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Hervey M. Johnson
1941-1992

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A Tribute To Hervey M. Johnson

It was with great sadness that we mourned the loss of Professor Hervey M. Johnson in the Spring of 1992. His untimely passing affected his family, colleagues, past and present students, and the Law School itself. But the most profound and enduring effect has yet to be felt. While those of us who knew Professor Johnson lament his passing, future Pace Law School students will never begin their journey into the fog and uncertainty of legal education aided by the guiding beacon of Professor Johnson's socratic tutelage. The profession will want for the absence of young lawyers so trained.

From the first day of Contracts I, it was apparent to all that while Professor Johnson was the prototype law professor, he was anything but stereotypical. His commanding presence and authoritative tone were intimidating to the novice law student, but at the same time left no doubt that few were better able than he to fill his role. With his first class he hit the ground running, and expected no less from his students. Never was he at a loss for a point or counterpoint, and he communicated the subject matter with a thoroughness and practiced ease that evinced mastery. Hervey Johnson demonstrated superior teaching ability, finely honed by breadth of experience.

Professor Johnson's aggressive style was tempered by his southern charm and sharp wit. As he swept through each row of students, searching for an answer to the posited question, those who knew that they were to be called upon next sat petrified. We considered his continued search an implicit rejection of the proffered answers and only later realized, to the contrary, that

this was his way of making each of us think for ourselves, rather than relying on the answers of others. Then, in the heat of the inquisition, he would put the class somewhat at ease, at least partly, with a humorously sarcastic, but affectionate retort.

Hervey Johnson was equally committed to his students outside of class. Whether after class, in the hallways or in his office, Professor Johnson was available and, indeed, eager to listen to and advise students on legal as well as non-legal topics. Commonly, such discussions would go beyond material covered in class: how to approach being a first-year student, legal education as a whole, legal employment, the legal system, politics and even personal issues or problems. While legal reasoning, theory and substantive study dominated his classroom agenda, Professor Johnson was a staunch pragmatist in his extracurricular conversations with his students. No-nonsense, forthright answers to questions about the real world were the hallmark of a dialogue with Professor Johnson. His willingness to share his knowledge and experience gave students the feeling that he genuinely cared about their futures and made him an especially valued commodity at Pace. At his most social extreme, Professor Johnson hosted for his students his well-known, semester-ending, "ugly tie" parties to reward them for their hard work during the semester and alleviate some of the pressure of the upcoming final exam. These events demonstrated Professor Johnson's vision of his students not just as pupils, but also as colleagues and friends.

Professor Johnson had a profound impact on the lives of those who knew him, worked with him, learned from him and associated with him. He will be missed.

Pace Law Review

James D. Hopkins*

As a member of the Advisory Committee formed to assist in the establishment of a law school at Pace University, I first met Hervey Johnson soon after his appointment to the original faculty. Our acquaintance ripened into friendship in 1982 when I served as Acting Dean of the Pace School of Law.

Hervey's interest in the Law School was constant and abiding. He held strong opinions regarding the mission of the faculty and its relations with the students and the bar, and expressed them with clarity and grace, but always with good humor and a readiness to listen to opposing or varying views. He did not allow the passions of debate to overcome his natural tendency toward fairness or to close his mind from persuasive argument.

He maintained an open door policy for students seeking his guidance; at the same time he encouraged them to reach their own conclusions by the use of socratic discussion rather than to impose his judgments upon them.

A law teacher is in essence a translator, communicating the language and discipline of a profession to the common ground of our general experience. Hervey had superbly mastered the technique and process of translation, and his students responded to his obvious skill and enthusiasm.

He gave me vast help during my tenure as Acting Dean. I found his advice valuable and independent, and always directed toward the well-being of the Law School.

It is lamentable that he was stricken at the height of his career as a teacher and scholar. Yet, in the words of Henry Adams, there is consolation in knowing that a "teacher affects eternity; he can never tell where his influence stops." Our memories attest to his contributions to the law, the Law School and his students.

* Former Judge, New York State Supreme Court, Appellate Division, Second Department; Acting Dean, Pace University School of Law 1982-83.

Janet A. Johnson*

Nothing could be more appropriate than to dedicate this issue of the *Pace Law Review* to the memory of Professor Hervey Johnson. His devotion to the Law Review during the first issues was crucial to its very existence. The Review was especially dear to him, for he loved to recall those times when faculty members would pitch in to do whatever task was needed just to get an issue published.

As a founding faculty member, Hervey's remarkable memory was a rich repository of law school lore and history. Stories of "the early days" would come to life for more recent faculty appointees with Hervey's vivid recall of the details of events and the essence of the people involved. One could easily sense his pride in having worked to build the Law School from its opening day.

Hervey loved teaching the law, but his dedication to his students was even deeper. I shall never forget speaking with him early in his convalescence from his near-fatal heart attack in 1985. His first concern was that his students might be prejudiced if he were unable to grade their final examinations. He pleaded with me, as the dean, to wait a few weeks to see if, by some miracle, he might be able to assume that arduous task.

