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2020

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Recommended Citation

56 Idaho L. Rev. 598 (2020)

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II. D. BENJAMIN BEARD: A LAW PROFESSOR FOR ALL SEASONS

by Richard Seamon

D. Benjamin Beard is old school in the best sense, a sense that is increasingly lost upon those of us in modern academia, to our loss. Accordingly, on the occasion of Ben's retirement, we as Ben's colleagues at the College of Law can best honor Ben by striving to emulate the timeless qualities that Ben has brought—and to match the enduring contributions that Ben has made—to the College.

When I came to the College in 2004, Ben was serving as the associate dean, a position he held from 2000–2006. When you read that Ben was the associate dean, you might wonder, "Associate dean for what?" It is an understandable question, considering that today the College is blessed with four associate deans, each with different responsibilities and different titles. In 2004, however, Ben was the one and only associate dean. He was associate dean for students and administration—the veritable chief cook and bottle washer.

And remarkably, Ben managed to do it all, and to do it with his customarily exacting attention to detail and high standards for his work product. Ben drafted the course schedule. Ben counseled students who were failing their courses. Ben fielded complaints from students about members of the faculty and staff the students perceived were not serving the students well. Ben oversaw building projects and upkeep. And to do all this while meeting his family obligations, Ben was almost always the first person in the building every morning, excluding the custodial staff. This early-bird approach, plus Ben's amazing abilities to organize, prioritize, and focus, enabled him to fulfill his associate dean roles without missing his children's soccer practices and other family events.

I had the good fortune to see Ben's associate deaning in action when I shadowed him for one semester before taking on an associate-dean role myself in 2006. (By that time, my former colleague, Elizabeth Brandt, had become the associate dean for faculty, leaving me to serve as just the associate dean for students.) From shadowing Ben, I not only learned how to be an associate dean but also, over time, came to learn how generous a man, how loyal a colleague, and how great a teacher and scholar Ben is.

As for generosity, Ben was generous with the most valuable commodity any of us has: his time. When it came to giving his time to the College, Ben always stepped forward to do whatever needed to be done without making a big deal of it or expecting credit. Besides his stint as associate dean from 2000–2006, he held that role beforehand, as acting associate dean in the spring of 1998, and again afterwards, as interim associate dean for six months in 2012. And Ben contributed greatly to College operations in other roles, such as by overseeing the drafting of the College's self-study in preparation for American Bar Association (ABA) accreditation. And by planning extensive building updates for the installation of classroom technology. And by frequently chairing the curriculum committee, including during an extensive update of the first-year curriculum. And by co-founding the Early Welcome Program for incoming students who needed extra time adjusting to attending law school in Moscow, Idaho. Not to mention the hundreds of hours Ben devoted over many years to service on the admissions committee.

I could go on. Indeed, I could expand this tribute to the length of a traditional law review article if I were to attempt to describe all of Ben's service contributions to the College. Suffice it to say that perhaps more than any other, single person, Ben built and, for a long time, maintained the College's infrastructure. Although I cannot exhaustively catalog Ben's contributions to the College's operation, I hope I have said enough to show that—in his generous devotion of time to many thankless tasks associated with running the College—Ben exemplifies another quality that seems increasingly rare in modern academia: loyalty to an institution.

Ben came to the College of Law in 1987, after graduating from college and law school with top honors—Phi Beta Kappa and Order of the Coif, respectively—and after five years of full-time practice at a major law firm in Cleveland, Ohio. Since then, Ben has spent his entire academic career, spanning thirty-three years, at the College. He has been the stabilizing influence through seven university presidents, innumerable university budget crises, and continuous law school ups and downs. Thus, Ben is the antithesis of the flighty modern academic who alights at an institution only until a perceived-to-be-better perch becomes available. Ben has been a pillar of the College.

Ben has provided stability and continuity to the College in ways that go beyond his involvement in discrete administrative positions and projects. Ben has developed an invaluable store of institutional knowledge and a university-wide reputation for collegiality and sagacity. More than that, Ben has conveyed and exemplified the College's unique culture. It is a culture of civility, high standards of ethical conduct, selflessness, mutual support, and devotion to serving others. It is a culture that has positively shaped Ben's faculty colleagues, the College's graduates, and, in turn, the Idaho legal profession.

Even while devoting so much time to serving the College, Ben developed an international reputation as a commercial law scholar. Ben drew upon his five years of law firm practice to publish multiple law review articles on issues of commercial law. Ben also devoted much time to applied-scholarship projects of the ABA and the National Conference of Commissioners on Uniform State Laws (also known as the Uniform Law Commission or "ULC"). For example, Ben served from 2008–2010 as a Reporter for the ULC's Committee to Implement the United Nations E-Commerce Convention. Ben was also, from 1996–2000, a Reporter for the ULC project that drafted the Uniform Electronic Transactions Act, a uniform law enacted by 47 States, including Idaho. In addition to these national roles, Ben has served as an ABA representative at the international level: as ABA representative to the United Nations Commission on International Trade Law, and as a law school representative for the ABA's Central and Eastern European Law Initiatives. Ben has thus vividly shown how a law professor in isolated Moscow, Idaho, can develop an international reputation through scholarly contributions with global, real-world impact.

