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In Memoriam: Edward A. Mearns, Jr.

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dean of the school, and I was a newly minted board-certified genetics counselor. The medical school curriculum was changing, and Ted, being a visionary, saw the possibility of offering electives to the first- and second-year medical students that would combine genetics and the law. He approached me, and, although I was somewhat cowed by his position, I agreed to be his partner in the teaching of two new courses: Genetics and the Law and Ethics and Genetics. It was a revelation to me. As we planned the courses, I realized that I was not going to be taking a backseat—Ted valued my ideas and made me a part of each planning session and each class even though I had little experience in teaching. In class, Ted was engaged and engaging. He was always impeccably prepared and always encouraging students to participate. While the students and I were often looking for the right answers, Ted was always looking for the right questions. It took a while for us to realize this and to get into a different way of thinking.

Ted was a *mensch*, a Yiddish term for a very Catholic guy, but it fits. Ted truly was a good man; there is no other way to put it. He was a person who listened without interruption, a person to whom all students' ideas were worth discussing, and a person who valued everyone. Ted was also somewhat of a saint. He seemed to care more about others than about himself. However, while I find that most saints are not likeable (curious, but true), this is not the case with Ted. Ted was not only likable, he was lovable, and I did come to love him.

These are things to do in memory of Ted. Dress elegantly, but *no bling*. Sing an old song. If you don't know any or can't sing, go hear George Foley at The Tavern Company and hum along. Drink a glass of red wine; go for a run; remember those striking blue eyes and try to see what he saw in others; remember that blazing smile and give one of your own to someone else; and, above all, cling to whatever is your faith and love life.

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Robert P. Lawry[†]

Edward Andrew “Ted” Mearns, Jr. was a man of parts. That is an old fashioned way of saying he was a man of many talents and varied interests. I would like to share with you some tales of Ted, as they exemplified some of those talents and interests. I do not expect to capture the whole man in these few words—but I do expect to remind those of you who knew and loved him of what a diamond of

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many facets he was. For those of you who did not know him, I hope I can provide a glimpse of what made him so special.

When I first arrived on campus in the summer of 1975 to teach my first set of classes, I quickly discovered Ted Mearns, a friendly man, a good Catholic boy, and a seasoned teacher. He quickly became a dear friend and, not coincidentally, my go-to guy and mentor for all things that law professors should know—but for which, apparently, no manual had yet been written. He already had by then over fifteen years of teaching experience, including several as a dean. There wasn't anything he hadn't seen or done. Luckily, he was there for me early and often. For example, the first class I taught was Administrative Law, in a summer-school session to about a dozen students. I remember casually asking him for tips on the task of preparing my final exam. I remember even more vividly rushing to his office for big-time help when it came to grading the darn things. I told him I didn't have a clue. He laughed, calmed me down, and, after talking about a few technical matters, ultimately assured me that I would be fine if I just trusted my own instincts a little more. He believed that if you worked hard and were conscientious, you've done what you can do. Like many good teachers, he reminded me of what I already knew but somehow had misplaced.

Several years later, I cofounded an organization that later became the Center for Professional Ethics. Our initial steering committee—made up of faculty, students, and administrators from nearly every school in the university—decided our first public conference was to be on “the socialization of the professional student.” We had noticed how quickly students adopted professional personas before understanding quite what those personas meant. One brief conversation with Ted convinced me we had our keynote speaker. Ted Mearns had thought long and hard about the subject we had just stumbled over. Without recompense (he didn't ask for anything and surely knew we had little to offer), Ted nevertheless delivered a brilliant address on the subject—probably one of many he gave throughout his career but never reduced to writing or published. My ethics center was launched, and Ted shrugged and went on to the next thing. Ted's work as an educator, a teacher, and a mentor—not just to the likes of me but to other faculty and to tons of students through the years—is the most obvious part of his many parts. He tirelessly counseled students to their great benefit but, no doubt, to the detriment of other aspects of his career. But generosity toward others was always his way.

One of Ted's lesser-known talents was his athletic prowess. The archives at Southside High School in New York and at Yale contain evidence of his ability on the basketball court and as a cross-country runner. But I am here to attest that on one bright autumn day in the late 1970s, Ted Mearns threw three touchdown passes as the law faculty defeated the Law Review students in a spirited touch-football match. To my knowledge, this was an unprecedented victory for the

faculty. The annual faculty–Law Review game disbanded a year or so later, allegedly because faculty kept breaking ankles and otherwise turning up lame (and also allegedly filing worker’s compensation claims right and left). But the Mearns golden arm did indeed triumph once upon a time. I should know. He threw those three touchdowns to me.

Ted Mearns could laugh—and liked to. It was a warm, open, come-sit-down-and-chat kind of laugh. And Ted could sing. He often sang publically in his retirement. This was another talent some of us didn’t know about until we stumbled into Jimmy O’Neil’s or The Tavern Company on Lee Road and found him warbling tunes from the Great American Songbook.

