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Tribute to Professor Jim Mooney

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not a guaranteed space. After much effort, I was able finally to persuade the University parking officials to do something they had never done before, namely to reduce the size of the overly large motorcycle parking area in the Law School parking lot because it was so infrequently used and thereby add one additional space for car parking. I foolishly thought that I could at least tout this on my retirement as a major accomplishment for future generations of law students, staff, and faculty. Little did I know. You see, there is a much larger parking lot just across 17th Street from the Law School that had numerous reserved parking spots for University departments that were hardly ever used. And Jim, after unsuccessfully hunting for a parking spot one day while observing all the unused reserved spaces, felt a bit frustrated and made a persuasive call to the Parking Czar that resulted in the opening up of six spaces for general use. There went my pitiful one-space accomplishment before I could even cite it!

It is good to celebrate and honor Jim's many accomplishments over his teaching career in this edition of the *Oregon Law Review* dedicated to him. The letters in this issue are merely a small sample of the many lives he has enriched through his teaching, scholarship, mentoring, and friendship. Many more have similar stories to tell. Faculty, staff, students, and alumni have been fortunate that Jim and Lesley decided to put down stakes in Oregon. May Jim and Lesley have years of adventure and joy in their years of retirement. Buona Fortuna!

CHARLES WILKINSON*

When I started teaching law at the University of Oregon in 1975, Jim Mooney had been there for three years. He was already a force on the faculty, young but roundly respected for his combination of tough-mindedness and civility. I took to him from the beginning, and ever since he has occupied a bright place in my life.

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Jim was hired under the deanship of Gene Scoles, himself a person of the highest standards and the dean who laid the foundation for the modern University of Oregon Law School. Gene, who chooses his words carefully, describes how Jim touches people and is an anchor in the law school community and beyond. “Everywhere we turn—writing, teaching, people who have worked with him—you find such strong supporters [of Jim]. His sense of accuracy, of quality, is far beyond just a professional attitude, it is his being, his whole being. He is firm but gentle in expressing his ideas and they are always suffused with his good sense of humor. He has a good marriage, a good family.”

Jim is a tough, tough teacher. A believer in the Socratic method, he cold-calls on students—they don’t know when they will be up—because it promotes good student preparation, causes knowledge to unfurl, and stimulates students to knock ideas around among themselves outside of class. One year his Commercial Law students put the real course title on the blackboard: “ComMartial Law.”

But because Jim likes and respects his students, he’s not an old-style Socratic practitioner. He is kind. After a while, he even started dressing down. He dispensed with his jacket and tie and donned jeans as a signal of informality. Still, do your reading in advance and think about it. Hard.

Jim believes that law schools should not only teach the law but also *about* the law; and this conviction, especially with respect to history, cuts across his teaching and research. Contracts has traditionally been set in an historical context but not many professors incorporate history into Commercial Law, as Jim did when he taught the course. He introduced American Legal History into the curriculum early in his career and now teaches it or American Legal Biography every year to large-enrollment classes. Jim also became the leading authority on nineteenth-century Oregon legal history, writing a series of four major articles. The centerpiece was Judge Matthew Deady (Jim’s office in the old law school building looked out onto Deady Hall), the most prominent jurist in Oregon’s first half century.

Far more than most of us, Jim dedicated himself to faculty governance. He contributed mightily to Appointments during my years at Oregon, believing that faculty hiring is the key to building and maintaining a great law school. He either chaired

or served regularly on the Appointments Committee, helping both to identify outstanding candidates and to lure them to Oregon with his “Chamber of Commerce” sales pitches. (Jim’s a Eugene native.) I recall, for example, that Jim almost single-handedly recruited Ed Baker, Peggy Radin, and Carol Sanger. All three of these “Jim hires” were mainstays at Oregon and have become genuine national stars, Ed at Penn, Peggy at Stanford, and Carol at Columbia.

As a scholar, teacher, colleague, and person, Jim searches for knowledge, for quality, and for truth in a focused way that few people do. It goes beyond being a lawyer, a professional, an academic. Note how, in describing Jim as a full person, Gene Scoles ascribed Jim’s commitment to truth as “his being, his whole being.” For Jim, finding and holding to pure truth is an ethical matter. It is sacred.

All of us who served with Jim on the faculty saw his dedication to truth at our meetings. With some regularity, Jim would be in a small minority, on some occasions a minority of one. But this was not your normal minority of one—an impractical, erratic, or crackpot professor. Jim’s were imposing, well-presented arguments. They made us uncomfortable, worried that we were soft, wishy-washy, not reaching high enough. Sometimes votes changed, sometimes not. But I remember thinking during one meeting that no one ever called him wrong.

