



IN MEMORY OF PROFESSOR THOMAS J. HOLDYCH

DECEMBER 17, 1944 to
APRIL 24, 2011

Professor Emeritus Tom Holdych, a founding faculty member at the law school, died of ALS on Easter Sunday, April 24, 2011. He taught the very first class at the law school on September 5, 1972, and he helped shape the law school into what it is today.

Professor Holdych taught thousands of students in contracts and commercial law. He was a beloved teacher, often cited by alumni as their most memorable professor, and a cherished faculty member. He loved teaching and was both “feared and adored” for his rigorous demands. He served as faculty advisor for the Christian Legal Society and delighted in serving on the oversight committee for the Union Gospel Mission Open Door Legal Services.

Surviving family include his wife, Carolyn, son Stephen (Laura) and grandsons Nate, Cameron, Ryan, and Luke; son David (Tien-Li) and grandson Micah; and sister Robbyn (Neil) Van Vleet.¹

1. Reprinted from <http://www.law.seattleu.edu/x9364.xml>. Professor Holdych was also this Law Review’s first faculty advisor.

Reflections on My Colleague, Tom Holdych

*Janet Ainsworth**

As one of the founding faculty members of the University of Puget Sound Law School, Tom Holdych played a major role in setting the course for the fledgling law school. From its humble beginnings in a Tacoma business park to our current status as a mature institution at the center of the Seattle University campus, our law school experienced development and change that were not imagined at its inception. But one thing has always been constant—our dedication to teaching of the highest quality. Among the faculty, Tom was consistently one of the loudest and most insistent voices about the primacy of our teaching mission. He never wavered from that commitment during his long career at the law school.

My first interactions with Tom as a teacher (though they happened more than twenty years ago) are vividly etched in my memory even now. I had just been hired as a law professor, and before the first flush of excitement about my new career had time to fade, it was replaced by a sense of panic. It had been quite a while since I was a student in a law school class, and I realized that I had only the foggiest idea what exactly to do in front of the class. So, I went to three senior colleagues who my dean suggested were exemplary teachers, and asked them if I could sit in the back of their classes for a week to get some ideas for my own teaching. All three agreed with alacrity. But of the three, it was Tom who suggested that instead of just sitting in on the classes, that perhaps I could come to his office before each class and he would talk with me about his game plan for the class. Then, after each class, he invited me back to his office again, this time to debrief the class I had just seen. He asked me for my sense of how particular hypothetical exchanges had gone—had the students gotten the point of the questions? Would it have been better if he changed the order of the problems he posed? Should he continue in the next class to pursue one topic that was raised but not explored fully? I realized that Tom was engaging me about teaching in the same way that he engaged his students about contract doctrine—beginning with simple questions that spiraled into more complex and challenging pedagogical considerations. Because Tom relished any opportunity to talk about teaching, I suspect our sessions were just as stimulating for him as they were invaluable for me.

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Above all, Tom particularly loved teaching first-year students. His Contracts classes were legendary, featuring volleys of Socratic questioning leavened with his wry sense of humor. His teaching was designed to push students beyond their first reactions to a question, probing and refining his questions until he was satisfied that they approached the problem posed with the analytic rigor and precision befitting a lawyer. His exams were famous—perhaps even notorious—for their diabolically challenging fact patterns. At times, some of his students may have failed to appreciate his demanding style of teaching, but I have no doubt that in their later professional lives, his students have had many, many occasions to be grateful for it. At alumni functions over the years, his name was almost always the first that former students would ask after. For many of our graduates, Tom came to represent the law school and their legal education at its best.

In addition to his teaching, Tom was fiercely dedicated to promoting the welfare of the law school as an institution. In the interests of full disclosure, I should note that he and I sometimes did not see eye to eye. I doubt we ever voted for the same politician, and we certainly differed on law school issues at times. But I never doubted for a second his sincerity and his good faith in the positions he took, and I valued the candor and integrity with which he expressed his views. With the passing years, I have come to understand that despite our differences we actually shared fundamental commitments to the primacy of our students in this institution and to the importance of the law school as a community. Tom sincerely cared about each of his colleagues as human beings within that community. Whenever a colleague's life was touched by hardship or tragedy, Tom unfailingly reached out to express his sympathy and personal support. Even after his retirement, as his own health was deteriorating, Tom wrote me a personal note to express his condolences on the death of my mother this past fall. Reading his shaky handwriting in that note, I was deeply touched by yet another reminder of Tom's gracious and caring humanity in his relationships with his colleagues at the law school.

