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Some Words on Arthur Landever's Retirement from his Colleague, Steve Lazarus

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value and problems of strategy.

Or so it seemed. I have come to think, however, that David's commitment to values is much more fundamental. And that his concern with strategy functioned at times almost like a mask, obscuring his deepest commitments. David's interest in strategy began when he represented indigent legal services clients. Did he really believe, however, in the value of lawyers' strategies, apart from the uses to which someone put them? Did he admire a legal strategy equally whether it aided an indigent client or advanced the cause of a predatory installment seller? Reading much of *THE WARRIOR LAWYER*, you would think that strategies existed independently of causes and values. Reading David Barnhizer, my colleague, I think a different answer emerges.

Lacking a worthy cause—oppressed clients, the earth's environment, sustainable lives and global development, the fate of his law school—I don't think David can bring himself to strategize. Hence, he played poker badly. With nothing of real value at stake his heart just wasn't in the game. And despite what he sometimes writes, David's head follows his heart. Conversely, when his heart was engaged David was brilliant. He understood the College of Law so well only because he loved it so much. Love and courage can explain a lot.

David's commitment to the law college is more than just a matter of inference. Over the years he has contributed generously of his money. Perhaps more important, he has declined numerous offers to join other law faculties. I hardly need add, of course, that these facts are little known—as are other incidents that bespeak his courage and commitment to our college.

What has all this to do with the enigma of David Barnhizer? When he authored the Barnhizer memo, David presented himself as a strategist. But if I am correct, he was more a prophet than a warrior lawyer. We expect warriors to appear imposing, to puff themselves up and try to seem larger than they really are. Prophets do the opposite, however. They prefer to shrink in comparison with their message.

I submit that David is more a prophet than a warrior, and that unconsciously everyone knows this. For that reason, like prophets generally, he seems diminished in stature—unless you attend to what he says. Of course, he is a strategist too, but that quality somehow only enhances the effect and the illusion. In any event, the classic fate of a prophet is to be ignored. And a warrior who attempts to awaken our consciences is an enigma.

Such an explanation is not completely satisfactory, even to me. But I think it moves us in the right direction. It also comports with another odd aspect of how others perceive David. Everyone knows that he is tall, of course. Yet I believe that we in general underestimate his height. The most obvious reason is that David does not try to loom over anyone, not in conversation, not in any other way. He stands upright, but when talking with him you quickly lose any sense that he is so tall. Nor is this a matter of his being modest. Some very tall Hollywood actors project modesty, but they seem all the taller for it. And David doesn't really seem modest, in any event. It's not that he's immodest; rather, neither modesty nor immodesty seems to have much to do with his character.

The picture that accompanies this article shows David and me with shovels. The difference in our heights, as depicted by the photograph, truly shocked me. After years of talking to David in person and, I thought, face to face, I simply had no idea that the height disparity was so great. Neither did my wife, who finds the picture very funny.

Perhaps I have not resolved the mystery of David Barnhizer. But I hope to have demonstrated that a mystery exists. I also hope—indeed, I predict—that the mystery will soon disappear. The photograph of David and me captured a moment in time, turning it into a set piece that made David's height unmistakable. With his retirement, we will be able view his Cleveland-Marshall career in a similar way, as a single set piece. Looking at it that way, his enormous academic stature and accomplishments will become unmistakable, too.

Arthur Landever

"And gladly wolde he lerne, and gladly teche"

Chaucer

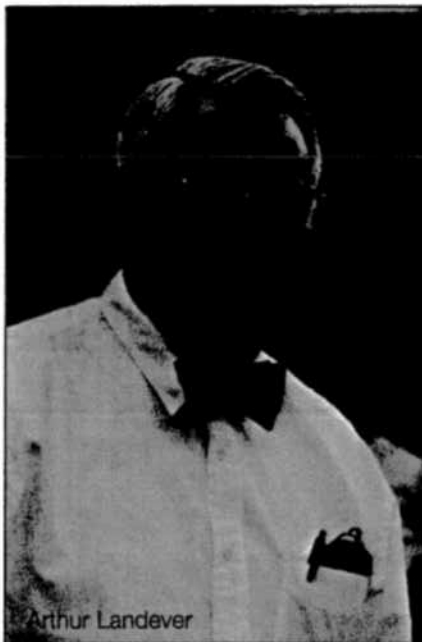
After 33 years teaching law to students of Cleveland-Marshall College of Law, this spring Professor Arthur Landever is spending his last semester with us as a full-time faculty member. When we next meet him, we will greet him as Professor Emeritus, a teacher of great merit. And that will be a well-deserved title for a man who has dedicated over three decades of his life to a career that is as much avocation as vocation.

