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Tribute to Professor Peter M. Gerhart

Bryan Adamson

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Bryan Adamson[†]

It has been said that once we have departed this plane, we will be remembered only by the “good works” we left behind. Peter certainly left “good works”—evident in the students whose professional identities he helped to mold, in the institutions that he helped to build (such as this Law School), and especially his family.

I am proud to count myself as one of his good works. Peter was a seminal part of my life and career—first as a law student, then as a law professor soon after I graduated, and now, again, after eighteen years away, as a colleague.

As a student, I got to know Peter (at that time, “Dean Gerhart” to me) especially in my role as President of the Black Law Students Association (BLSA) and on the executive board of the Student Bar Association. I could always count on his listening ear and his firm support of our organizations’ needs and interests. Later he gave me my first full-time job as a teacher when he hired me for the Law Clinic.

His contributions to the stature and reputation of our law school have been well accounted. However, again, what was not as visible was his support of students, in particular the BLSA, and his contribution to the first minority job fair held by any law school in the country. In 1988, Black students at Case felt that Case and other law schools across the region were not doing enough to provide job opportunities to their minority students. Sylvester Summers (‘88), who was our BLSA President at the time, echoed sentiments that had been expressed nearly two decades earlier by Alumnus and co-founder of BLSA Gerald Jackson. “Everyone couldn’t go to Jones Day,” Summers observed. “If you weren’t in the top 10% of the class, then you were” hard pressed to get the Law School’s help finding a clerkship. Summer’s colleague, BLSA member Stephanie Mitchell (‘88), who was also a member of the Midwest Region’s governing board (a subpart of NBLSA), came upon an idea: The inaugural Midwest Regional Job Fair would bring invited employers to interview minority law students for internships, clerkships, and permanent positions.

The problem was, as Summers noted, BLSA had no money to pull it off. The plan was to hold the Fair at the Cleveland Clinic Center Hotel, and although the event costs were to be paid by employer registration fees, the organization needed \$15,000 upfront to secure the venue.

Summers set up a meeting with Dean Gerhart. Though Peter was a strong BLSA supporter, Summers figured \$15,000 would be a huge ask, and maybe a bridge too far. In Peter’s office, Summers posed the

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question. “Sure!” Gerhart brightly replied. Summers laughed as he recalled the caveat. With a smile, Peter told Summers, “I’ll give you the money. BUT . . . it’ll be a personal loan from me to you. And if I don’t get my money back, you don’t graduate.” It was a wink of the eye that let Summers know that Peter was joking about that last part.

Peter gave BLSA the money because he saw it as a great idea and need, trusted our vision, and believed in us. The Job Fair was a resounding success, with dozens of employers attending and scores of students reporting callbacks and offers. According to Summers, the event netted three times Gerhart’s investment. Gerhart got his money back, and Summers graduated that year. He continued to support the Job Fair financially year after year. It became so successful that he eventually allowed it to be incorporated into the annual initiatives of our Career Development Office.

When I returned to the Law School last July, I learned that we shared a common love for the plays of August Wilson. Wilson was a storied playwright. He died in 2005, but left a legacy of ten plays, all based in his hometown of Pittsburgh, and so named the Pittsburgh Cycle. His plays, *King Hedley II*, *Ma Rainey’s Black Bottom*, *Fences*, *The Piano Lesson*, and others, chronicled a time in each decade of the 20th Century. Last fall, we decided to offer a new, one-credit course called “Race, Law & Society.” It was developed as a way to incorporate more learning about structural/racial inequality and equity into classes and the curriculum. I curated several books and asked faculty to volunteer to pick a book and teach the seminar. For example, faculty taught from *The New Jim Crow*, *Just Mercy*, *Songs from a Weary Throat*, *Killing the Black Body*, *How to Be an Anti-racist*. Peter wanted to teach from an August Wilson play, and we had this email exchange:

September 11, 2020
To: Bryan Adamson
From: Peter Gerhart
Subject: Race, Law & Society

As you know I am on sabbatical and have not been paying attention to law school emails. I thought that I could join the racial justice conversation in the spring semester and did not understand that we are starting this semester. I want to bounce an idea off of you and get your reaction. I would be happy to lead a discussion group reading the plays of August Wilson and discussing them. I do not know whether that qualifies for this purpose but the plays clearly present a Black perspective on white supremacy and the impact it has on community and personal development. It also makes the ravages of Jim Crow clear. And it shows the Black perspective on law and the way law has been used by the white majority to maintain dominance. The plays also show the basic humanity of Blacks and Black culture in its

good and not so good sides. In any event, reading and thinking about the plays is one of my sabbatical projects so if this idea fits with some of your goals, and if you thought that it would attract some students, I would be happy to start this semester (if it is not too late).

I wrote back, enthusiastically, “What an inspired idea!”

September 11, 2020
To: Peter Gerhart
From: Bryan Adamson
Subject: Race, Law & Society

Peter: what an inspired idea! Dude—I’d take your course! It’s too late to start it this semester, but perhaps you can propose it as a spring elective?

Bryan

Peter then wrote back to Dean Avidan Cover and me:

September 24, 2020
To: Avidan Cover, Bryan Adamson
From: Peter Gerhart
Subject: Race, Law & Society

Hi Avi,

Bryan Adamson called my idea “inspired” but perhaps he was just being nice [I wasn’t]. I am not sure, however, where my idea would fit. The idea is to form a class around reading and discussing the plays of August Wilson as a picture of the effects of marginalization and structural racism. There are legal themes in the plays and themes of unequal treatment that would justify me in focusing on how the law could have been reformed to avoid the structural problems.

So, we did not get to schedule his seminar. But the August Wilson connection was made. On December 15, 2020, Peter wrote:

To: Bryan Adamson
From: Peter Gerhart
Subject: Ma Rainey’s Black Bottom

It premiers on Netflix this Friday. Highlight of the week.

And we both watched it.

Peter also left good works, literally. One of his groundbreaking books examined the factors, circumstances, and values that shape tort law. In *Tort Law and Social Morality*,¹ Peter wrote of the principle of duty—how decisions from which harm to others may follow might better incorporate the well-being of others into consideration. Drawing from philosophical teachings and game theory, Peter also deftly explored the scope and limits of that duty. His theory on social morality also acknowledges it as a social construct from which social values evolve over time, yet the principle of duty fails to adequately incorporate ideal notions of social morality. His own writings brought to mind a quote from Wilson: “You can put law on paper but that don’t make it right.”²

Indeed, Peter left good works. I wish Peter’s family nothing but love, joy, peace, light, and strength. Thank you.

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1. PETER M. GERHART, *TORT LAW AND SOCIAL MORALITY* (2010).
 2. AUGUST WILSON, *GEM OF THE OCEAN* (2003).