IN MEMORIAM

CELEBRATION OF THE LIFE OF

WILLIAM BURNETT HARVEY

RONALD A. CASS*

If I had been asked twenty years ago to describe the ideal law professor—a mythic creature—I would have suggested that it be a wonderful lawyer, a thoughtful scholar, a committed teacher, someone who cared deeply about justice and who thought deeply about its relation to the rule of law, someone with a first-rate analytical mind, a person who understood the practical side of the profession, who had the highest ethical values, a person of broad (indeed, classical) learning, and, for good measure, a distinguished-looking individual as well. What I did not then know was that God, genes, and circumstances had already produced that ideal in William Burnett Harvey.

Late in Burnett’s life—far later than any of us knew—he decided to retire from teaching. That decision came about a year before his death. It was an occasion for me to tell Burnett what he meant to the Boston University School of Law, and to the profession he served so ably in so many roles. Even one inept at praise could not let that moment pass.

Burnett promptly replied, deflecting my praise of him by quoting Browning’s Rabbi Ben Ezra: “What I aspired to be, / and was not, comforts me.” That gesture of demurral—its modesty, learning, and grace—was vintage Burnett.

He did, indeed, have lofty aspirations. Far from his intimations, however, he soared far nearer to their attainment than was reasonable for any man to expect.

Because he believed in what is best in us, Burnett held his students, his colleagues, and, above all, himself to the very highest standards of probity and intellect, of clear thought and clear expression. In an era when all talk of “excellence” and “standards” is liable to be dismissed as camouflage for less attractive instincts, Burnett set his compass by these aspirations. He set high

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goals for himself, strove to meet them, and, having done so, raised his sights still higher. He paid others the compliment of applying similar standards to them. Burnett was a sober judge of the degree to which aspirations were attained; he was not unduly harsh in those judgments, with the sole exception of those applied to himself. His aversion to self-satisfaction, even in the autumn of so accomplished a life, did not reflect any personal dissatisfaction or inability to enjoy life. Far from it—for all his Southern reserve, Burnett reveled in life. He simply believed that he could have done more, done better.

It is hard to see how. Burnett excelled at school at every level, success that led to his recruitment by his alma mater, the University of Michigan Law School, in 1951, after a brief stint as an associate at the Washington, D.C., firm of Horgan & Hartson. During his fifteen years at Michigan, Burnett established his reputation as a leading scholar, primarily in the field of contract law. Along with the late Jack Dawson, he published a leading casebook, *Cases and Materials on Contracts and Contract Remedies*, a book that remains in print today in its seventh edition, more than forty years after its first edition. But no one subject could capture Burnett’s intellectual energies. He wrote on many topics, giving each the critical inquiry that was his hallmark. While his interests were many, Burnett approached each seriously and gave each its due.

One subject that caught Burnett’s eye was the study of comparative constitutional law. This interest led him to Africa, where he not only worked on constitutions, but also took on the task of setting right the course of legal education in the recently de-colonized Republic of Ghana. As Burnett himself put it, he wanted “to pursue empirical research in an actual system in which efforts were being made to instill new values in the legal order and to use the instruments of the law oriented to those values in programs of planned social change.” In the event, he got a lot more than he bargained for. While conducting research in Ghana in 1962, he was invited to become the Dean of the University of Ghana’s law faculty. He accepted, but before long he found himself the object of the government’s displeasure: he was, it seems, too devoted to instilling a healthy respect for the rule of law in his students and faculty.

Back in the United States, he found the campus politics of the late 1960s no less challenging. He assumed the deanship of Indiana University School of Law in 1966. In a time of protest and tension between students and university officials, Burnett displayed both the courage that had stood him in good stead as a Navy lieutenant in World War II and the idealism that he had brought to Africa. He stood his ground against the prevailing winds, no matter from which direction they blew. At times, that meant deciding that students had legitimate grievances. At times, that meant declaring the existing rules and requirements fitting and proper to the educational mission at hand.

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Navigating through the obstacles then posed by the opposing camps on campus, Burnett remained true to his ideals as a lawyer and teacher. He had a deep respect for legal process, and a sense of how and when to adapt it to the needs of particular institutions and particular problems. Though unwilling to bend to efforts to achieve change through the application of force, Burnett was committed to free expression and open inquiry—he was willing to listen to, and to consider, arguments for change no matter what their source. To some, however, his willingness to listen to student demands made him suspect.

