

1998

Dedication and Tributes to Professor Lawrence Berger

Harvey Perlman

University of Nebraska–Lincoln, hperlman1@unl.edu

Richard Harnsberger

University of Nebraska College of Law

L. Bruce Wright

Cline, Williams, Wright, Johnson & Oldfather, lwright@clinewilliams.com

Sarah Brashears

Clontech Laboratories, Inc.

Follow this and additional works at: <https://digitalcommons.unl.edu/nlr>

Recommended Citation

Harvey Perlman, Richard Harnsberger, L. Bruce Wright, and Sarah Brashears, *Dedication and Tributes to Professor Lawrence Berger*, 77 Neb. L. Rev. (1998)

Available at: <https://digitalcommons.unl.edu/nlr/vol77/iss4/2>

This Article is brought to you for free and open access by the Law, College of at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Nebraska Law Review by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

This issue is dedicated to Lawrence Berger in honor of his many years of service to the University of Nebraska College of Law. The following tributes by his colleagues and former students offer a glimpse into 39 years of exemplary teaching. Generations of Nebraska law students remain deeply indebted to Professor Berger for teaching them how to “think like a lawyer.”

Harvey Perlman*

It was September, 1963, 9:00 a.m. on the Thursday morning of my first week as a law student in Room 101 of the old law school. Professors using the Socratic method had dissected a few of my classmates, but I had escaped direct grilling and had even made one feeble, but apparently unsuccessful, attempt to answer a professor's question. The members of my “study group” had come to realize that the only sensible objective was survival rather than success. Since those of our classmates who had been called on had both displayed their ignorance and survived, it had a liberating influence and we began to lapse into a state of indifference. Then into Room 101 walked Professor Lawrence Berger for the first time. Suddenly the most important question in our lives became who was the rightful owner of a fox that hunter A had chased through the woods only to have it intercepted at the last minute by hunter B. Now, some 36 years later that fox remains branded on my memory.

During these intervening years I have been privileged to interact with Larry Berger as his student, his colleague, and his friend. The success of a law school depends on contributions from many sources, but it is from the classroom that most alumni draw their most enduring memories. As Dean I visited alumni from many generations, and I think it is fair to say that on the spectrum of these classroom memories, this Law College has three distinct eras: The Henry Foster era, the Fred Beutel era, and the Larry Berger era.

Henry Foster and Fred Beutel, both bright men, were characters and most of the memories repeated to me involved their classroom eccentricities. Although there are some classic Larry Berger stories (he

* Professor of Law, University of Nebraska, College of Law. Dean, University of Nebraska College of Law, 1983-98. University of Nebraska B.A., 1963; University of Nebraska College of Law, J.D., 1966; Editor-in-Chief, *Nebraska Law Review*; Order of the Coif; Member, American Law Institute; Bigelow Teaching Fellow, University of Chicago Law School, 1966-67; Professor of Law, University of Nebraska, 1967-74; Professor of Law, University of Virginia, 1974-83.

has paid me not to repeat them), the most enduring recollections of most alumni focus on the rigor and intellectual challenge of his classroom and their respect for the man. His classroom was, and happily still is, an experience that changes the way one analyzes problems, that tends to grind at the sloppy edges of one's thinking. Certainly I don't have top of the mind recollection of most of the rules of Property or of Commercial Law which he taught in my second year. But these were not the primary gems to be discovered in a Berger classroom. No, what one took away and retained were the habits of mind, the importance of understanding rules not just remembering them, and the trick of extending an analogy to the proper limits but not beyond. Nonetheless it remains true that even now when confronted by a property rule or a feature of Article 2 or 9 of the UCC—occasions I try hard to minimize—I am often transported back to Room 101 and the image is no less clear or stimulating.

As a colleague and as his Dean, I came to a more balanced view of Larry Berger's contributions to the College. He leads the faculty, both by his word and deed, toward recognition of the importance and imperative of scholarship and publication. No member of the faculty is more loyal and committed to the future of the College than he. As he has for almost 40 years, he continues to demand excellence from both his students and his colleagues.

I am pleased that I am able to write this short statement in the present tense. The official University records may show a reduction in his workload, but by most measures Larry Berger's commitment and contributions to the College show little slippage. It remains, then the "Berger era" at the College, and we are fortunate that it does so.

Richard Harnsberger*

It is fitting that this issue of the Nebraska Law Review is dedicated to Larry Berger, and I am pleased to have been asked to comment on what he has meant to the Law College. I first met Larry when he and his wife Betsy arrived in Lincoln during the fall of 1960 with their children Nancy, Andrew, and James. My wife Jean and Betsy became close friends from the beginning and my children Stephen and Scott often reminisce about our family dinners together, some at our homes and others at the East Campus cafeteria which at that time was operated by the University Home Economics Department.

Since those pleasant times, four decades have passed. Jean is gone. Larry and Betsy are still my best friends.

Larry believes that teaching and scholarship are important work and from the beginning of his career he set high goals. His great enthusiasm and intellectual qualities are matters of common knowledge and today he is one of the country's most respected writers in property law. I believe our present high standards of excellence at the Nebraska College of Law are attributable in large measure to his personal example and leadership.

