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## Foreword

John M. Gerrard

*District Judge of the United States District Court for the District of Nebraska*

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The Honorable John M. Gerrard\*

## Foreword

This issue of the *Nebraska Law Review* is published in honor of Professor John M. Gradwohl. Thus, it is particularly fitting that the editors of the *Review* have chosen to style their tribute as a symposium on education law. It is difficult to overstate the impact Professor Gradwohl has had on the development of education law in the State of Nebraska.

As an academic who taught education law at the University of Nebraska College of Law, Professor Gradwohl has had tremendous influence in guiding the development of the law and the practice of law. He led the earliest efforts to apply the developing principles of continuing legal education to the practice of school law. He was also a driving force in creating the Council of School Attorneys, an organization of school law practitioners in Nebraska which conducts an annual seminar and holds meetings on issues vital to education law. The Council, now approaching its twenty-fifth anniversary, sponsors an annual program of exceedingly high quality which has influenced the development of other such seminars on both the state and national level.

The practice of education law in the State of Nebraska has flourished, due in no small part to Professor Gradwohl and the Council of School Attorneys. A review of the decisions of the courts of Nebraska—particularly the Supreme Court of Nebraska—reveals marked improvements in not only school board members' and administrators' adherence to law, but also in school attorneys' practice of law, as evidenced by school law litigation.

Many of the authors of the articles contained in this Symposium are Professor Gradwohl's former students. His influence over their legal careers is not just a fond memory; it remains a real and ongoing relationship between mentor and mentees. These authors freely admit that they remain Professor Gradwohl's students—and seek his counsel on a wide variety of issues. The authors who did not attend the University of Nebraska College of Law also acknowledge Professor Gradwohl's significant influence in their professional development, as

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\* University of the Pacific, McGeorge School of Law, J.D., 1981; University of Arizona, M.P.A., 1977; Nebraska Wesleyan University, B.S., 1975. Current Nebraska Supreme Court Justice who, prior to his appointment to the bench in July 1995, practiced education law as part of his broad general practice in northeast Nebraska and was a member of the Council of School Attorneys.

do I. Finally, the two fellow law professors who have submitted articles demonstrate the esteem with which Professor Gradwohl's contributions are held by his academic peers as well as by practitioners within the state.

Professor Gradwohl is noted for his candor, his honesty, and his ability to express his views in a straightforward and thoughtful way. This interpersonal style has influenced the relationships between attorneys on all sides of education disputes in the state. It is largely because of Professor Gradwohl's example that the community of attorneys who practice education law remains a model of candor and civility to attorneys that practice in many other areas of the law.

Professor Gradwohl's commentaries on the development of education law have consistently demonstrated uncanny foresight. He was among the first to predict that the federal courts, in the mid-1960s, would apply the principles of constitutional due process to the operation of public schools and that body of law's impact upon the schools' mission to educate subsequent generations of American citizens. Later, he correctly foretold of the decline of significant judicial involvement in the governance, management, and operation of public schools, as well as the rise of the legislative and regulatory activism that has characterized the last twenty-five years. In addition, as a judge on the Court of Industrial Relations, Professor Gradwohl was the principal architect of the "peer group" concept which has developed and become the prevalent standard for establishing teachers' and other public employees' wages and conditions of employment.<sup>1</sup>

Throughout his career, Professor Gradwohl has promoted both the application of the law's tradition of principled inquiry to the practice of public education and the development of interdisciplinary academic and practical cooperation between the practitioners of law and public education.

This Symposium issue of the *Nebraska Law Review* acknowledges Professor Gradwohl's substantial contributions to education law in the State of Nebraska. However, his greatest influence over the practice of education law in the State of Nebraska is yet to be truly felt. His students are now themselves mentors for young attorneys entering the practice of education law. It is this new generation of education lawyers, and their successors, that will indeed serve as a lasting tribute to the esteemed contributions of Professor John M. Gradwohl.

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1. *School Dist. of Seward Educ. Ass'n v. School Dist. of Seward*, 1 C.I.R. 34-1, 34-20 to 34-51 (Order entered Aug. 9, 1971), *aff'd* 188 Neb. 772, 199 N.W.2d 752 (1972).