By the early 1970s, Burnett was back in Africa, at the University of Nairobi in Kenya. After that, he took a visiting professorship at Duke University School of Law. Then, in 1973, at the invitation of John Silber, Burnett came to Boston University, where he was Professor of Law and Political Science until 1988, General Counsel of the University from 1982–87, and Professor Emeritus from 1988 on. The emeritus position, it should be noted, was not merely an honorific title bestowed on a once-faithful servant, now retired. It was, of course, earned through long and faithful—and distinguished—service, but it came with a continued demand for Burnett’s teaching and for his advice.

Burnett left a legacy that must be seen in parts but that is most remarkable for its combination of so many parts, any one of which would do a man proud. First, Burnett left a scholarly legacy of over fifty publications, including three books. His writing is notable for its clarity, for its insight, for its stylish combination of grace and flair, for its exquisite use of language, and for its extraordinary thoughtfulness about the most difficult issues. It is notable as well for its modesty. There are no forced conclusions or grand theories. Some have suggested that the main defect of modern legal scholarship is its construction of grand edifices on the most insubstantial foundations. Others have seen today’s scholars more deficient in their divorce of attention and understanding from the bedrock of reality, a willing blindness to the world in which theories once loosed must wander or take root. Burnett’s writing patently avoids these errors. It is as elegant and sophisticated and careful as he was in person. His essays and articles will speak to us in his calm, assured, but open manner for generations. These writings will stand the test of time. They are not, however, the best part of Burnett’s legacy.

A second legacy follows from his teaching. He shared his energy and gifts with students in the classroom throughout a nearly fifty year teaching career. Burnett’s own style was what he wrote that teaching should be:

> teaching that is not limited to the efficient conveyance of information, but teaching that seeks to stimulate the student’s own creativity and to discipline his critical faculties [that gives attention to] ... the individuality of each student, the individuality of his interests and his needs.  

Burnett cared deeply about his students. He demanded much of them and

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3 William Burnett Harvey, Address to Cleveland, Ohio, Chapter of Phi Beta Kappa (May 11, 1970) (copy on file with author).
even more of himself. He worked hard at making sure that students learned from him, that courses were designed to animate and encourage learning, that he gave the students ample time and attention and energy, and that students knew the measure of success that could be earned by them, but that never would be bestowed on them merely to salve their concerns. Burnett poured himself into this task for nearly five full decades. The recipients of his attention felt privileged to have had time with him, and to have been educated in a way that is rare, enlightened as to what they can do, privy to new vistas of knowledge, to new skills. This experience radiates from his students to those they work with and live with, an expanding arc of learning whose distant eddies are far from our sight. This, too, is a legacy that will live on; yet it, too, is not the best of what Burnett has left to us.

A third part of Burnett’s legacy draws on his commitment to the building of institutions responsive to the needs and aspirations of those they served, to the best ideals of education and of the rule of law. Few people are willing to give their lives to an institution, a nebulous entity that lacks the immediate gratification that can come from writing a piece that speaks your mind, from seeing students grasp a difficult point, from engaging in ventures that are remunerative in more obvious ways. Even fewer people give their lives to building institutions out of principle—from setting out not merely to improve the product they find themselves attached to, but instead attaching themselves to enterprises they see as suitable vehicles for advancing ideals. That, however, is what Burnett did, in different venues over many years. Burnett had a vision of the law and of the university that he deeply believed in and a sense of how one should live that demanded he put his weight behind that vision.

And stand behind it he did. As if two deanships were not enough, Burnett devoted twenty-five years to Boston University, forging a strong partnership with its leadership, forming a wonderful little law firm to manage the University’s legal interests, and serving as a steady source of wise counsel. His contributions to the University as its lawyer are oft-discussed, and always praised, matters that others can attest to first hand.4

From my own vantage, Burnett’s institution-building lives on in a different way. For a quarter-century, by word and by deed, Burnett pushed and tugged and nudged the School of Law at Boston University toward what he thought a first-rate school should be. He did not simply assert his preferences. He guided the School by example. Burnett embodied honor and integrity, academic virtue, scholarly excellence, and personal balance, a sense of humor and of proportion—qualities that are rare individually and that I do not again expect to see so fully represented in a single soul. Burnett was what he said we (institutionally and individually) should be.

