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## Tribute to Elmer Schaefer

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# TRIBUTE

PROFESSOR ELMER SCHAEFER

JOHN E. DONALDSON  
CHARLES H. KOCH, JR.

The editors and staff of the *William and Mary Law Review* have dedicated this issue to Professor Elmer J. Schaefer. Elmer, whom we admire as a friend and colleague, is highly deserving of this recognition. Coming in the year of his retirement, this gesture is an appropriate tribute to a distinguished career of teaching, scholarship, and service in the advancement of law. It is both a fitting accolade for an individual whose personal qualities have endeared him to associates in academia and to current and former students and a timely expression of gratitude for twenty-nine years of dedicated service to the Marshall-Wythe School of Law and to the College of William and Mary.

Elmer prepared for a career in law and legal education through undergraduate studies at Northwestern University, where he attained membership in Phi Beta Kappa, and through further studies at Harvard University, where he earned a masters degree in economics and a juris doctor degree. Upon completion of his formal education he became an associate in the Chicago offices of Jenner and Block, where for several years he engaged in a general litigation and corporate law practice. In 1973 he accepted appointment as Assistant Professor of Law at the Marshall-Wythe School of Law of the College of William and Mary. He attained the rank of Associate Professor in 1978 and Professor of Law in 1984.

Elmer came to this law school at a crucial point in its history—in the midst of its effort to transform itself from a small school with fewer than two hundred students, a limited, narrow curriculum and a woefully understaffed faculty to one with a more than doubled

enrollment, a broad, full curriculum and a substantially enlarged faculty. The human, financial, and physical resources required to effect such transformation, although promised, were not guaranteed, being dependent upon unpredictable state appropriations and the uncertainties that attend efforts to accomplish structural change within complex institutional settings. Elmer's decision to begin his career as a legal educator here entailed knowing acceptance of the challenges facing the school and was an expression of faith and confidence that the transformation would be successful.

As history attests, the transformation was successful. From the early 1970s, the school experienced steadily increasing strength and renown. Professor Schaefer, through his service, devotion, and counsel, has contributed importantly to the standing and reputation the school now enjoys. Throughout his tenure he demonstrated a remarkable willingness to serve in a broad range of varying capacities, revealing an unusual breadth and depth of scholarly and professional interests. He has willingly accepted and ably discharged teaching duties embracing major segments of the curriculum including, among others, such courses as Contracts, Corporations, Trusts and Estates, Antitrust, Remedies, Partnerships/Agency, Corporate Finance, Admiralty, and Economic Analysis of Law, as well as seminars exploring legal and economic problems of government regulation and issues involving regulated industries.

Elmer's cordial personality, keen intellect, commitment to collegiality, and broad interests—which embrace, in addition to law, the disciplines of economics, mathematics, political science, philosophy and music among others, have enabled him to serve the law school in ambassadorial roles involving interaction with other academic departments. He has been an active participant in Professor Becker's multidisciplinary Political Philosophy Discussion Group. He has ably served on a number of college-wide committees, particularly those with an interdisciplinary focus, including the Charles Center Interdisciplinary Committee on Film Studies, the American Studies Governing Committee and the Steering Committee for the Public Policy Program. Through years of service as an officer and director of the Faculty Club, Elmer

actively promoted social interaction among the various faculties and departments of the institution.

Elmer's ambassadorial role has also included sharing his passion for law and talent for teaching within the larger William and Mary community. Under a grant from the National Endowment for the Humanities, he helped develop and cotaught with others in the Philosophy Department an offering on Morality and Law open to both undergraduate and law students. For the past several years Elmer has taught a seminar on Law and Economics within the College's undergraduate freshman seminar program. Professor Joel Schwartz, program director, observed that the course "despite the difficult topic and heavy work load . . . has proven to be one of the College's most popular and effective freshman seminars."

Writing of his contribution, Professor Schwartz observed: "Elmer is an unusually demanding writing instructor and he has helped this College's prelaw freshmen see that law is more about moral principles and intellectual rigor than it is about courtroom histrionics." He adds that Elmer "is a dedicated and innovative teacher who has made important contributions to the College's freshman seminar program." Professor Schaefer, in his interactions with other constituencies of the College, reflects well on himself and generates goodwill for the law school.

Elmer's research and professional service interests have focused primarily on antitrust and business regulation topics. His published writings include articles which have explored such topics as "legality of base-point pricing", "passing-on' theory in antitrust damage actions," "uncertainty and the law of damages" and "asset and earnings values in appraising corporate stock." He has shared his expertise in the field of antitrust law in providing invited testimony to a congressional subcommittee and in service as a panelist on programs of the Antitrust Section of the American Bar Association. He has also lectured on antitrust topics at judicial seminars and for continuing legal education programs directed to the Virginia Bar.

Elmer has been a wonderful colleague, exuding warmth and friendliness in his relationships with others. Knowledgeable and conversant on subjects ranging from jurisprudence to the "Laffer curve" and from opera to baseball, he has enlivened discussions in

the faculty lounge and been a positive force in the intellectual life of the law school. As a regular participant in faculty colloquia where draft papers and preliminary research efforts of colleagues are presented for reaction and criticism, Elmer, through insightful questions and pertinent suggestions, has helped enhance the level of scholarship of the law school faculty. His devotion to the rule of law, love for teaching, capacity for exploration of legal issues with extraordinary perception, genuine interest in students, and openness and accessibility have earned for him the respect and admiration of students, many of whom have come to regard him as mentor and friend. Colleagues and present and former students share the hope that Elmer, notwithstanding his retirement, will remain active in the life of the law school community, participating in faculty colloquia, alumni gatherings, and other activities as he continues to pursue his interests in law.

The College of William and Mary and its Marshall-Wythe School of Law, as institutions, legal education as a process and the law in its continuing evolution have been enriched by Elmer's contributions. Colleagues and students have benefitted immensely from his association and company. The dedication of this issue to Professor Elmer Schaefer reflects our deep appreciation for his devoted service.