In reflecting on Tom's contributions to the law school that he served so long and so well, I began to think about the legacy that he has left us—a legacy accomplished by the way in which he exemplified our aspirational goals as articulated in the words of the law school mission statement. That legacy continues in our law school culture, one that values “demanding and humane” classroom teaching that inculcates “clear and critical thinking, effective communication, wise judgment, ethical behavior, and a charitable spirit.” Tom's legacy is also embodied in the generations of lawyers he taught, who learned the foundations of their craft in his classes and came to understand their responsibility to “lead

and serve others with integrity and compassion.” And finally, his legacy will live on at the law school in our renewed determination to ensure that the law school strives to fulfill the university’s mission to “engage one another as collaborative colleagues” through our scholarship, our teaching, and our service to the community and to one another.

Tribute to Professor Thomas J. Holdych

*Annette Clark**

Tom Holdych was my teacher, mentor, colleague, and friend.

He was my Contracts professor in my first year of law school, Section A, and we met for Contracts class every Monday, Wednesday, and Friday at 9:00 a.m. At first I thought that Professor Holdych was the University of Puget Sound's (UPS) version of Professor Kingsfield from *The Paper Chase*, but I was only half right. Professor Holdych had Kingsfield's encyclopedic memory and command of the law, and he would fix his students with that same unflinching stare as we stumbled around, trying to find our way through the Socratic thicket of contract law. We all soon learned, however, that unlike the humorless Kingsfield, Professor Holdych had a witty, dry sense of humor. His nickname among his students was "Spike," and although he would never admit it, I think he enjoyed the fact that we didn't always take him too seriously. If you talk to anyone who had Professor Holdych as a teacher, the common refrain is that we all worked harder in his courses than in any other and learned more than we ever thought possible. Professor Holdych was demanding, but he genuinely cared about his students, and none of us wanted to disappoint him. One of the hardest transitions I had to make as I moved from being a student at UPS to being a member of the faculty was learning to call Professor Holdych "Tom." I was eventually able to do it, helped along as we became friends, but he is "Professor" Holdych in my heart because his teaching and mentoring helped set me on my own road to becoming a professor.

Tom was always a bit of a paradox. He eschewed vague notions of generalized fairness and justice in the law, sticking close to the language of the contracts cases and the Uniform Commercial Code, using traditional interpretative and construction methods, and law and economics theory to determine the "correct" results. Similarly, he lived his life within the rules that he laid down for himself, guided by the word of God, always holding himself to the same high expectations that he held for his students and his colleagues. But unlike his unstinting view of how the law should be interpreted and applied, Tom's life and his actions were leavened by notions of justice, fairness, mercy, and forgiveness. The very concepts that he rejected in the law, he applied liberally in his own life. The example that always stands out in my mind is the number of times

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over the years that he and his family made the drive from Gig Harbor to the Washington State Penitentiary in Walla Walla to minister to one of the death-row inmates there. Tom never trumpeted his acts of generosity and kindness; he didn't write self-serving law review articles entitled *The Law Professor Goes to Prison*. He just lived his life in service of others.

I was at Mass recently, listening to that particular Sunday's gospel reading, which was Matthew 20:1-16—the parable of the workers in the vineyard. It's the narrative of the landowner who hires workers throughout the day to work in his vineyard. At the conclusion of the day, the workers step forward to receive their pay, and the landowner pays them each the same day-laborer daily wage, regardless of whether they worked the entire day or only began work an hour before the day ended. When the workers who were hired early in the day complained, the landowner responded:

I am not being unfair to you, friend. Didn't you agree to work for a denarius? Take your pay and go. I want to give the one who was hired last the same as I gave you. Don't I have the right to do what I want with my own money? Or are you envious because I am generous?²

The parable then concludes with one of the most well-known verses in the New Testament: “So the last will be first, and the first will be last.”³

