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Tribute to Lew Katz

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TRIBUTE TO PROFESSOR LEWIS KATZ

The editors of the *Case Western Reserve Law Review* respectfully dedicate this issue to Professor Lewis Katz.

Michael Benza[†]

TRIBUTE TO LEW KATZ

There has long been a rumor of a bear stalking the halls of Case Western Reserve University's School of Law. For nearly fifty-five years now, this rumor, carefully cultivated, curated, and reinforced by the bear himself, struck fear in the hearts of first year criminal law and criminal procedure students and faculty. The bear is none other than Professor Lewis Katz. And his reputation is well-deserved, misplaced.

In class, Professor Katz kept his expectations high. He demanded of himself preparedness and critical thought. He demanded nothing less of his students. This could initially be seen by students as though he was indeed a bear waiting to attack. An answer to one question led to another question, which led to another question. And soon the student was turned around trying to find the escape hatch. But in reality, Professor Katz was carefully and skillfully walking students through critical legal thought, teaching students to think, to express themselves, and to defend their ideas. While being on the receiving end felt like torture at the time, students soon learned that not only did they survive the bear attack, but they had fended it off and even launched a counter-attack. And more importantly, students learned.

I am not sure whether he ever really understood that the bear was not the reason his students did what they did to be ready for class. The initial terror of being unprepared—or worse, unthinking—in class, was quickly replaced by a genuine desire to please this incredible teacher. Students prepared for class, thought through problems, and learned not out of fear of the class but in joyful anticipation of the exchange. We simply did not want to let this man down by not being able to participate. Professor Katz rarely wanted the answer to be: “Well, the court said . . .” What he wanted was the student's idea. Understanding how the decisions were made, what was important to the court or to a specific justice, was critical, but true knowledge came when students expressed their own ideas about how and why a decision should be what it was.

Professor Katz stalked the front of the class like a bear in a salmon stream, demanding students understand that decisions have consequ-

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uences. When we determine the law is *this*, that decision must be maintained through all scenarios. A decision that allows the police to detain people in order to secure a scene must also allow the police to detain a person in his underwear in his front yard. It cannot change simply because we like or do not like a particular outcome. We draw our lines as best we can, we hold those lines, and then we change them as the law evolves. But only if we are doing this with logic, consistency, and integrity does our legal system continue to move forward towards justice.

I know all this because I was one of those students. The trepidation of hearing “Well Mr. Benza, should the Fourth Amendment allow this? Do you really think it is okay for the police to do this?” caused me nearly instantaneous panic. Of course, my first thought was: “Maybe he called on someone else.” My second thought was: “Wait, I know what I think.” And so I said, “no, I don’t think this was okay.” And then the game was on. “Why not, Mr. Benza?” from which followed with what I hope, but cannot recall, was an insightful discussion. And I know that through it all, I learned.

And the desire to please, as well as the fear, carries through to this day. I was on the faculty for years before I could drop the “Professor Katz” when speaking with him. Going to his office to discuss some point of criminal procedure (especially since we both taught the course) started with “what if I don’t know what I am talking about?”, “what if he gets me fired?”, “what if I’m wrong?” But every single time, he welcomed me into his office, took extraordinary time and care to discuss the issues with me, and explored what and why the courts did what they did. Each discussion was a master’s class on criminal procedure, judicial theory, social justice, and the art of teaching. And not once did he ever make me think I did not know what I was talking about or that I was at risk of losing my job.

I push myself to perform to his level in the classroom, to push my students as he pushed me, and to lead my students as he led me. And to this day, Lew is there next to me, pushing me, guiding me, and leading me. For these lessons, I am truly grateful.

And so the bear enters his next chapter. For those of us who worked past the gruff exterior, understood the reasons behind his classroom persona, and followed his lead, the wonderful, marvelous, and mischievous world of criminal law and criminal procedure opened before us. Professor Katz did not shy away from his bear reputation; he embraced it. He used that reputation to keep his students engaged; to push them beyond their comfort zone; to understand that the law is not static or concrete; and, most importantly, to know that an imperfect system obligated them to always pursue justice and what is right. For these lessons, the bear was perfect, even if he was at heart a teddy bear. He

earned the love and respect of generations of students and colleagues.
He truly has the *WASTA*!¹

1. *Wasta* is an Arabic word that is loosely—and, in Lew’s case, lovingly—, translated as “clout.”