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Tribute to Professor Peter M. Gerhart

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Melvyn R. Durchslag

I first met Peter in the coffee shop of a Holiday Inn, someplace off I-71, just north of Columbus. It was, as I recall, the fall of 1985. He was the Academic Dean at Ohio State's law school, and I was chair of our Dean Search Committee. Peter insisted on meeting at this out-of-the-way, off-campus place because he didn't want it known, at least not just yet, that he was interested in leaving Ohio State to become the Dean at Case Western Reserve School of Law. That was thirty-five-plus years ago, so I don't remember exactly what we talked about during the several hours we spent together. What I do remember was his captivating smile and his obvious enthusiasm for accepting a new challenge. I left our meeting pretty much convinced that Peter was going to be our next Dean.

For reasons that had nothing to do with Peter (that could well be a book-length essay), it wasn't an easy road to his faculty vote. But in the end, it was Peter's charm and, I shall say, his scholarship that won the day. The latter initially concerned me, not for any substantive reason, but rather because I knew nothing about antitrust law, which was Peter's area of expertise, and therefore had no way of evaluating his scholarship. So I went to Arthur Austin, our antitrust scholar, to ask him to review Peter's work.¹ Well, Arthur could at times be, let us say, quite demanding. But Peter passed the Austin test with flying colors. I knew then we had our next Dean. And, it turns out, Art was spot on. As will become evident in a few minutes, Peter went on to become a world recognized scholar for his innovative and unique approach to the law of Torts, Contracts, and Property.²

Largely because Peter knew me better than anyone else on the faculty, he asked me to be his Associate Dean for Academic Affairs. With that, Peter started a tradition that lasts to this day—a tradition of having, as the Dean's right-hand person, an Academic as well as an Administrative Dean. As might be imagined, Peter and I became very close during the three-and-a-half years I served as Academic Dean. Neither time nor space permits recounting those years when we worked hand in hand to administer the school. What I will say is that he inadvertently saved my career and conceivably my marriage. As the "Peter Principle" (no pun intended) would have it, he made me realize that I

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1. See, e.g., Peter M. Gerhart, *The "Competitive Advantages" Explanation for Intrabrand Restraints: An Antitrust Analysis*, 1981 DUKE L.J. 417; Peter M. Gerhart, *The Supreme Court and Antitrust Analysis: The (Near) Triumph of the Chicago School*, 1982 SUP. CT. REV. 319.
2. See, e.g., PETER M. GERHART, CONTRACT LAW AND SOCIAL MORALITY (2021); PETER M. GERHART, PROPERTY LAW AND SOCIAL MORALITY (2014); PETER M. GERHART, TORT LAW AND SOCIAL MORALITY (2010).

had reached the highest level of my incompetence—the highest level of my administrative ladder. I could never have done for this or any other institution what Peter did for this law school. He worked tirelessly and often into the wee hours of the night (as his wife Ann can attest) raising money—lots of money, cajoling alums, and putting out the internal fires that I had neither the authority nor the ability to put out. And all with that captivating smile and calm demeanor. I once asked him how he could do what he does—how could he deal with the demands of his office and maintain his upbeat attitude and calm composure. He told me it was easy, if only you believed in your institution. And Peter believed in Case Western Reserve School of Law. Next to his family, whom he deeply loved and cherished, he devoted his life to this law school, to its students, and to his faculty and administrative colleagues. His legacy as dean, teacher, devoted colleague, and—maybe more than anything else—decent and caring human being, lives on. No one person can aspire to anything more.