Anyone who knew Tom Holdych will understand why this verse made me think of him. It's all there in the landowner: the wisdom, the integrity, the Socratic questioning, the precise analytical reasoning, the confidence in knowing what is right, and the quiet commitment to doing it. Tom's life was far too short and pain-filled. I wish I had told him when he was alive how much I valued his wisdom and guidance as I tried to navigate the course of my own personal and professional life. At his retirement party, I shared that the word that comes to mind when I think of Tom is “constancy.” Tom was constant in the quality and rigor of his teaching and scholarship, constant in his dedication to his students and their learning, constant in his commitment to living a life of faith, constant in his love for Carolyn and his sons, constant in his devotion to his church and friends, and constant in doing God's work on Earth. Mine was but one of thousands of lives he touched, but I am grateful to have known Professor Thomas J. Holdych.

2. *Matthew* 20:1-16 (New International Version).

3. *Id.*

Darth Vader

*John B. Kirkwood**

Soon after becoming a full-time faculty member, I decided to ask Tom Holdych for his advice on a teaching issue I had encountered. Finding him in the faculty lounge, I started to raise my question, but before I could finish, he interrupted: “You probably don’t want my advice. The students think of me as Darth Vader.”

I had the pleasure of co-teaching Law and Economics with Darth Vader one semester, and it was an experience I shall always remember, not only for the mock harshness that Tom employed—which earned him the sobriquet—but also for the many other qualities that made him an exceptional teacher. But let me start with that combative attitude.

When I ask a student a question, I usually try to recognize whatever is good or useful in the student’s answer before following up with a question or comment designed to correct any errors that might have been made. In Law and Economics, however, Tom didn’t have time for that. When a student gave an answer that Tom thought was off the mark, he would simply say “wrong” and move on to another student. If that student also failed to provide the correct answer, Tom would again reply “wrong” or just “no.” There would be periods in Tom’s classes when he would stand at the front of the room, call on a series of students, and announce in rapid succession: “Wrong. No. No. Wrong. No.”

At some point, feigning increased exasperation, Tom would ask, “Did you take Contracts?” (or whatever other subject provided the answer). How was the student supposed to respond? The question usually produced complete silence. Fortunately for the rest of us on the faculty, Tom never tried to determine which professor had failed to teach the student the pertinent concept.

Of course, the students were not actually upset by Tom’s mock harshness. They found it entertaining, and more importantly, understood that it reflected Tom’s deep devotion to them. Students realized that when he finished dismissing their incorrect answers, he would take whatever time was necessary to explain the idea he wanted to convey. Likewise, students knew he prepared his lectures and questions with great care, making sure that they were lucid, rigorous, and interesting.

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And Tom was superb at coming up with clever examples to illustrate his points to students.

Tom's students reciprocated his devotion. The atmosphere in the class—despite its superficially combative tone—was warm, positive, and often enthusiastic. Outside of class, students welcomed the opportunity to interact with Tom, and at alumni events, he was regularly the center of attention.

Tom was a towering figure, and we—his students, colleagues, and friends—shall miss him enormously.

Thomas Holdych: A Pioneer and Visionary

*Bruce D. Mann**

Tom Holdych was a pioneer in the field of Law and Economics. At his initiative in 1987, Tom and I began a Law and Economics seminar. He and I had recently attended (independently and unknown to each other) the summer Law and Economic Institutes at Emory University. Tom took the Economics for Lawyers program, and I took the Law for Economists session. We decided this was an interesting, emerging academic field. He knew it would be useful for lawyers to understand how economics informed legal decisions and how understanding economics could make a better advocate. The application of legal reasoning and thought to economic issues would enhance the traditional “economic way of thinking.” A jointly taught seminar that focused on the interaction of law and economics, Tom argued, would enrich the training of both law students and economics majors, and it would provide a venue where they could work together on substantive research projects. This rubric provided the basis for our Law and Economics seminar that was open to third-year law students and senior economics undergraduates.