Burnett’s views were not offered so that he could hear himself speak. He was serious about issues of academic design, of education, and of law. And he

4 See remarks by John Silber and Todd Klipp, supra pp. 685-92.
was helpful. To me, to the School of Law, to the University. He gained adherents to his views and converts to his visions. But that was only one product of conversation with Burnett. He was also a most engaging interlocutor. Burnett’s suggestions for institutional improvement were advanced gracefully and gently, often with an arch smile playing on his lips and twinkling in his eye. He saw the humor in settings that could be all too serious. His advice came laced with humor. And his dialogues with others were not mere set pieces. Burnett knew how to listen as well as how to argue. As with so much, he did both well.

This may be Burnett’s most lasting legacy. He built institutions that will last, more by what he was and what he did than by what he said (even though he said it ably). Burnett held nothing back. He lived long and fully, though not so long as should have been. He was a good man, an able man, a man of strength and of character who raised those around him, not perhaps to his level, but to a plateau above ordinary attainment, and often above ordinary aspiration. He helped forge a school that values excellence in teaching and scholarship, that will not compromise one to gain the other, that is not satisfied with second-best. Burnett will live on in the institution he made possible, in our collective commitment to the standards he lived by, the ideals he inspired, the worthy aspirations that he alone thought he had not attained.

JOHN SILBER

When Burnett Harvey’s revered collaborator, teacher and friend Jack Dawson died, Burnett wrote in the Harvard Law Review:

The death of Jack Dawson provided, not an occasion for mourning, but, rather, an opportunity to celebrate a long life, well-lived. Through a lifetime of study and scholarship he refined and expressed a deep and wide-ranging intellect; he loved, married, sustained and was sustained by a devoted family; he served with distinction his universities, his community, and his country; he relished his closeness to his friends; he lived richly and deeply, and—in the fullness of time—he died. So I sing, not a dirge, but a paean, knowing that my unwelcome tears are not for Jack, but for myself. I do not expect to meet his kind again. In sharing our cherished recollections of him, we assuage our sense of loss.5

I can do no better than repeat these words in assessing our loss in the death of Burnett Harvey.

One reservation must be made. Unlike his friend, Burnett did not die in the fullness of time; rather, he left us suddenly and in his prime, with major projects and plans unfulfilled, and denied years of anticipated joy in the company of Lou, their children and friends. Although he reached and passed the biblical lease of three score years and ten, he was still young and vigorous, with miles to go before he slept.

Still, even as we shed tears for our loss of a beloved companion, we celebrate a wondrous life, well-lived. Burnett and I met for the last time last September 7. It was the first of several meetings we had planned to chew over some of our unpublished manuscripts.

Burnett had sent me a collection of articles and speeches, and with characteristic modesty he wondered if any of them were worthy of publication. I had no trouble in identifying at least three important books in these materials.

I had sent him a chapter from a book in progress. He did not wait for our meeting to reply, but sent me thirteen single-spaced pages of detailed analysis, criticism and suggestions. Well prepared in advance, we met for hard thought and discussion of the merits and defects in our manuscripts and possible ways to improve them. His critique of my chapter was so penetrating and substantive that only after extended discussion I concluded, with great relief, that it might possibly be salvaged. When I did, Burnett replied with a smile combining both affection and wicked humor, "I probably shouldn’t say so, but when I read that chapter I thought to myself, ‘Why is John wasting his time on this subject when he has many more important things to write about?’"

Both his oral and written critiques of my work combined unvarnished honesty, vast learning and transparent goodwill. He was to me the perfect touchstone, as described by Socrates: a man of knowledge, candor and goodwill.

What Burnett meant for me and meant to me were magnified many times in what he meant to and what he did for Boston University. Burnett was recruited to the School of Law at the start of my presidency as part of an attempt to appoint ten new professors of the highest quality. The only requirement I set for the candidates was that they should be legal scholars and teachers of the highest rank, committed to the proposition that the School of Law was a part of the University, with obligations to the education of students outside the School of Law and to the exchange of views with colleagues in other fields.

In Burnett’s letter of acceptance, he expressed his interest in supporting “an initiative from the Law School into various parts of the University to stimulate law-related studies.” Burnett continued, “Lest anyone think this is a bit of disciplinary imperialism from the Law School, let me say that I view the venture as very much a two-way street. There may well be areas of teaching and research in other disciplines where a substantive and methodological input from the Law School could provide enrichment. I am equally confident, however, that Law School programs and activities can benefit from interdisciplinary infusions—from the behavioral and social sciences and some areas of the humanities.”
Burnett came to us a distinguished legal scholar, a professor of law in several of our most eminent law schools, a co-author with Jack Dawson of the authoritative and widely adopted case book on contracts, a brilliant teacher, and a person who understood the complex functions of the institution of law and the equally complex purposes of legal education. In short, he exemplified the qualities we had been looking for. He was a lawyer in the finest sense of that term, a lawyer of such quality that were he characteristic of the profession as a whole, the genre of lawyer jokes would never have been created.

