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Richard S. Harnsberger*

A Friend's Tribute to Harvey Perlman

Harvey has already received, and will continue to receive, many tributes, all of them well deserved. I feel it is a special honor to be among those asked to write about him in this issue of the *Review*.

THE EARLY DAYS

As I reflect back through the years, I recall that it was during the summer of 1963 when I decided to paint my house. The painter told me to select the tint at the Morris Paint Store on the north side of "O" Street in downtown Lincoln. I entered the store early in the morning and for the first time saw Harvey. He was behind the counter with Steven Seglin, now the senior partner of the Crosby Guenzel Davis Kessner and Kuester law firm. Each was wearing a red baseball cap. Across the front in large block letters was printed "MORRIS PAINT." The transaction went smoothly and I am convinced that had there been career counseling at that time Harvey and Steve would now own a giant global paint company.

But things did not go that way. On Monday, August 26th, I walked into my Constitutional Law class in room 101 of the old law school building at 10th and "R" Streets. I sat down, looked up, and thought, "Good Heavens. There are those two guys from the paint company sitting together in the back row." We exchanged smiles and after that unexpected greeting settled down for a year of study. At the conclusion, both got top grades and became members of the *Nebraska Law Review*.

HARVEY AS A CLASSROOM TEACHER

Harvey is one of our outstanding teachers and students laud both his meticulous analysis and clear presentations of complicated subject matter. One of his latest innovative ideas was creation of a course in construction law, which he taught last year in conjunction with one of Lincoln's most prominent construction lawyers. Another concept he recently originated is an imaginative cyberlaw class.

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HARVEY AS A SCHOLAR

Harvey takes his scholarship seriously and sets high standards. I think his strength is the ability to analyze a problem thoroughly, approach it with an open mind, and reach a sound conclusion. And from the beginning of his career he has been a master at research, seeing connections, editing, rewriting, and revising.

His scholarly credentials are impeccable. I was delighted to see that he still lists in his resume four publications that he wrote during the summer of 1964 when he worked with me on our joint summer research program with the Department of Agricultural Economics. Drafting for the American Law Institute undoubtedly may be a far cry from writing about subjects such as fence law, estate planning for farmers, urban sprawl into rural areas, etc. but it is noteworthy that two of Harvey's articles are still in print and probably have had more readers than the ALI publications. I add parenthetically that often I wonder if the summer experience in 1964 had anything to do with Harvey joining the "law and economics" school.¹ I support their scholarship even though it frequently lacks adequate empirical data and professors in the field repeatedly observe something working in practice and then write learned articles directed to each other discussing whether it will work in theory.

HARVEY AS DEAN

Deanship of a law school is an awesome responsibility. It is made more difficult because it involves discourse with people of different backgrounds, different perspectives, and different ideas about where the institution is now and in what direction it should be moving. But tough decisions have to be made and as Holmes said, "The great thing in this world is not so much where we stand, as in what direction we are moving. We must sail—sometimes with the wind and sometimes against it. But we must sail. And not drift. Nor lie at anchor." With Harvey as dean, we never drifted.

Harvey knew that law schools, like all institutions, have inward and outward faces. The outward features can be easily found by looking at our school bulletins, the *Nebraska Law Review*, minutes of faculty meetings, the *Nebraska Transcript*, faculty self-surveys which become the basis for programmatic goals, and faculty casebooks and

1. The most prominent interdisciplinary subject in the nation's law schools is law and economics. One of the movement's foremost scholars is Judge Richard Posner of the United States Court of Appeals for the Seventh Circuit and a former law professor at the University of Chicago where the movement began. See Robert H. Bork, *The Greatest Lawyer of His Time*, WALL ST. J., March 13, 2000 at A46 (Judge Bork's tribute to Edward Levi).

publications. The inward face is no less important but is more difficult to ascertain. For what does one look? What does one ask?

First, in addition to asking what types of persons are teaching at the school and what do they want to accomplish, you ask what impression are you left with when you leave the place. It is here that the dean of a school is the major actor. A good dean gives a favorable impression to students, both prospective and those in residence, alumni, central administrators, persons throughout the state, and people at the national level, e.g., the American Bar Association and the Association of the American Law Schools. And this was one of Harvey's greatest strengths.

In addition, he has given us merriment, elegance, pride, and a love of the school. I admire his intellect, his judgment, his integrity, and his impressive ability to get things done efficiently after hearing all sides of an issue.

It is true that decanal influence has been declining since World War II as evidenced by the short tenure of deans today. But Harvey's tenure extended over a period of fifteen years and that made a tremendous difference. His accomplishments are legend; among the most noteworthy are the energetic efforts he made to recruit women and members of minority groups for the faculty.

A SUMMING UP

Harvey believes, as I do, that a truly fine institution is built upon personal acquaintance of each with the other and on the basis of his friendship he has gained our fondness and gratitude.

I end this tribute to my friend by saying that I take immense pride in the fact that he is a graduate of our law school.