Law students first engaged in a month-long session on basic economic theory. Concurrently, the undergraduates were introduced to legal reasoning and the fundamentals of tort, contract, and property law. The seminar then met “en banc” to consider particular questions of property, contracts, and tort law through the analysis of case law material. In addition, each economics student was paired with a law student to form a research team. The final part of the seminar was the presentation of research results by each team. All of the students participating in the seminar then critiqued the analysis of each team and offered suggestions before the final papers were submitted.

The seminar was intense, with much shared learning. The undergraduate economics students learned some law, the law students learned some economics, and the entire seminar analyzed legal cases (most were standard legal classics) from both disciplinary perspectives. They learned from the instructors, from law review and journal articles, and from each other through discussion and debate. And Tom and I learned from each other, by challenging traditional arguments from our own prior training and by reconstructing standard legal analysis through the incorporation of economic issues.

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In particular, our organizing focus was to challenge the standard belief in much legal reasoning that market failures required legal correction. In addition to the standard market-failure arguments of public goods, externalities, and imperfect competition, we considered transaction costs, imperfect information, moral hazard, and adverse selection in creating the need for efficiency-enhancing legal rulings. We asked our students (and ourselves) if these positive economic arguments made sense, if there was any evidence to support such claims, or if the rulings were really based more on normative (equity) claims.

In 1986, when Tom and I were preparing the seminar, little pedagogical material on law and economics was available. Richard Posner's treatise, *Economic Analysis of Law*,⁴ was first published in 1973 but not yet widely integrated into legal discourse or economic analysis. Ronald Coase's work on social cost had been published in 1960,⁵ but it had not yet been fully appreciated as a seminal law and economics paper. Legal scholars recognized Guido Calabresi's early economic analyses of tort law,⁶ but this perspective had not yet entered the mainstream. On the economics side, the pioneering effort of Gary Becker⁷ had begun to find its way into standard scholarship. But there was little in the way of textbook material for Law and Economics (the now widely used textbook by Cooter and Ulen⁸ was not on the market until the early 1990s). In short, we were, to some extent, making it up as we went—if we were not exactly flying blind, we had somewhat limited visibility.

It is gratifying to see that Tom's vision of an integrated approach to teaching law and economics has become the norm for most law school curricula. We knew our seminar was novel at the time, and we strongly felt that this approach was correct (for both law and economics students). The breadth of law and economics scholarship has since grown enormously. It is now clear that economics is embedded in the pedagogy of law.⁹ The use of economic reasoning is now standard fare in courses on tort, contract, and property law. Some form of economic analysis is now

4. "When the first edition of this book was published . . . there was neither textbook nor treatise on the application of economics to law." RICHARD A. POSNER, *ECONOMIC ANALYSIS OF LAW* xix (Little, Brown & Co. 3d ed. 1986) (1973).

5. Ronald H. Coase, *The Problem of Social Cost*, 3 J.L. & ECON. 1 (1960).

6. Guido Calabresi, *Some Thoughts on Risk Distribution and the Law of Torts*, 70 YALE L.J. 499 (1961).

7. GARY S. BECKER, *THE ECONOMIC APPROACH TO HUMAN BEHAVIOR* (1976).

8. The textbook is now in its sixth edition. See ROBERT B. COOTER & THOMAS ULEN, *LAW AND ECONOMICS* (6th ed. 2011).

9. See Joni Hersch & W. Kip Viscusi, *Law and Economics as a Pillar of Legal Education* (Vanderbilt Law & Econ. Research Paper No. 11-35, Aug. 6, 2011), available at <http://ssrn.com/abstract=1907760> (citing evidence on faculty at law schools trained in economics and law school faculty positions held by individuals with advanced training in economics).

included in most law school offerings, in courses ranging from labor, environmental, and bankruptcy law to the more traditional courses on tax, antitrust, and commercial transactions.

The same acceptance is true for the economics profession. Most academic programs offer at least one course in law and economics. Cognate courses, from antitrust to environmental to managerial economics, now commonly incorporate the use of case law and statutory analyses. The myriad of law and economics journals are as likely to be read by economists as by law scholars.