Arthur came to the law school in 1972. A graduate of Columbia University, where he had earned an AB, a JD and a PhD in Political Science, he had been in private practice in New York City, a lecturer in history at Brooklyn College of City College of New York, an instructor in political science and history at Long Island University in Brooklyn, and an Assistant Professor of political science at the University of Minnesota. He was young, handsome and enthusiastic. In a 1985 schoolroom picture, he wears what will become his sartorial signature—a bow tie—and appears, characteristically, fully attentive and fully engaged with his students.

Today, Arthur Landever is still an accomplished, dedicated teacher, and he remains fully engaged, not only with his students, but with the world: with politics, history, literature, law school committee work, his family and his grandchildren. He has been a good steward of the curriculum and observant of the changes in legal education, and, during his tenure, he has been effective in translating those changes into our own curriculum. His lifelong interest in Constitutional Law and the Supreme Court is reflected in his writing and teaching; more recently, he has done pioneering

research on the lives and careers of Ohio's earliest women lawyers. And, in recent years, he has been an invaluable asset in projects aimed at increasing our students' bar passage rate.

But that's not quite enough about Arthur Landever: By nature he has an expansive, fun-loving and generous personality. If asked, he will sing for you; he may even sing one of his own musical compositions; he will recite poetry, and even do a modest soft shoe. Reading over his class evaluations, I find his students regard him as accessible, dramatic, enthusiastic, unflappable, or, to sum up his performance in the words of one student, "a great person and a great teacher." And, yes, he is still handsome and still wears a bow tie. In fact, if I see him and he doesn't have on a bow tie, I'm sure I won't have a good day. LFM



Law Notes thanks Professor of Law Stephen R. Lazarus for allowing us to reprint his reflections on Arthur's law school career, which he delivered on May 8 at Professor Landever's retirement party.

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Some words on Arthur Landever's retirement from his colleague, Steve Lazarus

This school is going to miss Arthur and each of us will miss him in our own way. Here are a few of mine.

I'll miss Arthur's generous assistance in helping fledgling teachers like me to get started. Arthur, as you know, had a good deal of teaching experience when he came to Cleveland-Marshall in 1972. He had taught History and Political Science for eight years, so, unlike most lawyers beginning an academic career, he had a good sense of the classroom.

Fortunately for me, I'd been asked to teach several courses that Arthur had already mastered: Constitutional Law, First Amendment and Legal Ethics. Arthur was always there when I had a question, always had time to engage in discussions about the subject, and, even more important, was always willing to hear me out on some untested interpretation of the law and then,

gently, to set me straight when I had overreached or misunderstood.

Arthur has never abandoned his interest in Political Science or History, and that has enhanced our teaching, scholarship and service. We've been enlightened by his writings on, among other subjects, the Articles of Confederation, on the first Justice Harlan and his dissent in *Plessy v. Ferguson*, and on the experiences of the first women lawyers in this nation and in Ohio. Arthur expanded his notes on Constitutional Law and transformed them into a highly useful text reflecting his intellect and his creativity. Arthur was the driving force behind this school's organization of and participation in the "Great Stories Program" in which academics and members of the community meet to discuss works of literature touching upon various aspects of the law.

Arthur has also made two contributions that have provided me much personal satisfaction. First and foremost, he provided the law school with his daughter, **Michelle Landever Bond**, who graduated in 1993 as one of our outstanding students. She was a gem of the classroom, and I have to give Arthur at least some of the credit for raising her, although I know his wife, Debbie, deserves even more. Second, Arthur provided me with a memory I will

always cherish, laughingly. Justice Scalia, on one of his visits to our University, was expounding on constitutional originalism, a methodology holding that constitutional decisions must be based on the meaning of the text, as accepted publicly, at the time the text was adopted.

He allowed for questions and Arthur stood and said, as I recall, "When the equal protection clause was adopted in 1868, 'equal' did not likely mean, in the public view, that racial integration was required. Even in Massachusetts, for instance, a state that led the way on abolition of slavery and on the 14th Amendment, public schools were racially segregated. So does that mean, Justice Scalia, that if the issue were to come before the Court again, that you, as an originalist, would vote to reverse *Brown v. Bd. of Education*?" Justice Scalia paused a long second and then said, "I'm an originalist, but I'm not crazy!"