His life, his writing, his teaching and his conversation call to mind Lord Coke’s words: “reason is the life of the law, nay the common law itself is nothing else but reason . . . . The law . . . is the perfection of reason.” And for Burnett Harvey, as for Judge Joseph Storey, the law was “a jealous mistress and requires long and constant courtship.” It was a courtship of his lifetime, rivaled only by his enduring courtship of Lou.

Burnett Harvey was not challenged by my desire to recruit nine other lawyers of comparable stature. Being a superb lawyer, scholar and teacher of the law, he was neither challenged nor threatened, but only eager to assist in the creation of a great law school. It was he who recruited Jack Dawson and Joseph Brodley, and it was he who wrote me when Brodley received an offer from another law school to urge that I intervene to keep him. Burnett counseled me on the quality of all candidates for appointment and promotion to tenure. Without Burnett Harvey it is simply unthinkable that our School of Law could enjoy the eminence in faculty, students, and library that it has today.

Without his presence and his belief in a future of excellence for our law school and his powers of persuasion, we could not have brought Ron Cass back from Washington to become the most effective dean in the history of our law school.

Shortly after coming to Boston University Burnett taught a course, the Dynamics of American Law, to undergraduates. In this course students began to understand the purpose and service of the institution of law in our society. The student critique of his course was so exceptionally favorable that Burnett, despite his modesty, could not resist sending me a copy. He relished the comments of a student who wrote, “Yes, I would recommend [this course] to anyone planning to go to law school, so that he would change his mind before it’s too late.” This comment especially delighted Burnett, for he had written “When one considers how little most students entering law school know about what a lawyer actually does or how a competence to do it is developed, it is not

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6 Sir Edward Coke, 1 The Institutes of the Laws of England; or a Commentary upon Littleton 97b (19th ed. 1832) (originally published in 1628, see Thomas Y. Davies, Recovering the Original Fourth Amendment, 98 Mich. L. Rev. 547, 688 n.395 (1999) (citation omitted)).

7 Joseph Story, The Value and Importance of Legal Studies, in Miscellaneous Writings of Joseph Story 503, 523 (William W. Story ed., 1852).
surprising that a fair number of students discover that they do not have the requisite interest."

Although Burnett believed it was important for all educated citizens to know and understand the role of law in a free and democratic society, he did not believe it was incumbent on, or even desirable for, any but a select few to become lawyers.

After a few years, Burnett began to feel less than fully challenged by his teaching and other duties in the School of Law. Once again, he was attracted to the practice of law, as he received several offers from leading Boston law firms. Burnett alerted me to these new developments, giving me the opportunity of offering the position of General Counsel to the University, in which he could build an in-house law firm while continuing to teach part-time.

Burnett accepted the position and began to build a superb legal office and to substantially reduce the University's expenditures for legal services. Under his leadership our lawyers began to do most of our legal work in-house, including many cases involving litigation. Before leaving the position in 1988, he had recruited and prepared Todd Klipp to succeed him.

Burnett regularly alerted the administration to legislation that might compromise academic freedom; he was also ready with an amicus curiae brief whenever litigation involving other institutions had potential consequences for Boston University. And he was never reluctant to advise me on the wisdom of my publishing an article or of addressing faculty or students on issues hotly contested on campus. In one instance, lest I be confused on where he came down, he wrote “I would in any event counsel against any reaction . . . . From a public relations or political perspective, I don’t think it is ever wise to haul out your elephant gun to shoot a mosquito.”

He counseled me again and again to say or do nothing in a situation where either word or deed would be counterproductive. Although he was often critical of my views, he never responded to an inquiry or offered an opinion on his own initiative without presenting an analysis based on argument and evidence. On innumerable occasions I exchanged error for wisdom in consequence of his guidance. Our correspondence was a layered compound of exchanges which trace the course of my enlightenment at his hand. What a teacher; what a friend!

After a meeting with faculty in the mid-eighties to discuss our capital campaign goals, he wrote, “In your discussion with . . . deans who glory prematurely in the achievement of perhaps unduly modest goals, you may find useful the following advice from Kenny Rogers' ‘The Gambler’:

Ya gotta know when to hold ‘em,
Know when to fold ‘em,
Know when to walk away—
Know when to run.”

