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Deerly, Departed

Paul A. LeBel

The driver of the Oldsmobile had been aware of the traffic congestion that was likely to be caused by the bowl game, so he had waited an extra day before starting back to campus for the spring semester. What he had not anticipated was how heavy the traffic would be so early on the morning after the game. Both lanes of the interstate were bumper-to-bumper with cars and recreational vehicles draped with banners and flying pennants of the victor school.

A beige Pace Arrow circled by a red stripe had been traveling in the left lane at a steady fifty miles per hour for the last thirty miles. Drivers wanting to go faster would get right behind it and wait for an opening when they could dodge to the right, gun past the camper, and then swerve sharply back to the left. The Oldsmobile was in the right lane, a little behind the RV, when a BMW with New Jersey license plates attempted the right-hand passing maneuver. It was almost successful. The right rear quarter-panel hit the left side of the Oldsmobile just at the edge of the front bumper, but that contact was enough to throw the Oldsmobile out of control.

The driver's arms snapped above the wrists as the steering wheel spun violently, first counterclockwise, then back. The car went into a spectacular roll that witnesses said was both end-over-end and side-over-side before coming to rest upside down in a ditch at the side of the road. The accident reconstruction experts weren't sure which of the multiple impacts with the ground had actually killed the driver, but which one it was probably hadn't mattered all that much to him. The last image that registered in the driver's consciousness was a sign saying "Go Tigers!"

One of the state troopers asked her fellow officer whether they ought to bother picking up some of the bluebooks blowing across the median and into the oncoming lanes of slowing, rubber-necking traffic. "Nah," said the other trooper, "let's leave 'em alone and add littering to the charges against the doofus in the Beemer."

* * * * *

MEMO FROM THE OFFICE OF THE PRESIDENT

To: Members of the University Community

From: Vice President for Administration

The President has ordered that the state flag and the university flag located in front of the University Administration Building shall be flown at half mast for the next thirty days, to mark the University community's period of mourning for Professor Robert Deerly, who was killed in a traffic accident during the holiday break. Professor Deerly joined the faculty in 1979. A memorial service will be held in the University Chapel on Tuesday, at 4:00 p.m.

Important Reminder – Pledge cards for the Campus United Way Campaign should be returned to departmental fund drive contact persons by Wednesday. As we begin the spring semester, the University currently stands at only 38 percent of its goal, which is even lower than last year's performance at this stage of the campaign. We can and must do better in this effort to show our commitment in this not insignificant and highly visible way to the well-being of the community in which we are privileged to be located and from which we receive so many tangible and intangible benefits. Your tax-deductible contributions can be made through payroll deductions by checking the appropriate box on the pledge card.

* * * * *

– Registrar's Office, this is Ms. Taylor speaking. May I help you?

– *Yeah. I'm a second-year law student, and I'm putting together my résumé, like for summer jobs, you know? And I looked at the fall semester grades that you guys posted, and there's nothing up there about Deerly's course. And I want to know when the grades were turned in and like why they haven't been posted with all the others yet?*

– Oh my, I'm awfully sorry to have to be the one to tell you this, but Professor Deerly was killed in an automobile accident a few days ago.

– *Oh. . . . Well, do you know whether he finished grading before he died? Isn't there a rule that the grades have to be in, you know, like seventy-two hours after the exam?*

– Uh, I . . . um . . . I think you'll have to check with your dean's office. We don't have any way of knowing . . . In this office we . . . uh . . . we just process the grades that we receive from the departments.

– *Well, if he didn't turn in the grades yet, what's gonna happen? Will we all just get passes for the class, or will they get someone else to do the grading? And how's someone else gonna know what we covered last semester? I know some people in the other section said they were covering some stuff that we didn't get to. That could mean we get treated unfairly if someone came in and graded our exams and took off points just because Deerly didn't do some stuff that we're supposed to be taught.*

– I'm sorry, I can't answer that. You really do need to speak to someone in your dean's office.