The current law and economics debate is not about the merits of the models, techniques, or fundamental assumptions. The debate today is about (1) where this scholarship is or should be headed in the future,¹⁰ and (2) how the results will inform changes to the legal structure.¹¹

Tom was a great “armchair” economist. He had no formal training in economics, although he read popular and professional literature. He had good mathematical abilities, but he was challenged by the advanced techniques often used in economics. Such obstacles, however, did not prevent Tom from developing keen insights into individual behavior and understanding the essential features of market outcomes. These insights are easy to see in the two papers we published.¹² In both papers, the economic analyses were not highly technical or presented in mathematical form; yet, the reasoning, inferences, and arguments were based on some very sophisticated (at the time, at least) analytical reasoning.

Although Tom’s quantitative techniques and skills might have been lacking, his intuition and basic analytical skills were sharp and on-point more often than not. Just before his retirement, we had begun to integrate some of the newer insights from behavioral economics into our law and

10. Thomas S. Ulen, *Firmly Grounded: Economics in the Future of the Law*, in LEGAL ORDERING AND ECONOMIC INSTITUTIONS (F. Cafaggi, A. Nicita & U. Pagano eds., 1st ed. 2004); Claire A. Hill, *A Positive Agenda for Behavioral Law and Economics*, 3 COGNITIVE CRITIQUE 85 (2011), available at <http://ssrn.com/abstract=1922843>.

11. Stephen P. King, *Does Tort Law Reform Help or Hurt Consumers?*, 86 ECON. REC. 563 (2010), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1733401 (arguing that there is no economic justification for limiting damages based on evidence from Australia); A. Mitchell Polinsky & Steven Shavell, *The Uneasy Case for Product Liability*, 123 HARV. L. REV. 1437 (2010) (arguing that many of the purported economic benefits from product liability rules are not supported by the empirical evidence); W. Kip Viscusi, *Does Product Liability Make Us Safer?* (Vanderbilt Law & Econ. Research Paper No. 11-11, Feb. 28, 2011), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1770031 (“[R]ather than creating an environment to foster safer products, product liability law often has adverse consequences.”).

12. Thomas J. Holdych & Bruce D. Mann, *The Basis of the Bargain Requirement: A Market and Economic Based Analysis of Express Warranties—Getting What You Pay For and Paying For What You Get*, 45 DEPAUL L. REV. 781 (1996); Bruce Mann & Thomas J. Holydch, *When Lemons Are Better Than Lemonade: The Case Against Mandatory Used Car Warranties*, 15 YALE L. & POL’Y REV. 1 (1996).

economics scholarship. In short, behavioral economists, following the work of Amos Tversky and Daniel Kahneman,¹³ focused on the mistakes individuals make relative to the rational-choice model. They argued that these mistakes (often the result of heuristics, rules-of-thumb, or information-processing failures) would lead to inefficient market outcomes and justify a variety of legal interventions.

Tom and I, however, argued that the market, with reasonably informed participants on the margin (especially profit-seeking arbitragers and sellers), would correct, in the aggregate, the errors of the individuals. This would be especially true when buyer and seller interactions were repetitive, when success depended on good-quality reputations, and when the participants had a shared sense of valuation. Market outcomes would also provide valuable insights and information to a large number of participants so that individual errors would “cancel” out—the overvaluation of the optimistic would offset the undervaluation of the pessimistic. Thus, the market price would have the “correct” or efficient information.

Before James Surowiecki¹⁴ or Malcolm Gladwell¹⁵ popularized the idea, Tom understood and professed the notion that market (group) behavior often revealed and corrected valuable private information. To demonstrate, he would ask our seminar students to offer an inexpensive way (no buying expensive books or spending large amounts of time surveying activity) to find a good restaurant in a foreign city they were visiting for the first time. After some lively discussion about Zagat and guidebooks, he would point out that just following a local crowd would work. Once he pointed this out, it seemed obvious. But that, as Tom noted, was the point: the obvious is only helpful once you think about it carefully.

