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Professor Homer Clark: "Just Do It!"

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**TRIBUTE:
PROFESSOR HOMER H. CLARK, JR.**

PROFESSOR HOMER CLARK: “JUST DO IT!”

DAVID H. GETCHES*

The essays that lead into this issue of the *University of Colorado Law Review* testify to the impact that one professor can have on the lives of students, colleagues, and an institution. Homer Clark has influenced generations of lawyers, exemplifying tough-mindedness, high standards, hard work, and caring. Those of us who find a sense of security seeing him intently working at his desk as he has through our entire careers consider him a constant for the University of Colorado Law School. No matter how long we have been here, no matter how many bright new colleagues have joined us, we can count on Homer as our anchor.

After graduating from Harvard Law School, a judicial clerkship, private practice, and military service, Homer started his teaching career in Montana. In 1953 he joined the Colorado faculty, settling in Boulder where he could have the best of it all—a small law school blossoming in its widening aspirations, engaged students, the fellowship of colleagues, and a comfortable place to raise a family. We cannot think of Homer without thinking of his passion for life in the West. After the first good snow he is off to vigorous cross-country skiing. With the snowmelt he is tramping up a trail with his fly rod.

With equal passion, he seized on his chosen disciplines in the law

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and achieved excellence in teaching and writing in those fields—domestic relations, corporations, and antitrust. He rose to the top of the field of domestic relations nationally. For decades he not only was an apt critic where change was needed, but also chronicled every important development in that field. Many of us remember seeing him painstakingly updating his treatise and casebook, painstakingly proofreading, side-by-side with Jean, his late wife and beloved life-partner. Though he is retired, Homer is still at it after fifty-four years at Colorado Law, reviewing advance sheets, keeping up with the literature.

A privilege of deans is to meet alumni of all eras. They often fondly ask me about their favorite professors. Usually, at the top of the list of their inquiries is Homer Clark. How delighted they are to learn that, while retired, he is still an active part of our community. And often I hear stories of how he personally made a difference in the life of someone. How he persuaded a now successful lawyer not to give up law school but to return after a lackluster first year. Or how, when he challenged a student in class to think harder and better about an issue, it became a turning point in being able to overcome momentary embarrassment but also a revolution in the student's approach to law school. And there were many who flocked to take every course he offered. As one alumnus put it, "I majored in Homer Clark."

Homer's wisdom preceded Nike's "Just do it!" tag line. Colleagues have told their anecdotes on the pages that follow about Homer's fishing "lessons" where he sent them off alone; the essential rule was to go figure it out and practice. Once you know the objective of any enterprise, plus a few basic principles, you have to commit your own, often-solitary, hard work in order to succeed. A now prominent law professor at the brink of his career was not sure he wanted to produce scholarship, and was counseled by Homer. Dismissing the would-be professor's reluctance to write, Homer tersely responded, implying that the aspiring professor knew what the job well done entailed; he should just do it. Others cite his incisive, sound bite quality criticism of irrational rules of law. Why elaborate, pontificate, or sugarcoat a message that is clear? Some things become obvious to an intelligent observer and only become murky or doubtful if they are over-analyzed. Save hand-wringing analysis for the truly difficult issues.

The same belief that determination and hard work make the essential difference in achieving success in scholarship as it does in fly fishing applies to the pursuit of excellence by an institution. Homer brought high standards to the Colorado Law faculty and never assumed that a small law school in the Mountain West had any excuse for not being great. He helped to recruit and inspire first-rate faculty. He led by ex-

ample and his strength of character and unrelenting commitment to excellence set the mark for the school. During the Homer Clark years, without pretension or self-promotion, the University of Colorado Law School emerged as one of the best in the West. Our national recognition today traces to the standards set a half-century ago by Homer.

It is fitting that we pause and reflect on what we have learned day after day from our association with Homer Clark. Happily, we have embedded a reminder of his lessons in the recently dedicated Wolf Law Building. Thanks to the leadership of Jim Scarboro and Bob Hill in recruiting Homer's former students, colleagues, and friends to the cause, we have constructed a spectacular Faculty Colloquium Room named for Homer. This is our venue for faculty meetings and scholarly presentations by our own faculty members and by distinguished visitors. Its tall, timber-framed ceiling, warm appointments, and balcony overlooking the Flatirons set the tone for what we do. Homer Clark's name on the room should inspire us to stretch ourselves—to be tough enough to recognize what must be done without equivocation or excuse, to recognize obvious truths, to focus our energies on truly difficult and exciting matters, and to challenge ourselves, our students, and our colleagues to do all that we do better.

* * *

HOMER CLARK: COLLEAGUE AND FRIEND

JAMES BOYD WHITE*

Born in Chicago in 1918, Homer Clark was raised in the Long Island suburbs of New York City. After high school he attended Amherst College, where he was an athlete—playing football, squash, and I think baseball too—as well as of course a good student. There he met the major influence in his intellectual life, Theodore Baird, who was the dominant academic figure at Amherst in those days. Baird was an English teacher, whose extraordinary freshman composition course opened the minds of generations of students. Baird and Homer hit it off, especially after they got into an argument in class. Homer asserted that he could smell fish in a stream; Baird thought this was incredible, and said so; Homer insisted, and together they visited a fish hatchery, where Baird realized his error. Homer and Baird became lifelong friends, correspond-

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