But here's what is, to me, Arthur's greatest contribution to this school. When he started here there was terrible conflict and dissension among the faculty, some of whom supported the dean at the time, some of whom did not. That kind of internal turmoil is poisonous. Since then we've had some rough spots, but nothing like the early 1970s. The more collegial atmosphere we've enjoyed since then has not only provided a more pleasant place to work, it has enabled our work product to improve and thrive. I think a reason for the greater sense of collegiality is a willingness on our part to monitor and sometimes submerge our egos (not easy for legal academics). If I had to choose one person from among us who has shown the way toward a willingness to extend courtesy and respect to everyone (even those we personally suspect don't deserve it), there is no doubt in my mind it would be Arthur Landever. I know many of us feel this way. Where did Arthur develop his ability and willingness to be so kind and generous a person? Maybe it was his experience teaching in such diverse environments as Brooklyn, New York and Minneapolis, Minnesota. Or maybe it was innate. I don't know, but I do know the

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word "gentleman." It's old-fashioned and seldom used, but it is so very appropriate for Arthur. He has truly provided a model for us all. So much of what is "good" about this place is something that Professor Landever has, by his words and by his actions, exemplified for us.

Thank you, Arthur.

Vicki Plata: Minding the Store, Watching the Till

Vicki Plata, a 1971 CSU *cum laude* alumna in Psychology, has often remarked that if there had been no Cleveland State University, she would never have been able to go to college. Whatever the University has done for Vicki she has repaid. Over and over again. She has worked at the University for 36 years; the last 21 have been at the law school. From 1971 until 1986, she worked in the Engineering Technology Department, the Office of the Provost, and the Division of Continuing Education. The scope of her responsibilities was large: from secretarial work to new faculty and staff orientation to summary reports to program planning and publicity. And, always, in every office, she was learning the basics of sound financial planning and budget management until she became a master of both.

She has held three job titles at the law school: Assistant to the Dean, Budget Manager and Director of the Law Budget and Administration. No matter what title she wore, she has always had the onerous task of balancing the law school budget, and that, as we shall see, is a history in itself. In June, when she retires, the law school will experience the loss of an indispensable administrator.



But first: Vicki Bachenskas

Vicki Bachenskas's father, Alphonse, was a factory worker, a machinist, a shipping clerk; her mother, Theresa, was a homemaker. Vicki attended the local parochial elementary schools and graduated from St. Joseph's Academy, an all-girls' west-side Catholic school with which she maintains a strong bond. From St. Joseph's she went straight to Cleveland State University. She was precisely the kind of promising student that the new University had been created to serve, the first person in her family to go to college. "I always loved school, and I loved Cleveland State," she says. Our University was three years old when Vicki enrolled. From her classrooms or from her student assistant's office in the Psychology Department, she watched carpenters, steel workers and the construction crew building Rhodes Tower, at that time the signature building of the city's young university. And in a study room in Mather Mansion, she met and fell in love with a young history major, Jack Plata. The couple married within two years of graduation and relocated for a year in Atlanta, where Jack was completing his military service in Atlanta at Fort McPherson. **Joyce Zabor**, who is now the Budget and Donor Relations Manager in the Department

of University Advancement, was working as a secretary in the Psychology Department when Vicki was a student. "I have known Vicki over 35 years. CSU has been blessed to have an employee as skilled and conscientious as Vicki."

A good day for the law school

Her skills and her conscientiousness were soon put to the test at our law school. When Vicki arrived in 1986, **Bob Bogomolny** was the dean. Though she had been dealing with budget matters for years, she soon discovered she had stumbled into a briar patch of challenges: "There were no computers; there was an adding machine and there were these clumsy green ledger sheets. A librarian had been doing the budget. I had dealt with budget matters in all my jobs, but now I was 'it,' and really there was no one who could help me decode the system the school had been using. Bob Bogomolny was great, but even he didn't know the ins and outs of the process. When he left the law school for a new job in Chicago, there was no one to do faculty and staff raises. So I called Bob and we did them over the phone."

A seasoned administrator

It is perhaps good seasoning to be called upon to deal with difficult issues from your earliest days on a new job. In Vicki's case, there has rarely been a year that was not difficult. In past biennia, the University, always at the mercy of the state budget, has experienced a series of fiscal crises often requiring cuts in services, hiring freezes, and even mandatory layoffs. All this Vicki has borne with equanimity. As Dean Emeritus **Steven H. Steinglass** noted recently, "Vicki's ability to understand and work with the Byzantine university policies involving budgeting, personnel, buildings and grounds, purchasing, and much else was lifesaving."

According to Vicki herself, "The last few years have really been the hardest." In 2001, Dean Steinglass promoted her and gave her a new title: Director of the Law