– *But what about class rank? I'm doing my résumé right now, and I've been told by the Placement Office that the employers are really interested in what your class rank is. Does this mean that there's gonna be a holdup in figuring out the ranks, and should I just put like last semester's class rank on my résumé, with maybe an asterisk explaining, you know, why things got screwed up this semester?*

* * * * *

To: Chairperson, Women's Intercollegiate Athletics

From: Vice President for Financial Affairs

Subject: Interim Funding for Intercollegiate Program

My memo to you of November 12 reported the regrettable decision by this office to impose a cut in the funds allocated to women's intercollegiate athletics for the remainder of this calendar year as one of the many painful steps that had to be taken in order to meet the state budget reversion mandate announced by the Governor in October. I am happy to report to you that due to an unexpected savings of more than \$35,000 in University funds that do not need to be paid in the spring semester, the University has managed to come up with a sufficient sum of money to allow for the reinstatement of the non-revenue programs in women's fencing and women's lacrosse. You are authorized to communicate this information to the members of those teams. All of us in the administration are pleased that we can make this visible demonstration of our commitment to support the valuable role that women's intercollegiate athletics plays in the development of our students.

* * * * *

The law school secretary announced to the dean that Professor Badlingham wished "a moment of his time, if it was at all possible and not too terribly inconvenient."

– *Thanks. I'll see him now.*

– Tom.

– *Maurice.*

– Tragic news. Simply tragic.

– *It is. I was just jotting down some notes for my remarks at Bob's memorial service this afternoon.*

– Of course you were. And particularly admirable that you should be the one to do so, in light of the circumstances. If there is any way in which I can be of service in that regard, I trust that you won't hesitate to contact me. After all, as a person coming in from outside to be dean, you may not possess nor would you of course fairly be expected to possess the familiarity with Deerly that

would be enjoyed by those of us who have been his colleagues for a considerable length of time. Although one must again take note of the spirit of generosity with which you treated even those who tried to divert the selection process to pursue other, shall we say dryer, channels.

– *Thank you for the offer, Maurice. I'll be sure to think of you if I run into any difficulty. Was there something that you wanted?*

– Why, yes, as a matter of fact, there is, if I can beg your indulgence. Again, one suspects that, being a relative newcomer to the institution, you may not have quite a full appreciation for the office assignment policy which has been employed here for as long as one can remember. That practice, if one may refer to it as such, has almost invariably been to tender vacant offices for selection by faculty members strictly according to seniority. Now, one feels the need to observe that, at this juncture, there are two potential problems to which one needs to be especially alert.

First, although of course one could not expect any recourse at this time, nor of course would one want to be understood to cast any aspersions—*nil nisi bonum*, eh?—but the case of Deerly himself represents an unfortunate, and one hopes not precedent-setting, deviation from that otherwise time-honored and, as I say, virtually universal policy. As you may know, Deerly came to us initially as a visitor, and as such, and with no consideration whatsoever of the decision's being one of great import, or one that was made on any basis other than expediency and the least inconvenience, he was billeted in the office that had been vacated on what we all assumed was a temporary basis by the person for whom he was standing in during that year, a chap named Hawkins, whom of course you wouldn't be expected to know, although I daresay that his work, parochial as some may have deemed it, would not have escaped entirely the notice of such a well-read and carefully-attuned expert in the field as yourself. Now, then, when the faculty in its wisdom—and cognizant of its need to fill, on fairly short notice, the void left by the surprising and, one must say, regrettable, to some at least, early retirement of the said Hawkins—decided to let him stay on as a permanent addition to the staff, Deerly was simply allowed to continue to occupy that office, which, for the sake of brevity, we might refer to as the Hawkins office, without there being any receptivity at all to the suggestion that he should be compelled to participate in the office assignment procedure that had prevailed until that moment—a procedure, need I add, that would have left him eligible for significantly less desirable quarters as the least senior member of the permanent faculty then in residence.

Leaving that error aside, however, although in fairness to the muse of our sister discipline History one might note in passing that the unfortunate lapse in judgment exercised on that issue by the dean of the day, your predecessor but one, as it were, could be seen by an objective observer as having set the stage—or at least unlocked the props cabinet, eh?—for the rather rapid dissolution of the support with which he had been able to cling to that office in spite of, if one might not say because of, what all would undoubtedly admit were quite limited visionary capabilities.