Despite his abundant generosity and loyalty and his achievements as a scholar and a mainstay of the College, I believe that Ben will be remembered best for his gifts as a teacher. I have had a chance to identify those gifts because I have seen Ben teach many times, including in his role as a charter faculty member for

the Early Welcome Program described above. Ben is a great teacher for many reasons: his clarity, his transparent organization, his sharp attention to detail, and his engaging presence. But the quality that, I believe, is the key to Ben's giftedness is Ben's deep, genuine caring for his students.

A sign in Ben's office expresses Ben's distinctive way of showing his care for his students. The sign says, "I yell because I care." Using that approach in the classroom, for example, Ben would help students understand the most important points by making them emphatically—indeed, by shouting if the point deserved particular attention. To modern sensibilities, Ben's use of emphasis might register as microaggressive. However that may be, hundreds of Ben's former students will attest to its effectiveness. Those former students will, in the same vein, attest to the effectiveness of having seen Ben display impatience with students who came to class poorly prepared, even though such a negative emotion goes against the grain of the modern tendency in some quarters to praise students just for showing up.

And now we come to what might seem least comprehensible to some modern academics: When Ben discovered that a student was poorly prepared for class (and who hadn't given Ben an adequate explanation in advance), Ben didn't seem to care much about *why* the student was ill-prepared. Instead—just like the judges before whom that student would soon appear as an attorney, and just like the clients upon whose livelihoods the student's preparedness as an attorney would soon depend—all Ben cared about was the lack of adequate preparation, not the excuse for it. In this way Ben taught our students the invaluable life lesson that when you fail to live up to your obligations, most people will only remember your failure, not your excuse for it.

I have been in legal education long enough to see many fads come and go when it comes to educational theories and methods. As Dooley Wilson famously sang, "The fundamental things apply ... [a]s time goes by."⁷ I thank Ben for teaching me the fundamental things that apply to being a great colleague, a great teacher, and above all, a good man.

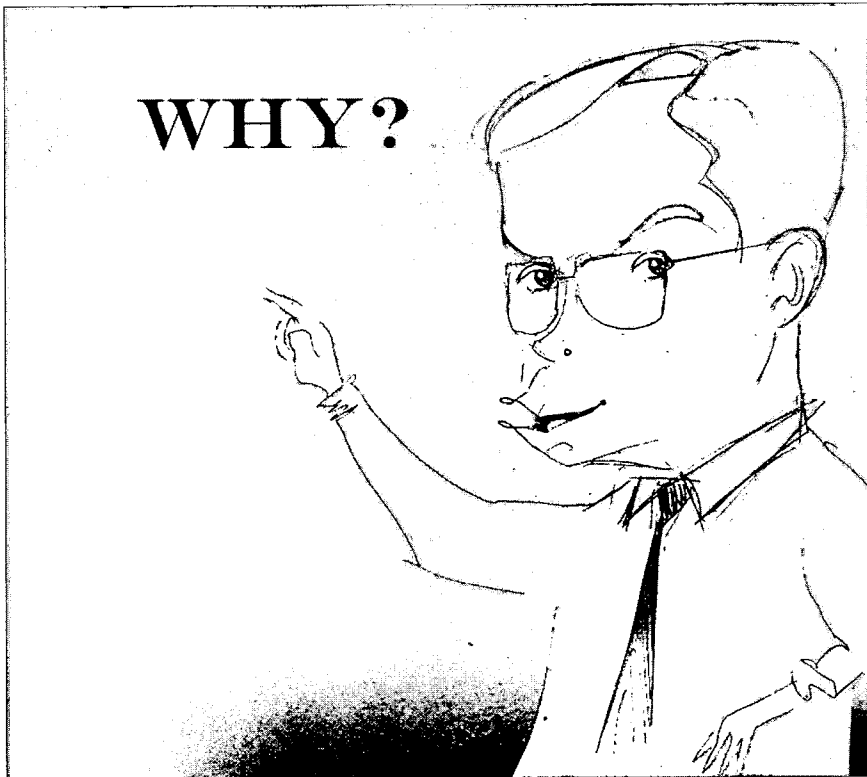
⁷ Herman Hupfeld, *As Time Goes By* (1931).

Image courtesy of Kendal Johnson

Additional Comments from Faculty, Staff & Students

Patrick Fackrell '16

Dear Professor Beard:



Congratulations!! I hope you know how significantly your teaching and dedication impacted me. I can safely say that I would not be where I am today were it not for Property and Sales with you. Your classes always challenged me; your teaching style always motivated me. Thank you for everything. I wish you many happy years of fly fishing.

Kelsey Gooden '18

I want to congratulate Professor Beard on his retirement. His class was the very first I had in law school, contracts in August of 2016. He was tough; everyone who has had the pleasure of his teachings knows that. But, along with all those high expectations, he certainly taught me a lot. Not a day goes by in my work as a lawyer that I do not think of something he taught me. Thank you, Professor Beard. I wish

you all the best in your future endeavors (and gosh I hope there are no typos or grammatical errors in that -ha!)

Carolyn Todd, Staff

Ben: One of the things I always appreciated about Ben was his ability to reach out with the right language when times were tough. When he was Associate Dean during the early days of Iraq and Afghanistan, he responded to a number of students who were serving over there and shared the emails with all of us. That meant so much to me, because my son was there as well. Plus i love his sign – “I yell because I care.” Truth.