When Ron Cass accepted the deanship of the School of Law, Burnett was delighted. And Ron expressed his delight when writing Burnett on his retirement:
Most of all, you are among a very select few who model what it means to be a teacher and scholar, to lead an institution, to contribute in person and in print to a broader dialogue. You have high standards, to which you hold yourself and others, for nearly everything—for probity, for intellect, for clarity of speech, for writing that is cogent and meaningful, for investment in what you do in teaching and what you demand of students.

It was Ron’s presence and persuasiveness that led Burnett to continue teaching one semester each year for an additional nine years following his official retirement on December 31, 1988. Anticipating his retirement and eligible for a sabbatical, Burnett asked me instead for a terminal leave since, as he put it, “I want to stay clear of the stereotypical expectations that surround a sabbatical. My plans are to devote my time to updating reading, reflection and planning . . . . I would prefer to forego the leave entirely, rather than to have it associated with expectations I have no intention of fulfilling.” Such was his unimpeachable integrity. Refusing to accept any presentation that his relation to the University was terminal since Dean Cass had already persuaded him to continue teaching one semester each year, I replied, “While I know you would dare to wear your trousers rolled and occasionally to eat a peach, will you dare take a sabbatical leave of which you anticipate no publications, and about which you plan no report? This fall from grace does not seem too far.”

My attempt at humor did the trick: for once I won an argument with Burnett who said, “I will simply rely on your judgment in this matter now that you are fully apprised of my plan.”

Burnett’s contribution to our School of Law was not limited to his presence on our faculty and all that he contributed in that role. He also served by calling to our attention the availability of Lou Harvey, whose outstanding qualifications as a law librarian were welcomed, and who, in that capacity, contributed substantially to the improvement of our collection and its administration. We were thus double benefactors of the Harvey team.

Our friendship was not based exclusively or even primarily on their utility to me or mine to them as we collaborated in the work on the University. They were friends in whose company laughter and the joy of life were abundant. At dinner parties how often Lou added a different and penetrating perspective, often a humorous insight. And she never failed to express her love for her husband and lover, for her dancing partner whose romance with Lou was undiminished after fifty-four years of marriage. All of us who knew Burnett and Lou loved the way they loved each other.

On one occasion, I engaged Burnett in a matter of personal legal business. He handled it with his usual skill, and when no bill came I asked for one. He responded:

Since you insist that services to you be kept distinct from the functions of this office, I submit the following statement:

PROFESSIONAL SERVICES: 1 Peppercorn*

*If you find fresh Grade A peppercorns difficult to obtain, you will
doubtless recall Lord Coke’s view that equally effective as consideration would be “a horse, a hawk or a robe, a canary or a tomtit.” Therefore, any one of these would suffice.

Yours sincerely,

William Burnett Harvey

This was the only occasion in which Burnett appeared to be totally unreasonable. But what was I to do? To give him more than a peppercorn, a horse, a bird or a robe would have violated our friendship, but to limit myself in this way would fail to compensate his tangible service. It would have been simply insulting to give him the bird, but I did consider purchasing a swaybacked nag and tethering it to the doorstep of his house on Marlborough Street. In the event, I presented him with an ornate little box containing a single, solitary peppercorn, one of one thousand eight hundred and ninety-six from a bottle of Grade A peppercorns.

Our friendship grew as it was extended over years of close association and collaboration, but in the last few months of his life it had moved to a deeper level of personal and intellectual exchange. It will be hard for me and all Burnett’s friends, and far harder for Lou and their children, to accept that suddenly Burnett is gone, that a friendship and a love so dear and so vital is cut short. And the thought “of that late death [takes] all my heart for speech.”

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TODD KLIPP*

I am deeply honored to have been asked to join in the tribute to Burnett here today; these are very difficult acts to follow. Those who know me well will understand why I have chosen to begin as I have. As for the rest of you, I must beg your indulgence.

Early on in the film “It’s a Wonderful Life,” a young George Bailey is asked by the intoxicated, grieving druggist, Mr. Gower, to deliver to a patient some medicine that George suspects is poisonous. Momentarily frozen by fear and indecision, George suddenly spies a sign on the drug-store wall; it says, “Ask Dad; he knows.” So George tears down the street to the Bailey Building & Loan to seek the advice of his father, a man of principle and compassion, who is locked in yet another battle with the miserly, relentless Mr. Potter.