Tom would also admit that the “wisdom of the crowd” might not always lead to efficient—or even good—outcomes. When transactions involved idiosyncratic needs or values, if information was new or difficult to understand, or if incentives to hide information existed, then markets may not provide high-quality information. In these types of situations, there would be a role for market intervention through public policy—be it legal sanctions or legislative mediation. And of course, market failures via public goods, externalities, or restricted entry (imperfect competition) would prevent markets from finding the efficient allocation of resources. In all of these instances, policy intervention could be bene-

13. DANIEL KAHNEMAN, PAUL SLOVIC & AMOS TVERSKY, *JUDGMENT UNDER UNCERTAINTY: HEURISTICS AND BIASES* (1st ed. 1982).

14. JAMES SUROWIECKI, *THE WISDOM OF CROWDS* (2005).

15. MALCOLM GLADWELL, *THE TIPPING POINT: HOW LITTLE THINGS CAN MAKE A BIG DIFFERENCE* (2002).

ficial. But Tom would always tell students that it was important to prove the case for intervention, not just accept what appeared to be common sense.

This is the legacy that Tom left to his colleagues and students: Think carefully.

The Least of These: In Praise of Professor Tom
Holdych's Integrity and Dedication to Justice
for the Disadvantaged

*Henry McGee**

Professor Holdych and I were at opposite ends of our nation's political spectrum, yet I admired his integrity and compassion without reservation. He was a Christian gentleman in every sense of the word. At a time when the fabric of our nation is rife with clashing opinions, exploitation of fear, and pandering to extremists, Professor Holdych was the model of restraint. His values overlapped his Christian faith in many ways. I envied his ability to entertain conservative political positions but still express his theories and ideologies with uncommon civility.

His heartfelt political perspective was accompanied by a fervent belief in Jesus Christ, and Christianity was the core of his belief system. He had faith in the productive outcomes of individualism, as well as a profound concern for those less fortunate than himself. He had an immense compassion for the downtrodden, the exploited, and the poor. His work and dedication to the Union Gospel Mission Open Door Legal Services Program suggests that he was able to resolve his internal conflict about an unkind and insensitive social order that often fails those in need. He overcame this tension by giving energetic legal representation to those who most needed it.

Tom Holdych did not conceal his value system. Despite his work in the legal regime that protects the wealth and power of elites, he lived his life according to a moral order that worked to shield the poor from exploitation and depredation.

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Tom Holdych: A Tribute

*Chris Rideout**

Tom Holdych graduated from the University of Illinois Law School, where he was Editor in Chief of the Law Review. He seemed headed to a life as a successful practicing lawyer, first clerking for the California Supreme Court and then practicing at the well-known Los Angeles firm of O'Melveny and Meyers. But in 1972, he changed course, coming to the Pacific Northwest to teach at a new law school that is now the Seattle University School of Law. As a founding faculty member, Tom taught the very first class at the law school, on September 5, 1972. He also served as the first faculty advisor to the school's Law Review. He set a demanding academic standard for his teaching, one against which other members of the faculty could measure their own rigor.

Roughly a year after the law school opened its doors, a movie called *The Paper Chase* dramatized law school life and popularized the figure of the law professor—in the movie, Professor Kingsfield—as someone who could be unyieldingly rigorous and exacting in the classroom. I have no direct evidence that Tom modeled himself after this movie character, but he did develop a reputation for being exacting, rigorous, and incisive in his approach to legal analysis, and for expecting the same of his students. Like Kingsfield, Tom was feared by many of the students in his class. But by the time they had graduated and entered law practice, most of them realized with gratitude what his teaching had given them.

Tom primarily taught courses in Contracts and the Uniform Commercial Code, looking at legal questions through an economic lens. This allowed even more discipline to his method, and he challenged his students—especially those in the first year—to overcome their common sense assumptions and learn to engage in the kind of uncompromising, analytical thinking that would serve them well as lawyers. This became his hallmark as a teacher, and a key part of his success. When I speak with alumni of the law school, Tom's name regularly comes up as one of the professors who best prepared them for the discipline of the law. That is how his students primarily knew Tom. I, however, came to know Tom through lunch.

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For many years, Tom chaired a faculty working group on commercial law, of which I was a peripheral member. The committee's work was routine—coordinating course offerings in commercial law, lining up speakers, and advising students interested in that area of law practice. Tom served as Chair and did the work without complaint, both because it had to be done and because he was devoted to helping students enter into commercial law practice. He knew that the other faculty members in the group would regard the meetings as an avoidable chore, so he reserved a table in the faculty dining room and scheduled the meetings over lunch. With lunch on the table, we came.

