

1999

## Dean Harvey Perlman

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### Recommended Citation

Robert C. Denicola, *Dean Harvey Perlman*, 78 Neb. L. Rev. (1999)

Available at: <https://digitalcommons.unl.edu/nlr/vol78/iss4/5>

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Robert C. Denicola\*

## Dean Harvey Perlman

I had heard of Harvey Perlman long before we met. When I arrived at the Law College in 1976, Harvey was off on his nine-year interlude at the University of Virginia. He had already published a casebook with Ed Kitch, whom Harvey met during a year as a Bigelow Fellow at the University of Chicago. The casebook was an innovative synthesis of business torts and intellectual property law, and Kitch and Perlman grandly entitled it *Legal Regulation of the Competitive Process*—a title that Harvey had also adopted for his equally innovative course at the Law College. The course had not been offered since Harvey's departure, and since I knew almost nothing about either business torts or intellectual property, our new Dean, John Strong, asked me to teach it. Some time later over lunch in the faculty lounge, former Dean David Dow fixed me with his famous stare and demanded to know what course I would be teaching the following semester. "Legal Regulation of the Competitive Process," I answered. I got blank looks all around. Finally someone—I think it was Dick Harnsberger—leaned forward and said, "I think he means the course Harvey wrote the book for," and everyone nodded approvingly. Although I made a futile attempt to move out of Harvey's shadow by renaming the course Unfair Competition, for years it remained known to my colleagues only as "the course Harvey wrote the book for." When Harvey returned to the Law College as Dean in 1983 he could have reclaimed the course for himself. In typical fashion he chose instead to teach the first-year course on torts so he could get to know each year's incoming class and even tried, with moderate success, to refer to his old course by its new name.

A few years after Harvey's return we were selected by the American Law Institute as the Reporters for the *Restatement of Unfair Competition*. The work of ALI Reporters is overseen by an Advisers Committee consisting of prominent experts in the field, and for me the two-day meetings of the Advisers were nerve-wracking affairs. I would spend the evenings prior to each all-day session reviewing our draft and trying in vain to anticipate likely questions. Harvey, who often confessed to only a passing recollection of what we had written

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in the drafts, instead spent his evenings following recommendations on Middle Eastern restaurants. During the meetings, if a technical response left an Adviser uneasy, Harvey would return to first principles with a straight-forward exposition of fundamentals that made our conclusions seem almost inevitable. For Harvey, the fun is in the ideas and not the details. Ideas have always been Harvey's stock in trade, and he judges them on their merits rather than their pedigree. He will quickly dismiss an unsound suggestion from a prominent expert but embrace an innovative idea from a junior colleague.

In 1994 Harvey was named to the Council of the American Law Institute—the governing body of the ALI. (He recently stepped down from the Council when the ALI needed him in a new role as a Reporter for its *Restatement of Torts*.) Since 1987 Harvey has also been a Commissioner on the National Conference on Uniform State Laws and in 1999 he became its Vice President. His prominence in both organizations put Harvey at the center of their collaboration on proposed revisions to the Uniform Commercial Code. Few Nebraskans since Dean Roscoe Pound have been as influential on the national legal scene. I suspect, however, that Harvey takes greatest pride in his accomplishments closer to home. During his fifteen-year tenure as Dean, he combined good judgment, energy, and administrative skill to move the College forward intellectually as well as financially, all the while remaining its most prominent scholar. It is hard to imagine a more successful Deanship. His administrative skills did not go unnoticed at the University. When someone was needed to bring business leaders together with faculty and administrators from two different campuses to create a new Institute for Science, Technology and Engineering in Omaha, the President of the University turned to Harvey. When the UNL campus recently found itself without a Chancellor, Harvey again got the call.

When Harvey stepped down as Dean in 1998, he again passed up the opportunity to reclaim “the course Harvey wrote the book for,” instead enhancing the curriculum with new courses and new teaching methods. Harvey has been an unselfish colleague, always willing to do things large or small to improve the Law College and the law. He has already done more for both than seems possible in one career, and all of us at the College are glad that his contributions are far from over.