Quickly, the film fast-forwards to the night before George, now a young man, is scheduled to leave for college after having toiled for several years himself at the Building & Loan. Over dinner George tells his father of his great plans for the future, and rebuffs his father’s suggestion that he return to the

* Vice-President & General Counsel, Boston University.
Building & Loan after he finishes school. But after hearing his father’s soft-spoken, patient explanation of how it is possible to make a difference in people’s lives in a small way, George says to his father, “Do you want a shock? I think you’re a great guy.”

What, you may ask, does a movie that some may regard as sentimental hogwash have to do with William Burnett Harvey. Well, Burnett was not my father, of course, but just as the fictitious Peter Bailey established the Building & Loan and was the guiding influence for George, so too was Burnett the true founder of the Office of the General Counsel at Boston University and an inspirational leader to my colleagues and me. He was very much like a father to all of us, and although the plaque on his office door read “General Counsel,” it could just as easily have said “Ask Burnett; he knows.”

When I first met Burnett some sixteen years ago, I knew instantly that he was a man for whom, and with whom, I wanted to work. He exuded intelligence, charm, wit and compassion. He must have seen something in me, too, for he decided to take a chance and hire me. Thus began a professional relationship that evolved into a close friendship. Burnett nurtured me, he inspired me, he counseled me, and, at times, he consoled me. I cannot tell you that the door to his office was always literally open (for, you see, Burnett was a private person who, I suspect, rather liked some peace and quiet), but I can say that he was always there to advise, to consult, to sympathize, and to empathize. He was a scholar of international renown and a man of awesome intellect. Although he refused to engage in false modesty, he never employed his intelligence to disgrace or abuse others. I cannot recall ever seeing him lose his temper, although I know his patience was often sorely tested, and I do remember one time when he called an obnoxious antagonist a boor (for Burnett, this was profanity), and asked him (politely, of course) to leave his office. You see, Burnett was always a true gentleman in the finest sense of the word, and he did his best to instill in my colleagues and me a calm, reflective judgment and a commitment to excellence in all endeavors.

We joked about the ever-present bow tie, we were humiliated by him during lunchtime games of “Trivial Pursuit,” and we marveled at his ability to pick up a dictaphone, begin speaking, and not turn the machine off until he had dictated, complete with perfect sentence structure and punctuation, a multi-page letter or contract that barely needed revision. We combed his letters, which often read like poetry, for even the smallest typo or error of logic; we usually searched in vain. Then there were the words he used that none of us understood and, in a few cases, could not even find in the dictionary. And it rubbed off. Somehow, simply being in Burnett’s presence enabled me to think, write and speak more clearly. He truly gave us all a wonderful life.

All too quickly, it seemed, the time came when Buruett saw fit to pass the General Counsel baton to me. I must confess that I was not thrilled at this prospect: I never wanted Burnett’s job, what I really wanted was to continue to work with him. But it was clear that his mind was made up, so it became necessary for the rest of us, and me in particular, to learn to live without his
steady guiding hand. Then, as now, I have seen my task as building upon, not replacing, the foundation that he so carefully put in place. I am indebted to him for that opportunity and for preparing me for the challenge.

At the retirement party the office gave him, I told Burnett that we loved him. I think I may have taken him by surprise, and although he tried to brush it off by telling one of his favorite stories about a politician—I think I was William Howard Taft—being overcome by stomach gas, he knew that it was true. I did not doubt then, and I do not doubt now, that the feeling was reciprocated.

Even after his retirement, Burnett remained keenly interested in his former colleagues and in the legal affairs of the University, and he was always ready, willing and able to lend a hand or, more often, a sympathetic, understanding ear. As recently as last spring he was helping me put together a course I am to teach at the law school next semester, and only a few short weeks ago—the last time I saw him—he expressed an interest in writing a piece on a case involving the University.

Although I never knew Burnett as a young man, there was always something enduring (dare I say eternal?) about him: in all the years I knew him, he never appeared to age, either physically or mentally. Despite the illogic of it, I resisted the thought that this day would ever come.

My words are frail and fleeting when compared to their subject. I cannot provide the broad view, or place Burnett’s time with my office into the larger context of his exemplary life and career. Neither can I express fully what Burnett meant to me. To the family that I know he adored, and especially to Mary Lou, I confess that I cannot begin to know the depths of your grief. But what I can say to all of you is simply this: I consider myself extraordinarily privileged to have had Burnett Harvey as a mentor, as a colleague, and as a friend. The work of my office is a daily, living memorial to him, and I hope we have made him proud.

And finally, to Burnett, if by some miracle you can hear me now, I say, “You’re a great guy, I miss you, and may God be with you.”