

Great Hall of the Law School? An old photo reminds me of this alternate, free-wheeling Leech; he is careening through a Warsaw festival crowd on stilts borrowed from a professional entertainer—comic relief between sessions of a staid international law conference. How was the stern law school professor converted into the tender paterfamilias who helped his wife mount her shows of paintings and sculpture in Rittenhouse Square and elsewhere? Or proudly followed and supported his daughters' artistic careers? And what are we to say of his ultimate decision to take early retirement to devote himself to the cello? We shall say, "Here is a complete human being, rich in contrasts, true to himself and thus never false to another, reliably and nobly serving his community."

I take comfort from the Second Law of Thermodynamics, which assures me that the vibrations of his voice, his trombone, and his cello will forever resonate in some corner of the universe.

NOYES LEECH

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I find it difficult to write this piece. Tributes look to what *was*, and they memorialize it. It is right that they should, and I will attempt to conform. For me and everyone else who knows him, however, Noyes *is*. His decision to retire prematurely from Penn's teaching faculty makes it appropriate to publish now. But his continued and continuous energy and activity make it possible that years from now another series of tributes will be written to take account of the rest of his life and the achievements still to come.

Noyes and I met during our first week at Penn Law School, in the spring of 1946, two ex-GIs in a class made up entirely of veterans. We were all happy to be students and civilians. No professor shooting mercilessly (but only verbally) detracted from the comfort that came from our knowing that we would not be targets for any other kind of marksman. Towards the end of that first week the professor in the class on Personal Property asked why the borrower of a watch or book was required to return the particular item borrowed, although the borrower of a pound of butter need only return butter of equal quality and quantity. The question was odd enough, and the answer seemed too obvious

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to warrant discussion. But when no student was able to provide the answer the professor wanted, he concluded the class with the shot that "Butter is fungible!" It came to us as though we should have been born knowing about fungibility and that fungibility is at the root of a fundamental legal principle.

It happened that Noyes and I lingered after that class and struck up a conversation about butter and its newly discovered attribute. Noyes queried whether he should not have gone on for a Ph.D. in Economics, and I wondered the same about Political Science, both of us musing that after a week in those studies we would doubtless have learned about more important outcomes and ones that are dependent on something more intellectually exciting and demanding than the fungibility of butter. But Noyes and I stayed, and we were happy law students. We also became fast friends, often studying together, double-dating, and going to the shore.

Law clubs were integral to the social and intellectual life of Penn law students in our student days and for decades earlier. They not only provided a clubroom for socializing and a fraternity-like group of students with whom it was easy to form study groups, but they also provided the only mechanism through which students could participate in moot court activity. Students not in law clubs could not brief or argue a moot court case. Some eligible students were not invited to join a club—very few. Even fewer eligible students occasionally chose not to accept an invitation to join a club. But black students never had a choice. They were not eligible for membership under the racially exclusionary rules of each of the clubs, and were not numerous enough to form their own club. Jewish students had one club of their own, but were ineligible to join any of the others because their membership rules barred Jews. Noyes, a Protestant, and some of his classmates, Catholics, Protestants, Jews, whites, and blacks, found that intolerable in their law school in this post-World War II world.

Noyes, the gentlest of people, with several of his like-minded, activist classmates, decided to form a new law club, one that would admit students without regard to race, color, or religion. Available rooms in the Law School were a very scarce resource and were all assigned. We discovered, however, that the Mitchell Club had a charter, a minute book, and was entitled to a room, even though it had become defunct during the war. When it had flourished, it had been the second club for Jewish students. Noyes and his co-conspirators spoke to Mitchell Club alumni and then to Dean Earl G. Harrison about reviving Mitchell as an open club. All agreed. Mitchell was reborn with whites and blacks, Jews and Gentiles, and with Noyes as President. It took only a few

years for all of the other clubs to follow suit, and eventually Marshall, the women's law club, merged with Mitchell. Hindsight tells me that over a period of years the absurd barriers erected by the pre-war clubs would have fallen, but there is no doubt that Noyes helped bring the barriers down faster and helped focus attention and conscience on the intolerance that managed to survive Hitler and Tojo.

Noyes was a quiet student, diligent and brilliant, graduating first in our class. No classmate's analysis cut more incisively or deeply, but he was not a drudge or a grind. He read widely, went to movies, played trombone, enjoyed and provided good humor, and wrote limericks that were pithy and funny. As Editor-in-Chief of the Law Review he was demanding and careful. He became my editor then, and I continued to call on him for editing years later when we were both professors. I still would do so if I were not fearful that my imposing the convoluted intricacies of tax law on him might strain the friendship that has lasted over forty years.

After we graduated from law school, in the summer of '48, we both went into law practice, each in different firms, he on the 13th floor of the Packard Building and I on the 12th. We would have liked to practice together, but at that time no large Philadelphia firm had dropped the religious barriers that the old law clubs had maintained. There was none that would have both Gentile and Jew. We lunched together a few times a week, talked mostly about law and politics, and tried out our latest legal theories for winning our cases on the skeptical other. Surprising no one, Noyes became a successful lawyer quickly, and just as quickly the Law School asked him back to join the faculty. I, too, joined the faculty, but being slower than Noyes, it was only after fifteen years of practice.

As a member of the faculty Noyes soon distinguished himself as a teacher, reflecting a deep concern for the students and caring that they learn. His sense of organization, his commitment to truth, his prodigious research, and his careful analysis provided the best in intellectual environment and opportunity. His students benefitted and grew, and to this day many of the earliest ones continue to credit his fine teaching for their appreciation and understanding of Corporation Law and International Law. As a scholar, Noyes has written in both fields of law, and his work is known and respected internationally. His fields are not mine, however, and I leave it to others to comment more particularly on the importance of his published work.

After I joined the Penn Law Faculty, and especially after I became its dean, I learned about and greatly appreciated the contributions Noyes made to the Penn Law School as an institution. His devotion

and his hard, successful work were unique in helping to move Penn to the first rank of American law schools. His service as both member and chairman of the faculty appointments committee has probably included more years than that of any other professor in the School's history. As a person of principle who cared a great deal about the quality of the faculty, he approached every prospective appointment and promotion against a rigorous standard which he would always seek to articulate, appraising the work of a candidate thoroughly, in context, never mechanically, with understanding and integrity. The measure of the Penn Law School has been its students and its faculty. Noyes's teaching and his work as a leading, responsible citizen of the School are major components of the considerable heights it has achieved.

What will Noyes do now? Well, I am not entirely sure. I know that the cello (having edged out the trombone in recent years) will occupy a part of his time. His wife, Louise, may get even more of his help with the puppetry in which they both excel. It is my guess that the international aspects of the law will continue to engage him productively. He will give quiet help and assurance to everyone with whom he has regular contact. All who treasure careful, capable work and value honesty and dedication to principles of decency and laudable standards will be able to admire the fruits of his future activity whatever tacks he takes.

I would say that my relationship with Noyes has been rich. After we both married, the friends were four. And throughout the years before I left Philadelphia, the four of us saw and enjoyed each other's children with some regularity. Will I have forty more years of his friendship and wisdom? A bit much to count on, but I look forward with pleasure to all that I can get.