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Leon Gabinet†

TESTIMONIAL TO LEWIS KATZ

I met Lew Katz in 1968. I was forty-one years old and Lew was twenty-nine. I was fresh from the practice world after spending fifteen years at a large law firm in Portland, Oregon, where I had come to believe in our American democracy and in the enterprise of the law. Lew was a bewhiskered young man, as befit a student revolutionary of the 1960's (facial hair being a sign of revolutionary ardor). He was sympathetic to the students and was, I believe, not quite certain whether he was one of "them" or one of "us." The faculty, with but one or two exceptions, were in sympathy with the anti-Vietnam War movement, but were also suspicious of the unearned anguish of the drug and counterculture part of that movement. Thus, our bewhiskered Professor Katz earned the suspicions of his elder colleagues.

In spite of all this, Lew and I became close friends and developed a friendship that has withstood the vicissitudes of time, changes in both the Law School's and the University's administration, and differences of opinion about a number of Law School issues. I have remarked to Lew on a number of occasions that in fifty years of close association, no harsh words have ever passed between us.

As I reflect upon it, it now seems inevitable that Lew and I should become close friends. We both came up the hard way. Both Lew's parents and mine were immigrants from Poland. Both sets of parents had to overcome not only the disadvantages of language, but also those of prejudice that attaches to immigrants from Eastern Europe, particularly those of Jewish origin. None of our parents became wealthy in the new world, but they managed to support their families and to educate their children. Lew managed to graduate from Queens College in New York and then got a first-rate legal education at Indiana University, Bloomington, followed by three years of valuable experience at a Bloomington law firm. Because of my twelve years of age seniority, I ended up in the U.S. Navy and, hence, with the GI bill. I was thus able to procure the benefits of both undergraduate and legal education at the University of Chicago, something my parents could not have financed.

Lew and I share commitments to good teaching and to scholarship. We share the view that legal scholars often ignore the importance of what goes on in the classroom, so that effective teaching becomes secondary in their profession. It is, of course, understandable. Scholarly

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work is essential for promotion in academia. But effective teaching is something we owe to our students, and it should not become a casualty of the promotion processes. It happens that my friend, Lew, is a born teacher as well as a productive and much-published scholar. Generations of students love Lew. Although he is demanding about preparedness and clear thinking, his style is non-confrontational and designed to lead the student to approach the issues of criminal law and criminal procedure thoughtfully and clearly. He transmits to the students the feeling that he cares about them, and thus he creates a classroom atmosphere that lends itself to learning. Great teachers like Lew are perhaps born and not made. Not everyone can master his classroom magic.

Commitment to teaching has not made Lew any less a scholar. The Ohio bar is familiar with the Schroeder–Katz two-volume work on Ohio Criminal Law. Readers generally are familiar with *Justice is the Crime*, a work devoted to the issue of pre-trial delay in felony cases. These works, as well a number of other articles and books, give witness to Lew’s commitment to scholarship. He proves that a gifted teacher can also be a productive scholar.

Finally, there is Lew’s monumental achievement in our LL.M. program for foreign students. This program, which has now brought to our Law School students from Russia, Germany, Saudi Arabia, Kuwait, China, Taiwan, and others is essentially of Lew’s making. He recruited the students, set up their curriculum, counseled them, advised them in their affairs of the heart, and was generally their American foster parent. The foreign students, like our own JD students, love Lew. Lew’s guiding hand will be missed, but he will continue to teach criminal procedure and to produce students whose loyalty to the CWRU School of Law is cemented by their beloved teacher, Lewis Robert Katz.