He gave generously of his time to students, the Law School and the legal profession. However, it was not generally known that Hervey was the ultimate good Samaritan. Over the years, I learned from his many beneficiaries that he had guided them through difficult circumstances and had repeatedly gone out of his way to be of assistance to them.

Above all else, Hervey Johnson was a champion of due process. Anyone inclined to operate on the basis of expedience or convenience soon learned that Hervey was a tireless fighter for proper procedure, calm reflection and full consideration of all sides of an issue. He demonstrated a crusader's fervor on behalf of anyone who he believed had not been given absolutely fair consideration or was in danger of not receiving it. His passion-

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ate, tenacious and articulate advocacy on many occasions caused others to re-examine their positions to be certain they were fair.

Hervey served the Law School diligently and with great personal sacrifice for fifteen years. Those of us who had the opportunity to work with him are grateful for his unselfish contributions.

James J. Fishman*

I first met Hervey Johnson in 1970 in the worst possible circumstance: a job interview. I was the interviewee, and Hervey, a member of the Board of Directors of the particular organization to which I had applied for a position, was one of the interviewers. His questions were the most incisive, penetrating, relentless, and difficult I had ever faced. I returned home claiming that I would not work for that organization for double the salary, even if the job were offered, and particularly mentioned Hervey as being the most impossible and offensive interviewer. Of course, this all changed when I was offered the position. Hervey and I became colleagues and fast friends. At the time, he was working in a distinguished Wall Street firm, one of those that require associates to bill 3,000 hours of time per year. Additionally, Hervey seemed to spend at least that much time on pro bono activities.

Several qualities distinguished Hervey Johnson from other people I have known. One was an intense commitment, a passion for whatever he was doing. Second was the belief that if he worked hard enough, he could accomplish whatever he sought to achieve. A third was the time he always had for any individual, no matter how busy he might be. Anyone with a problem could always go to Hervey for help or support.

In his pro bono efforts, Hervey Johnson accomplished much. His commitment, certainty, and ability to stay the course can be seen in the creation of New York Lawyers for the Public Interest, one of the major pro bono organizations in New York City. Nearly twenty years ago, there was a movement to develop a structure to involve law firms as opposed to individual lawyers in pro bono projects. Firm involvement would almost always mean a more substantial public service contribution. Hervey was Chairman of the Steering Committee of the Council of New York Law Associates,¹ an organization of young lawyers devoted to pro bono activity. He developed one proposal for this project. The Young Lawyers Committee of the Association of the Bar of

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1. In 1992, the Council changed its name to the Lawyers Alliance for New York.

the City of New York developed another. The President of the City Bar selected the Young Lawyers' proposal. Hervey, however, felt that their proposal was unworkable. For at least two years, against all advice, he alone kept the Council proposal alive. It turned out that Hervey was right, and his proposal was later adopted, leading to the creation of New York Lawyers for the Public Interest, which is now fifteen years old. Hervey served on the first Board of Directors. These remembrances should not suggest that Hervey only worked. I remember many late evenings, description of which would be inappropriate in this dedication.

Hervey was one of the law school's original faculty members. He devoted endless hours to assisting Dean Fleming in creating a law school. His efforts in the early years were crucial to the school's success. He was one of the original faculty advisors of this Law Review. If there was one flaw in Hervey, it was that he cared too much about everyone and everything with which he was involved. Whether it was assisting someone, counselling them, or working for the law school, Hervey was willing to spend as much time as necessary, often at the expense of his own interests and career. I recall the lines of students outside his door.

His heart attack in 1985, I believe, was brought on by the excessive hours he spent as Chairman of the Curriculum Committee, shepherding through the faculty the last extensive revision of the curriculum. Upon his return to teaching after convalescence, Hervey, with his usual passion and dedication, threw himself into civil rights and civil liberties issues. Although bedeviled by increasingly bad health, in recent years Hervey found serenity after his marriage to Irene, and their adoption of Mary. I remember listening with wonderment as I heard this ex-bon vivant telling all who would listen of the joys of marriage and family. One would have thought he had invented the institution. Hervey was a complex and unique individual. I miss him greatly.

Lucille A. Fontana*

With the untimely death of Professor Hervey Johnson, Pace University School of Law lost not only one of its most valued faculty members but also one of its first and most loyal friends.

For those of us who entered Pace in its beginning years, the school was in a somewhat inchoate state. The classrooms were temporary, the library was yet-to-be-built and early accreditation was a pressing goal. Juxtaposed to that was Hervey Johnson's grand and reassuring vision of Pace - a vision we were treated to on the first night of class along with an introduction to the law of Contracts. He firmly believed that the law school would become a thriving and well-regarded institution, and he worked diligently during his sixteen year tenure to help that vision become a reality.

Professor Johnson was an excellent teacher and an impressive and very likeable person. He had the courtly manners of a southern gentleman. He had a deep, sonorous voice that lent a certain elegance to the widgets and tomato pies which were his favorite metaphors. He had a passion for Constitutional Law. He encouraged scholarship and was the first chair of the Faculty Advisory Committee to the *Pace Law Review*. He also encouraged his faltering students, about whom he genuinely cared. He was kind in a quiet fashion.

For many, Professor Johnson was a friend named Hervey. He will most surely be missed.

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