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Tribute to Professor Peter M. Gerhart

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Jesse Wynn[†]

I was lucky to have Professor Gerhart in my life in two ways: first, I learned torts from Professor Gerhart beginning in my first semester; and second, I went on to work for Professor Gerhart on several projects as his research and teaching assistant.

First, I want to talk about Professor Gerhart from the torts-student perspective. In a semester where students are often left feeling overwhelmed (to put it mildly) Professor Gerhart's classroom was a breath of fresh air. I'm not saying the class was easy—in fact, Professor Gerhart's torts engaged us in a very difficult, philosophy-of-law manner. But still, even if we were intimidated by his brilliance, many of us felt at ease because of Professor Gerhart's kindness and friendship. Fellow student Andy Rumschlag put it well when he told me that Professor Gerhart made us feel like "colleagues and co-conspirators." I love this phrase because Professor Gerhart had a novel approach to the law that he outlined in his books and highlighted in his class—and when he taught us this approach, it was as if he was letting us in on a secret. But Professor Gerhart wasn't just *teaching* this secret. He was also a deeply thoughtful listener who engaged with his students' thoughts and incorporated those thoughts into his own understanding of torts. That understanding was to engage with torts in a values-based way. We were to understand case outcomes in terms of the parties' goals and values by giving each party's interests due weight, whether those interests were physical, emotional, or economic.

Ultimately, we learned that the court in a torts case decides how much we should look out for one another's values and well-being when we act. Professor Gerhart lived this theme. One example I want to highlight yet again was that every semester, either around the time that students could expect midterm grades or at finals time, Professor Gerhart would send his students a message titled "You Are Not Your Grades." For my class, this included a speech that he gave us, telling us that our grades would have almost no impact on the quality or kind of lawyer we would become. He told us that we work as hard as we do because our clients depend on us, not because we want to be the best in the class. In several discussions I've had with students since Professor Gerhart's passing, these messages always come up. This reminder of our inherent value brought both peace and purpose to many students. Overall, a consistent theme is that Professor Gerhart cared deeply about our well-being; students will bring that empathy forward for years to come.

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Secondly, I knew Professor Gerhart as a colleague, as did fellow students Sophia Billias, Ken Semmeraro, Andy Rumschlag, and Patrick Conroy, to name just the few I know. I say “colleague” because that is what he called me when I was his research assistant, even though I was barely one year into law school and had no legal experience to speak of. I was certainly a relatively less-esteemed colleague than those gathered here today, but despite my shortcomings, Professor Gerhart valued my input in his torts casebook and in his forthcoming contracts book. Just as he always looked for the value in students’ statements in class, he found merit in my suggestions for his theories. He allowed me to craft entire sections around a student’s perspective. He also allowed me to fix the number of spaces he would put after periods, which varied between one and five spaces. Much more importantly, he made me feel like a valuable contributor to his thinking. That is a feeling I will cherish forever.

I am heartbroken to know that no more students will get to learn torts alongside Professor Gerhart. But I feel heartened to know that there are perhaps thousands of us, new lawyers and old, trained to approach the law with not just an analytical mind, but with an empathetic one too. In closing, I want to echo Dean Berg’s words: when I talk with fellow students about Professor Gerhart, we say little about what we remember about torts, but we say much about how funny he was, how kind he was, and how good he made us feel. We miss him terribly.