Tom always worked hard, and he was business-like about his faculty duties. Accordingly, our lunches always had an agenda. We would work through one item at a time, somewhat like a court working through a motions calendar, with Tom presiding. It sounds deadly ordinary, and could have been, but Tom made it entertaining. His active mind made even the routine work of the committee engaging. He kept the discussion moving and lively, even when the agenda was prosaic. When a consensus began to emerge in one direction or another, he would challenge us to look at things from a different angle. When something seemed straightforward, he would bring in a different point of view. When we thought we might be finished with a topic, he could break it down into smaller pieces, asking us to look at things we had passed over. Tom's mind would begin to whirl over even the most routine matters, and in watching him, I began to understand what it would have been like to be in his class. He was playing with the agenda for the meeting, analytically teasing out the implications of its topics, and loving every minute of it. He never stopped being the law teacher, even at lunch. I could see how fortunate his students had been.

Anyone who knew Tom knew that he was of course much more than a law professor. He was as devoted to his family and to his faith as he was to his teaching. He was overly generous with his time, giving not only to his students outside of class but also to his social service work. He possessed impeccable personal integrity. He was one of the first I knew to bemoan the ownership of the Seattle Mariners (now a common parlor topic among Seattleites). He occasionally still wore a tie striped with the school colors of the University of Illinois. He helped me with a commercial remedy when an auto shop mistakenly drilled a hole straight through the roof of my car. He knew how to catch salmon. And he had a puckish smile that Kingsfield lacked. The law school and the larger community were both well-served by Tom's decision to come north and become a teacher, now almost forty years ago. He left us too soon.

Tribute to Professor Tom Holdych

*John Weaver**

Tom Holdych taught the very first class at this law school. The school was in a very different place both physically and institutionally in 1972. We were a new law school with only one teacher who had significant experience teaching in law schools, and most of us were as young as our students. There were 427 students in our classes then, and for each one of them, Tom Holdych was their introduction to legal education.

They could not have had a better start and neither could the law school. The law school became noted for fine teaching and academic excellence; it is still so noted. This reputation is part of Tom's legacy to us all today and to all of the future students of Seattle University School of Law.

Anyone who knew Tom as a professor knew that he was a demanding teacher with the highest expectations for his students, but Tom never demanded anything from his students that he didn't think they were capable of or that he felt would be unreasonable had the roles been reversed. He had those same high demands and expectations for all of his fellow faculty, and he created an ethic of teaching that is still part of this law school. The young teachers at this law school who today command the respect of the students and their peers do so because of the classroom quality left by Tom's legacy.

The *Seattle University Law Review* that contains this tribute is also a part of Tom's legacy. Tom knew that the kind of law school that we wanted to become needed to have a law review, and Tom knew how to get one started. Tom was the first editor of our law review, making him one of the few people to serve as the editor in chief of two law reviews.

When we made the decisions that shaped our law school, Tom was a clear and forceful voice for a rigorous legal education, but Tom was never really a true Kingsfield. No one had an affectionate nickname for Kingsfield, and he never described the penumbræ of the Bill of Rights with reference to a zone defense as Tom did. On that note, Tom also coached one of the law school's intramural basketball teams and led them to a campus championship.

When the faculty consisted of ten or so lawyers, you may well imagine that the discussions, debates, and arguments that accompanied the decisions we made on matters ranging from grades, to curriculum, to hir-

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ing could be intense. One thing that distinguished our law school was that there never seemed to be predictable voting blocs. We listened to each other's arguments and made our decisions on the merits of the points. When Tom spoke you might disagree with him, but you always knew that he had the best interests of the law school at heart and that he would support the position the faculty adopted whether it was his or not.

You always knew that Tom had thought through his position and that it was logically reasoned. The only time I doubted this was with respect to his continued belief that the Fighting Illini would win another Rose Bowl.

Tom was more than just a good teacher and a good colleague. His concern for our students' personal and spiritual growth helped organize the Christian Law Society; Tom was always active in helping those in need.

Tom and I were very different in a number of ways, but when Tom offered his hopes and prayers at a difficult time for my family, I knew that his would help if anyone's would. I can simply say that—more than anyone else I have ever known—Tom was a good person.