As I say, though, leaving that aside, there is a second point that is considerably more germane to the office assignment opportunity that is presented to us at this moment in time, and that is the question of how seniority is to be determined for purposes of ruling on the expression of preferences for newly vacated, and thus currently available, offices. Time in grade, if one may be permitted to employ a military expression in this most unmartial of environments, has most frequently been utilized as the predominant, if not to say determinative, criterion, with the only issue as to which there might have crept in some not totally dismissible degree of uncertainty being the relevance, for this purpose, of time in grade that was served at institutions with which one might have had prior affiliations.

Now, Tom, you above all people would know that I would display the greatest reluctance to be seen as one who would lodge even the hint of a complaint about the incurring of a competitive disadvantage which resulted from the fair and even-handed application of a policy to which those of us who have served this university for so many years, with little thought of tangible reward or national recognition, have all expressed our assent, impliedly if not explicitly, in one form or another for a considerable length of time, going back, as I say, over a span of years, well before you were brought in as dean, but one does have an obligation, in circumstances such as these, to assert a claim of principle in this matter of the proper method of calculation of seniority. And however much one might unfairly be subjected to charges of special pleading, one does wish to be understood as setting forth the principled claim rather than being seen as adopting a self-serving stance. In this matter, then, I am compelled to raise the principle that prior administrative experience entitles one to, as it were, a super-annuated recognition of time in grade as a special, but by no means insignificant, acknowledgment of the service that the individual has rendered in that capacity to the institution, that is to say, as earning more than a single year's credit toward seniority for a year of service in what no one could fairly deny was an important and demanding administrative position.

– *Such as mine?*

– Precisely. Although, in your case, of course, even granting credit for your service in this brief time as dean, you would still be far inferior to the bulk of the faculty.

– *You mean inferior in terms of years of service, I assume?*

– Yes. Ha, ha. Quite. Now, having established the principle, it also is incumbent upon one to point out that the application of this principle in this instance would require an adjustment of my seniority credit to reflect the fact that I served as acting dean for the period of time between the sudden vacancy caused by the unexpected and incapacitating illness suffered by your predecessor and your being hired to replace him, not without opposition, I don't need to add. When that service is credited, as it should be, under the principle which we have agreed controls the situation, the validity and strength of which one must recognize, I do believe that I am in a position to assert an undisputed, if indeed not undisputable, claim to Deerly's office, and I would appreciate your notifying the faculty of that fact at the earliest opportunity.

– *You raise an interesting point, Maurice, and I'll certainly give it the thought it deserves. I must say, however, that whatever the merits of your claim might turn out to be on reflection, I hardly think that it is appropriate for me to do anything about Bob's office until a suitable period of time has passed.*

– Of course, of course. One would not want you to appear to be thoughtless or uncaring. Indeed, your agreeing to speak about Deerly at his service is a model of putting aside petty concerns for one's dignity. As I say, I am much more interested in establishing the principle, one which, need I add, will redound to your advantage at such time as you give up your administrative position and rejoin, or I should say more accurately in this instance, join *de novo*, the ranks of the law school faculty. If, of course, stepping into such modest company as ours would be at all attractive to one who has soared in such rarefied air within the discipline. As long as we understand each other on this.

– *Oh, I think I understand, Maurice.*

– Of course you do. After all, it is not as if one is not the logical person to assert a claim to Deerly's office. Had the able and distinguished search committee which recommended you for this position been otherwise disposed, as some would have preferred them to be, I might very well have been sitting on the other side of this desk, mightn't I? One might remember that from time to time, might one not?

– *One does, Maurice, one does. If there's nothing else, I really do need some time to organize my thoughts for the service.*

– Certainly, certainly. Of course you do. I'll leave you to it. And remember, if you should feel particularly ill-equipped to incorporate any glimpse of Deerly in the years before you came here, I stand ready to assist if I may.

– *Thank you, Maurice.*

– While I can't actually attend the service—other commitments, you see—one is sure that you will do us proud as the spokesperson, that is to say, of course, the administrative spokesperson, for the law school.

