positions—positions, that is, that are controversial in the academy, which isn't known for its ideological diversity.²⁶ I don't mean that George's positions are incontrovertibly correct, although I agree with most of them. My point is that he raises issues that should be discussed. Without George, many of those legitimate questions would have been ignored at CWRU over the last 28 years.

George can be demanding in another way. For a person without a ready answer, nothing is more frightening than George's question, "What have you been reading lately?" Talk about micro-aggressions!²⁷ George isn't interested in hearing about newspapers and postings on the faculty bulletin board. He wants to know about real books—remember books?—*serious* books.²⁸ Most of us can get away with a "pass" the first time George pops the question, but no one is ever unprepared the second time around. After I finished *The Canterbury Tales*, in the original late Middle English, I've kept a copy of *Beowulf*—in Old English, of course—on my bedside table for years, just so, if necessary, I can tell George it's there.²⁹

George puts guest speakers through the paces, too. He reads the drafts distributed for every faculty workshop, and he almost always asks the presenter a hard-hitting question or two. No speaker gets a free ride to go with the nontaxable free lunch.³⁰

George takes others' work seriously because he's so careful in his own writing. His style is Dent's, but not dense. With over 50 published articles to his credit, George is a scholarly powerhouse, and the articles keep coming. George's interests are legion.³¹ He's done path-breaking

26. Okay, I concede that "fearless" is too strong a word in this context. It's not as though his life is in danger when he advances socially conservative points of view. It takes a lot more guts to serve in Afghanistan than to be on an American law school faculty. But taking a position that's controversial in the academy can be uncomfortable, resulting in nasty looks and muttering from colleagues, and negative comments on student evaluations. Most of us contrarians are inclined just to keep our mouths shut, but George fights the good fight.

27. No, let's not.

28. As amusing as she could be, Agatha Christie doesn't count for this purpose. It's not that George dislikes Christie; the family dog for many years was Miss Marple. It's that Christie's work isn't intellectual enough. I think I get partial credit for reading a biography of Lou Gehrig, because Larrupin' Lou was a Columbia man. *See supra* note 10. The credit is only partial, however, because Lou wore Yankee pinstripes. *See supra* note 2.

29. [Law Review editors: If you're going to check whether the book is really there, give me a couple of days before you come to the house.]

30. I know, I know. There's not supposed to be any such thing.

31. That's the good old American legion, not the foreign one.

work on business organizations, legal education, the family, and much more.

As a scholar, George is internationally renowned; he's made presentations around the world.³² In the 1990s, the law school had a newly endowed chair in business organizations to fill, and we intended to use that chair to bring in a high-profile lateral.³³ I was on the Appointments Committee at the time, and I called many prominent business-law scholars to collect names of possible candidates. A common response: "Why are you bothering to do a search? The best person in the world for that chair is already on your faculty." They were right, and, in 1998, George became the first Schott-van den Eynden Professor of Law. He held the chair³⁴ until 2012, when he assumed half-time status.³⁵

George's service to the legal profession and the larger society has also been exemplary. He's been active on innumerable boards and committees, including the Ohio State Advisory Committee to the U.S. Commission on Civil Rights, the Federalist Society, the National Association of Scholars, the International Academy for the Study of the Jurisprudence of the Family, and the Board of Advisors of the Alliance for Marriage.

All of this is to say that George makes me tired. Of course, at my age I get tired tying my shoes.³⁶ George too has been getting creakier in recent years.³⁷ He used to run several miles almost every day, as long as the temperature was above 10 degrees—Fahrenheit that is—and even if no one was chasing him.³⁸ Sadly, an old man's hips and knees ended the running.³⁹ But George still has the energy of a youngster.⁴⁰

32. A few of them even before an audience.

33. Maybe from Mt. Rushmore.

34. It wasn't too heavy.

35. Assuming is what business lawyers and economists do. You know, when a can of food washes up on a desert island, a marooned economist assumes a can-opener.

36. That was not always the case. *Cf. Casey Stengel Quotes, supra* note 17 (speaking to a young Mickey Mantle, who expressed surprise at learning that Casey had once been a ballplayer: "What do you think, I was born old?").

37. I do mean creakier, not crankier, but there may have been an uptick in crankiness too.

38. George was no Satchel Paige, who is reported to have said, "I don't generally like running. I believe in training by rising gently up and down from the bench." *Quotes, SACHEL PAIGE*, <http://www.satchelpaige.com/quote2.html> [https://perma.cc/3C5P-EJVB] (last visited Sept. 27, 2017).

39. One of his hips now is toddler age, however.

40. And George is considerably younger than Casey Stengel was when Casey, at age 75, said "[m]ost people my age are dead at the present time." *Casey Stengel Quotes, JIMPOZ*, http://www.jimpoz.com/quotes/Speaker:Casey_Stengel [https://perma.cc/FY43-FVQN] (last visited Sept. 26, 2017).

Did I mention that George is always sartorially splendid in the classroom? Well, I'll do it now. Throughout his career he satisfied the Uniform Uniform Code—the dress code that, if it were up to me,⁴¹ should apply to legal academics⁴²: well-tailored suits, tasteful ties for men, shoes shined every year or so, and shirts tucked in.⁴³ Professionals should dress like professionals, and George does. He had class in class.

Anyway, although George is officially retiring, *not* officially shy and retiring, George and Rebecca aren't going anywhere—except on vacation, when they go almost everywhere. Those of us in Gund Hall are going to continue to get the benefit of George's erudition, wit, and occasionally sharp tongue. Some things should never change. I have no doubt that, at about 12:30 during almost every faculty workshop, George will rise from his seat to get a cup of coffee. We've been able to set our watches by George's stroll to the coffee machine for years, and that will continue to be true, we hope, for many years to come.

The Old Perfesser again: "There comes a time in every man's life, and I've had plenty of them."⁴⁴

41. It's not.

42. I'm not making this up out of whole cloth. Please download Erik M. Jensen, *Law School Attire: A Call for a Uniform Uniform Code*, 32 OKLA. CITY U. L. REV. 419 (2007).

43. George has often pointed out my failings in that regard.

44. *Casey Stengel Quotes*, *supra* note 17. No, I don't know what that means. That's the point.