Leslie Mooney, Jim’s wife, once put it her way: “He has the courage of his convictions. He can be counted on to say what he really thinks. Even if people don’t want to hear it, he’ll still say it.” Then she added pointedly, and it certainly resonated with me, “I don’t think that many people do that. I don’t.”

Once, to my pain, Jim told me what he really thought. In the mid-1980s, at the peak of the Oregon timber wars, I gave a Saturday talk at the annual environmental conference at the law school. It was—and is—my belief that the Forest Service went way too far in logging the old-growth forests during those go-go, high-yield years. In trying to explain how deeply some objectors cared about those ancient forests and how strongly they opposed wounding those ancient trees, I said in my talk that the objectors spiked trees or sympathized with those who did (when a chain saw hits a spike, the chain can fly off and maim or even kill the operator). In my mind, I wasn’t condoning tree spiking. I was

trying to explain the helplessness and desperation some environmentalists felt.

When I came in on Monday, Jim had left a note on my door. "Stop by when you have a minute." I went to his office. "You shouldn't have made those remarks about tree spiking," he said. I explained what I was trying to do, but he said the whole conflict was so tense that my comments were incendiary and dangerous. "That was beneath you. You're better than that."

Obviously, those words have stuck with me.

Much of Jim's character is a result of the strong influences in his life. Some of his rigor seems to have come from his mother. She was old-school, always emphasizing the importance of personal responsibility, working as hard as you can, and pulling yourself up by the bootstraps. As time went on, his values were reinforced and broadened by his wonderfully close family: Leslie, and their children Richard and Katherine.

Jim, who I think of as politically liberal but intellectually conservative, was also influenced by the classics. In his freshman year at Harvard—having lived up until then, as he tells it, little of the life of the mind—his Humanities course introduced him to a new world of Plato, Niebuhr, and *The Brothers Karamazov*. Shortly after joining the law faculty, he spent another two years at Harvard on a Humanities Fellowship sponsored by the National Endowment for the Humanities. He went even deeper into the classics, Shakespeare, Wittgenstein, early American writers, and, again, Dostoevsky. "The *Iliad* and the *Odyssey*," he told me recently, "are the greatest of all books. I've read them both twice and I'll read them again in my retirement."

Remember, though, the other side of this tough mind and search for pure truth: the humor, always the leavening agent of good, light humor. Much of it is self-deprecating. He delights in telling of the digs when he began wearing an earring. He laughs about playing end for South Eugene High and dropping an easy touchdown pass in front of the goal posts at Civic Stadium, while playing against North Eugene, no less. Jim also tells of his struggles during his first and second years of teaching. He considered himself unprepared one day and put up a notice canceling the class. (One of the dark secrets of law school teaching is that every professor has done this at least once. I have.) He sat in his office thinking, "Well, I've finally made them happy." Then a knock came on the door and a student

charged in yelling that he had paid a lot of money to come to this school and didn't appreciate having a class cancelled. "I couldn't do anything right," Jim moaned.

Two years ago, writing on the choppy, violent mid-nineteenth century years of Oregon Indian treaties and the Rogue River War, I came upon some calm, peaceful water. Judge Matthew Deady was a main player in the treaties and a fair-minded witness to the violence. I went back to Jim's work on Deady, which I had read years before. So nicely written, so precise in depicting all the layers of Deady the judge and the man, giving him his due but not remotely aggrandizing him. Truth, sweet truth, right in the midst of all the confusion and mayhem. I luxuriated in finding history I could rely on with certitude and, though we were a thousand miles apart, I enjoyed spending some time with an old friend, someone who took the time and integrity to put it down right, to tell it true. Someone I could depend on.

Thanks, Jim.

DAVID SCHUMAN*

As a thirty-eight-year-old first-year law student with a collection of fancy advanced degrees and nine years of experience teaching college English, I assumed that what I needed to do in order to earn top grades was show up regularly in class and do the reading. I was particularly confident that this regimen would succeed in Professor Mooney's Contracts class, where, after all, the first reading assignment was *Merchant of Venice*, a play that I not only knew well, but had recently taught to a class of extremely intelligent undergraduates. Imagine my surprise, then, when I returned from winter vacation to discover that I had not earned the A to which I felt entitled by virtue of my age, my Ph.D., and my sophisticated understanding of Shakespeare. Indeed, I had not even earned a B. I had earned a C+—not quite bad enough to justify quitting, not quite good enough to provide hope of succeeding. In shock, I went to

* Judge, Oregon Court of Appeals; J.D., University of Oregon School of Law, 1984.