Beloved Law School professor dies

University community mourns Marcus Plant

Marcus L. Plant, distinguished University of Michigan law professor and representative to the nation's top governing bodies in amateur sports, died suddenly at his Ann Arbor home Sunday, July 15, 1984. He was 72 years old.

Plant was a Law School faculty member for 36 years, during which time he worked and wrote in several fields, including workers' compensation and employment rights, torts, the law of medical practice, and medical-legal problems. He was the author of *Cases on the Law of Torts* (1953) and co-author of several editions (1962, 1974, 1980) of *Cases and Materials on Workers' Compensation and Employment Rights*. His exploration of the relationships between law and medicine resulted in *The Law of Medical Practice* (1959), which he co-authored with Burke Shartel. Plant continued to teach following his formal retirement in 1982 and was visiting professor at other law schools.

"Marc Plant was a warm personal colleague, but he was also the epitome of the scholar-teacher who makes our University a great one," said Law Professor Allan Smith, a long-time colleague and former Law School dean and U-M interim president. "He was thorough in his research, often anticipating developments in his field of expertise, and was devoted to his teaching career. He will be greatly missed."

Former students, Law School colleagues, and members of the U-M Athletics Department joined Plant's family and his many other friends at a memorial service at St. Francis of Assisi Catholic Church. Among the speakers to eulogize him was Law Professor John Reed, whose remarks appear on the following page.

As Reed noted, Plant's busy "other life" in athletics had no effect on his extraordinary commitment to the Law School. In 1978, Plant completed a 24-year tenure as the University's faculty representative to the National Collegiate Athletic Association (NCAA), the Big Ten athletic conference, and to related groups. During eight consecutive three-year terms, he also represented the U-M in the Western Collegiate Hockey Association and was a member of the U-M Board in Control of Intercollegiate Athletics. In addition to becoming the dean of Big Ten faculty representatives, he was president of the NCAA in 1967-68, served many years on NCAA policy-making committees, and from 1968 to 1972 represented the association on the board of directors and...
executive committee of the U.S. Olympic Committee. Plant was the NCAA’s president when it established its first committee concerned with increasing women’s participation in intercollegiate sports.

Plant was born November 10, 1911, in New London, Wisconsin. He received a B.A. degree and a master’s degree in economics in 1911, Price Plant is among us the tacit understanding that the story would be immediately passed along the corridor to the rest of our colleagues. To have the fun of telling my own new story several times, I knew that I had to avoid telling it early to Marc, or Hart or Alan; and, of course, Marc lost exclusive rights to his stories once he had told them to one of us. I wish I had a file of them, although I admit that it might appeal only to a few of us with warped senses of humor.

No one, I think, took more seriously than he his role as a teacher. Prepared, thorough, sound—these elementary obligations of a teacher he discharged as a matter of course, as generations of students will attest. He was also clear and understandable—qualities that made him especially appreciated by students in the difficult, all-important first year.

But beyond these qualities were others less common, or, at least, ones not taken for granted. He cared about his students as individuals, and they knew this. All of us are asked by our students for letters of recommendation, but Marc much more than most, and he responded with unfailing generosity. Because of the large size of law school classes, the letters most of us write on behalf of our students are often rather impersonal. His letters about his students, in contrast, reveal personal knowledge of each student as an individual. The University and the Law School are the beneficiaries of the affection and good will Marc generated among more than 35 classes of our graduates. This keen interest in individuals continued to the very end, in his generous but unsung role as an adviser to the School’s minority students. He cared about all his students, one by one, and they responded warmly to him.

In the Law School he taught a course in law and medicine, always oversubscribed. But he also taught such a course from time to time in the medical school, and in that role became one of those exceedingly rare lawyers held in esteem by doctors.

Marc understood that an educational enterprise is corporate as well as individual, and that the teacher must shoulder part of the administrative burdens. He carried at least his share of these. There is not much unusual in

Margaret Calestro of Columbus, Ohio, Mrs. Elizabeth Moore of Owen Sound, Ontario, and Nancy K. Plant of Ann Arbor; one son, Mark W. Plant of Los Angeles; a sister, Esther Shibley; and two grandchildren. Memorial contributions may be sent to the Law School Scholarship Fund or to the U-M Athletic Department Scholarship Fund.
Watching your language

Leading free speech scholar joins faculty

He came, he saw, he stayed. In July, Frederick Schauer, a visiting professor at the Law School during the 1983-84 academic year, joined the permanent faculty.

A prolific scholar who has established a reputation as one of the nation's leading students of constitutional law, Schauer came to Michigan from the College of William and Mary, where he was the Cutler Professor of Law. He holds A.B. and M.B.A. degrees from Dartmouth College and a J.D. from Harvard University. Before beginning his academic career at West Virginia University in 1974, he spent several years in private practice.

In an interview last summer, Professor Schauer discussed his research interests and the path that led him to academia. New faculty members Rebecca S. Eisenberg and Jessica D. Litman will be profiled in the next issue of the magazine.

Free speech expert Frederick Schauer is as easy with words as he is with the animated gestures that punctuate his conversation. Asked what motivated his move to Michigan, Schauer hesitates only a millisecond. "More than any place I've ever seen," he says, "the Law School is a community in which serious, committed scholarship is a respected activity."

But had anyone suggested to him, upon his graduation from Harvard Law School in 1972, that he was destined for the faculty of one of the nation's preeminent law schools, words just might have failed him. Uninterested in an academic career, he also lacked the law school credits that, crowned with a clerkship, open ivy-covered doors.

He had not made law review; he wasn't number one in his class. In fact, during his first year at Harvard, he had hardly gone to class, expecting daily that Uncle Sam would make good on a September promise to draft him, thus saving him from final examinations. The army finally caught up with Schauer at the end of his second year, "rescuing" him not from first-year examinations but from the finals of Harvard's moot court competition.

After graduating from Harvard, Schauer practiced for two years with the Boston, Massachusetts, firm of Fine & Ambrogene. Within the relatively small firm, which at the time represented the Boston Celtics and a number of other clients in professional sports, he enjoyed "the type of practice my classmates would have killed for." His docket burgeoned with interesting, sophisticated cases for which he had significant responsibility: sports law cases, antitrust and securities law cases, and a fair amount of what he first euphemistically called "constitutional" litigation.

"I defended dirty movies," Schauer translates. "One of the firm's clients was in the movie business, and he discovered there was more money in dirty movies than in clean ones. So I became a constitutional lawyer."

Paradoxically, it was Schauer's intense interest in his constitutional law practice that caused his departure for academy. "There was never enough of my time or the client's money to pursue the issues in depth," he says. "The scholar

Law Professor John Reed, a longtime colleague and friend of Marcus Plant's, delivered these affecting reminiscences at a memorial service held Wednesday, July 18, 1984, at St. Francis of Assisi Catholic Church in Ann Arbor.