Winter 1983

Forrest Lacey: A Tribute from a Colleague

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FORREST LACEY: A TRIBUTE FROM A COLLEAGUE

Socrates: Tell me, Euthydemus, have you ever gone to Delphi?

Euthydemus: Yes, twice.

Socrates: And did you observe what is written on the temple wall—know thyself?

Euthydemus: I did.

Socrates: And did you take no thought of that inscription, or did you attend to it, and try to examine yourself, and ascertain what sort of character you are?

—Xenophon, *Memorabilia*, iv, 2.24

For several years, I have introduced law students to *The Crito* with the observation that, so far as history tells us, Socrates was the first teacher to use the Lacey method, and if Plato is to be believed, his students were equally disenchanted by it. Two years hence, that gambit will fall upon uncomprehending ears. I regret the necessity of revising my lecture notes; far more I regret the reason for the necessity.

Nevertheless, a tribute to Forrest Lacey is a joyful task. No member of this faculty has meant more to me in my professional growth. None has so epitomized the meaning of a university, has provided constant reassurance of why we are here. But *retiring*? The suggestion prompts incredulity, for even now Lacey seems younger than most of his colleagues (and a good many students as well).

It is not difficult to catalog those characteristics of Lacey that make him esteemed by his colleagues: total honesty, high principles and an unwavering commitment to them, an ever present spirit of good will. And yet he is a very subtle person whose value to this institution is sometimes difficult to capture in words. He has taught more to his students and his colleagues by remaining silent than others have in hours of lecturing. It is the enigmatic smile, the inimitable shuffle into the classroom, the friendly hello when we pass in the hallway, the word of encouragement to the beleagured colleague, which we cherish the most. He stands unique among us as a teacher, a scholar, and a colleague.

I.

[T]he reproach which is often made against me, that I ask questions

> of others and have not the wit to answer them myself, is very just—the reason is, that the god compels me to be a midwife, but does not allow me to bring forth. And therefore I am not myself at all wise, nor have I anything to show which is the invention or birth of my own soul, but those who converse with me profit. Some of them appear dull enough at first, but afterwards, as our acquaintance ripens, if the god is gracious to them, they all make astonishing progress; . . . It is quite clear that they never learned anything from me; the many fine discoveries to which they cling are of their own making.
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> —Socrates in Plato, *Thaetetus*, 150A

It may seem presumptuous to say that Forrest Lacey is our best teacher. I have never visited any of his classes (although I confess to having listened at the door on occasion), yet I have never doubted that his work in our classrooms is without equal. Not surprisingly, this has not always been obvious to the bulk of our students, although I believe it is today. Every student has a definite opinion about Lacey in the classroom. Although I never learned much about Lacey from student opinion, I learned a great deal about the student who gave it.

We are, all of us, better teachers by virtue of our association with Lacey. Not, to be sure, because we have emulated his style, for any effort in that direction would be misguided and futile. We are better because Lacey, by his example, has shown us that the first obligation of a teacher is to teach. No amount of scholarship, no professional reputation, can substitute for effectiveness in the classroom. That priority has become an institutional commitment, and we have appraised ourselves accordingly.

> As for me, all I know is that I know nothing.
>
> —Socrates, in Plato, *Phaedrus*

Yet this master of the classroom will say, as he has said to all of us on numerous occasions, that he doesn't know what good teaching is. Or, if pressed, he will say, good teaching is that which causes students to learn. But students flourish in the wake of a multitude of teaching methods, sometimes when they protest to the contrary. It follows that all efforts to evaluate teaching must be viewed with a skeptical eye. Diversity is to be sought and encouraged. The good teacher cultivates a teaching method compatible with her nature and works at it constantly. She knows that effective teaching is difficult—an art as well as a science. She knows that she can always be better and therefore is never satisfied.

II.

> . . . nothing was of greater benefit than to associate with Socrates,

> and to converse with him, on any occasion, on any subject whatever.
>
> —Xenophon, *Memorabilia*, iv, 1.1

Shortly after joining this faculty, Lacey published an article in the *Harvard Law Review* on the crime of vagrancy. It was the seminal piece on the topic, cited by many courts and reiterated by many scholars for years to come. It remains one of the most significant works to come from this law school. Having reached the pinnacle of legal scholarship with such ease he apparently lost interest and left the burden of journeyman scholarship to the rest of us.

This is not to say that he did not remain a scholar. At one point a few years back, I observed Lacey pouring over volumes in the library and in his office. Rumor had it that he had actually agreed to do a piece for the *Law Review*. Later, Lacey assured me that this was untrue—he had told them that he "might." When I asked what had come from his prodigious research efforts, I received the infamous Lacey shrug. The important thing, he said, is finding the answer. There was really not much point in publishing it. It was a preposterous explanation, of course, but one I might have anticipated. If others wanted to find the answer, they would have to search for themselves.

The truth be known, the scholarship of all of us owes something to his presence. Recently, one of my most learned colleagues told me, "Whenever I am wrestling with a problem and need help, I go to Forrest. It needn't be in commercial law or any area in which he teaches. It may be wholly foreign to his expertise. It doesn't matter. He will inevitably go to the heart of the matter immediately, and I will leave his office wiser."

III.

> The unexamined life is not worth living.
>
> —Socrates, in Plato, *Apology*.

The least visible, and yet perhaps to us the most important, dimension of Lacey's contribution to the law school has been as a colleague. In the past eighteen years, Lacey and I have endured countless faculty meetings in which every major and minor issue concerning legal education has been finally resolved at least twice. We have usually agreed, but occasionally we have not. Never have I been so infuriated as when we found ourselves resolutely on the opposite sides of a faculty debate. For years this remained a puzzlement for me, for no other of my colleagues had the capacity to so engender this sense of outrage. Perhaps it is an encouraging sign of an inkling of wisdom that I finally under-

stand it: Whenever I disagree with Forrest Lacey, deep down I know I am probably wrong.

So far as I know, Lacey's life is governed by few absolute rules. There is one: No meeting should last longer than one hour. Committees that he chairs promptly adjourn after sixty minutes. Faculty meetings most assuredly run past this critical point with depressing frequency, but they do so at the price of Lacey's absence. (Doubtless over the years, many of my colleagues, unaware of Lacey's Law, have assumed that when he quietly rose and left the room at the end of the hour that he was on his way to class. When that was the case, it was purely a fortuity.)

In faculty meetings, as in class, Lacey has largely kept the answers to himself. I recall one prolonged and heated debate on one of the perennial big issues (first year curriculum, grading, minority admissions—who knows?). Every conceivable position on the issue had been articulated. Every person had expressed her or himself too many times. Everyone, that is, but Lacey. With the faculty hopelessly and predictably split, the dean turned to the corner of the room and said, "Well, Forrest, what do you think?" There was a fraction of a second pause, and Lacey responded, "My views have already been expressed." That was all. The room fell silent as we stared at each other. If we wanted the answer, we would have to figure it out.

And so he has taught us all.

> . . . truly the wisest, and justest, and the best of all the men whom I have ever known.
>
> —Plato, *Phaedo* 118.

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