Larry is recognized as the best classroom teacher we have had at the college since it reopened after World War II. Year after year the students choose him the school's outstanding professor and laud him for both meticulous analysis and clear presentations of complicated subject matter.

Through the years students have told me their surprise at the ease with which Larry teaches in the largest classroom spaces we offer and how much he cares about the quality of his presentations on each occasion.

Larry has been a pillar of the school. It is hard to overstate how his high standards have helped define the institution. His remarkable influence results from a combination of intellect, diligence, civility, candor, generosity, respect for others, a commitment to open-minded-

* Cline, Williams, Flavel A. Wright Professor of Law, University of Nebraska College of Law. University of Nebraska, B.S., 1946; University of Nebraska College of Law, J.D., 1949 (cum laude); University of Nebraska, M.A., 1951; University of Wisconsin, S.J.D., 1959; Casenote Editor, *Nebraska Law Review*, 1947-49; Order of the Coif; Beta Gamma Sigma; Captain, Field Artillery, World War II; American Bar Association Standing Committee on Environmental Law, 1973-79; Board of Trustees, Nebraska Groundwater Foundation, 1983-96; Governor's Water Council, 1994-95.

ness, personal grace, and good judgment. I, together with many others, have relied on his advice in many different circumstances.

He has befriended and guided students for four decades. When it is all said and when it is all done, that is what makes a law professor truly worthy of honor.

L. Bruce Wright*

Minute one, day one, of my first law school class, Professor Berger removed his watch, held it aloft, scanned his seating chart, called my name, and uttered, what were then, the terrifying words, "Mr. _____, I give you this watch." Thus began my law school career. It was not until some years following graduation, after I had worked through associateship, became a partner, bought a house, started a family (some would say, gained a little real-life experience) that I really began to reflect upon the impact which Professor Berger had on me.

As a classroom instructor, no one could question Professor Berger's mastery of his subject or his commitment to his students. He exemplified what the title "professor" should stand for in higher education, and he both deserved and received the respect of his students. His uncompromising commitment to professionalism and scholarship were obvious to all who had the privilege to have him as an instructor.

What really set Professor Berger apart was his ability to impart these values to his students. As an instructor, Professor Berger provided a positive role model for what every aspiring lawyer should strive to achieve as a member of the legal profession. Professor Berger was an excellent instructor, but in my view, his real contribution lay in the fact that he was able to instill a commitment to competence and professionalism in his students which lasted long after the esoteric discussions of abstract legal principles were forgotten.

Professor Berger is truly a credit to his profession. The University of Nebraska College of Law is fortunate to have had Professor Berger as a member of its faculty, and those of us who were fortunate enough to have had him as an instructor owe him a deep debt of gratitude. Professor Berger did not just educate students; he inspired men and women to become quality professionals. On behalf of myself and the countless students who had the privilege to have had Professor Berger as an instructor over the years, I would simply say: Thank you for your commitment and contribution.

* Partner, Cline, Williams, Wright, Johnson & Oldfather, Lincoln Nebraska; University of Nebraska, B.S. 1966; University of Nebraska College of Law, J.D. with high distinction, 1969; Member Board of Editors, *Nebraska Law Review* 1967-1969; Law Clerk to Judge Robert Van Pelt, United States District Judge, District of Nebraska, 1968-1969.

Sarah Brashears*

First year of law school, first day of Property class. The inside information was as follows: when you are “up” in Berger’s class, you are called upon and expected to answer questions and provide information for the entire hour. You had better have done your reading and be able to recite the facts of the assigned cases—a little analytical ability wouldn’t hurt either. The tension was thick at the beginning of that class and every class thereafter for the rest of the year: Who would be “up” today?

Thanks to respect for Professor Berger (and a certain amount of fear of looking and sounding like an idiot in front of your peers), the level of scholarship in Property class was high. You came prepared because you might be “up.” And whether you were a fence-sitter or as opinionated as they come, with his probing questions, Professor Berger could get you to chase your tail while he deftly made his points and taught us the fundamentals of property law.

Everyone liked Professor Berger’s Property class, though in retrospect the subject matter was not scintillating to say the least. Still, Larry Berger managed to impart the wisdom of *Pierson v. Post*, livery of seisin, A’s life estate in Blackacre, the rule against perpetuities, the fertile octogenarian and tenancies in common with aplomb, great humor and the utmost scholarship. Unquestionably, when I look back on my time in law school, the classes I took from Larry Berger stand out as highlights.

Personally, I breezed through oil and gas law on the Texas bar because the fundamentals are based on property law, because, thanks to Professor Berger, I had been schooled quite thoroughly thereon! One of my proudest moments was running into Professor Berger in the hall after the Real Estate Transactions grades had been posted. As grades are anonymous, he did not know any of the student’s scores and he asked how I had done in his class. I was fortunate to be able to report that I had received an A plus. I could tell by the look on his face that he was proud of me—which made me proud of me.

All UNL College of Law students owe Professor Berger a great deal of gratitude. His instruction has helped make hundreds? thousands? of UNL-trained lawyers look good in the eyes of the rest of the world.

* Director of Intellectual Property, Clontech Laboratories, Inc., Palo Alto, CA; University of Nebraska College of Law, J.D. with high distinction, 1993; Editor in Chief, *Nebraska Law Review*, 1992.