* * * * *

– Excuse me. Is this the course book ordering department?

– *Yes, it is.*

– I need help with some information about books for a course?

– *Certainly. How can I help?*

– I pre-registered for one of Professor Deerly's courses this semester, and I want to know whether I'm supposed to buy those books.

– *Well, let's just see now. The books that we've already gotten in are already on the shelves, and underneath each set of books you'll find shelf tags that indicate the course number, the instructor's name, and whether the book is a required or a recommended text. If we haven't gotten the book in yet, we keep behind the counter a computer printout of all the required and recommended reading for this semester's courses, broken down alphabetically by department and within each department listed by course number. So by looking on the list, you can see what Professor Deerly has selected for the semester, and I'm*

sure that any books that you don't find on the shelves will be in before the first day of classes, as long as the instructor turned in his book order on time. And that should prove to be no problem, because Professor Deerly is one of the most conscientious of our faculty about getting his book order forms in on time.

– No, no, no. You don't understand. I already know what Professor Deerly ordered, and all the books are on the shelves. But he's dead and I don't . . .

– *He's what? He's dead?*

– Yeah.

– *Our Professor Deerly?*

– Uh, yeah. And I don't know whether the course is still being offered with someone else teaching it and whether that means that the reading list is going to be changed and whether the best thing is that I should go ahead and buy the books now or wait and see what they're going to do.

– *Oh my goodness. Good Lord, this is terrible.*

– I know. And I don't see why the people who run the bookstore can't post some notice telling us what we ought to do. It's not like this kind of thing never happens, you know. How about this? How about if I do buy the books and they turn out to be ones that I don't need, I can return them and get a full refund?

Ms. Marilou Tompkins
National Endowment for the Social Sciences
Washington, D.C.

Dear Ms. Tompkins:

I am taking the liberty of writing to you so soon after the death of Professor Robert Deerly in order to express my condolences to those of you at the National Endowment for Social Sciences who had worked with Professor Deerly over the years and who had supported his research so generously with "Nessie" grants. His untimely demise undoubtedly presents you with the occasion for feeling both a personal and a professional sense of loss, to which I am most sympathetic.

I may be able to offer some modest assistance in alleviating the professional, if not the personal, concerns that have been created by Professor Deerly's inability to complete the research for which I understand he received his most recent grant. As you may know from my own applications for "Nessie" funding over the years, I share Professor Deerly's deep interest and considerable expertise in the subject of his latest project. In fact, I daresay that a substantial share of the credit for instigating this project might go to me, as Professor Deerly would undoubtedly have been the first to admit. Our frequent and intellectually stimulating exchanges in the faculty common room provided inspiration and

encouragement for both of us, and had I been as free of family and professional commitments as Professor Deerly was in the last few years, I have no doubt but that I would have been able to submit a grant proposal that substantially tracked that offered by Professor Deerly two years ago, the high quality of which your Endowment so perspicaciously recognized in its exceedingly generous level of funding for travel, secretarial help, and research assistance.

While it is true that no one of us would ever be able to replace Professor Deerly completely, it is also true that this latest project holds out the prospect of results that are of too high a value to the universe of scholarship in our discipline to be allowed simply to disappear from view. Therefore, it is with both a sense of modesty at putting myself forward and a sense of pride at being able to carry on this important task of Professor Deerly's that I offer myself as the person to whom the Deerly grant could most easily and without delay be transferred. As a colleague of Professor Deerly's, I stand ready and able to step right in to continue the project, creating as little disruption as possible in the assignment of research assistants and the location of the physical archives that have been collected thus far. Despite the changes in my scholarly agenda that undertaking this task would require, I would also be willing to take over the project at a rate of compensation comparable to that which was being drawn by Professor Deerly, provided of course that a suitable accommodation was made in the terms of funding under the grant to reflect the additional work that is necessitated by the substitution of a new principal investigator at this stage.

Again, I wish to extend my sincere condolences to those of you who were acquainted with Professor Deerly, and I await your early response to my offer.

Cordially yours,

Parker T. Smith
Professor of Law
Pompous State University