But Ted was also a very serious man. He was serious about equality and justice. I worried about his health during those days he was Judge Battisti’s special expert in Cleveland’s school desegregation case.¹ He cared deeply, and he worked stupefyingly hard on that case and throughout his life so that prejudice—particularly racial prejudice—might be banished from the Earth. And Ted was serious about the life of the mind. Endlessly curious about what makes us tick, Ted was a man who wanted to probe the mental makeup of human beings. So, he made psychology and even psychiatry part of his varied expertise and the medical school very much a part of his university career. But he also knew much about so many things: economics, philosophy, history, and politics—to name just a few that we talked about often through the years. He shared with me on several occasions his concern that he did not strike the proper balance between depth and breadth in his interests and concerns. He used to refer to a medieval saint (I think it was Dominic) who had a very small library but knew every book in it in intricate detail. At the same time, he told me he wanted to teach constitutional law to the same class over and over. First as real law; then, as history; then, as politics; then, as philosophy; then, as economics, sociology, and who knows what else?

Ted retired abruptly, I thought. But the reason he gave echoed in my head when I made my own exit as soon as I was able. Although he had had a health scare, I remember asking him why he was leaving what he had done so well for forty years. He said he wanted to go hiking with his grandchildren while he still could and left it at that. He did not need to elaborate. I knew what he meant from listening to all the stories he told about his family. Those kids, all nine of them. Those grandkids, all of them then and many more all these years later. Ted was a modest man, but I stand on solid ground when I say he was given to bragging rather energetically when it came to his brood. Where else would I have learned that this one was Olympic

1. *E.g.*, *Reed v. Rhodes*, 422 F. Supp. 708 (N.D. Ohio 1976).

material? Or that one had a good shot at being a Rhodes Scholar? When he started on the exploits of the grandchildren, I knew it would never end. I know all about the virtues and talents of the nine children and many of the Mearns grandchildren. I know nothing, however, of defects in any of them. Although Ted was a realistic man and as honest a man as I ever knew, somehow all he could say of his children and grandchildren was that they were good, true, wonderful, talented human beings, without mortal or moral blemish. Oh my, was he inordinately proud of his whole gang! I hope he got a chance to go hiking with some of his clan.

But I know that too soon after Ted retired, he began the long, hard task of caretaking for his beloved wife. His time was not quite his own. I can remember a luncheon we had in 2005. I had just published a small book of poems, and I wanted to give him a copy. Selfishly, I knew he would read and comment on it, which he of course did later in writing. But I also wanted to catch up a little. We hadn't seen each other in a while. He ordered a scotch right off, winking, but not entirely hiding his situation. "I don't get out very often anymore," he said. It was then that I finally realized what Pat's dementia was costing him. He told me a detail or two, but he did not complain or make much of it. At Pat's funeral, his oldest son said that Ted never regretted a minute of the labor and sacrifice he made for Pat, and his pastor called him "the best husband he ever knew." Ted was the proudest father and grandfather I ever knew. I add those attributes to the long list of his interests, talents, and achievements. Those are worth all the law review articles anyone could write in a lifetime—and then some.

Ted Mearns was an uncommonly good, deep, gentle, and thoughtful Catholic man and American citizen. But I do not have time to develop what those descriptive statements mean because I want to end on something that I think eluded most people about my friend: his solitude. I am reminded of the times he talked about his need (and desire) to get away. He was such a people person, but he also wanted to think alone, to read alone, perhaps to pray alone before his god. He didn't do it often. He was too responsible and too much in love with folks. And in the end, he couldn't do it at all because Pat needed him so. He needed to be there for her. But he did have a part of himself—this man of many parts—which wanted to slide away and be alone with just himself. He probably would have agreed with Robert Frost, though: "That would be good both going and coming back."²

This time, however, he won't be coming back. Still, he lived a full and complete and exceptionally good life. So we shall not be too sad. And now that he has finally been able to get away for a bit, I might

2. ROBERT FROST, *Birches*, in MOUNTAIN INTERVAL 37, 40 (1916).

be forgiven for wanting him to come back again to bless us as he did for all the years he was ever so much with us.

Laura Ymayo Tartakoff[†]

What good fortune to have had Ted Mearns as a teacher! A lottery assigned me to his class, and little did I know the consequences this would have. Therefore, to Providence or destiny—call it what you may—I owe having had Ted Mearns as my constitutional law professor. To him I partly owe studying legal philosophy’s link to Kantian dignity with Italian professor Giovanni Bognetti, serving as a clerk for Judge Frank Joseph Battisti, and realizing that one of my vocations was to teach constitutional law—as I have done at the undergraduate level at Case Western Reserve University since 1994. In fact, Professor Mearns knew and happily accepted my using his final exams’ right-wrong proposition format in my midterms and finals. Using his format recently, once again, gave me the opportunity to tell my students about Professor Mearns’s insight, which was so often evident, including when he once observed that one of the few things he had in common with Justice Scalia was having had nine children.

During my first semester of law school, I discovered that Professor Mearns’s clarity, patience, and examination formula were excellent. Not long thereafter, Professor Mearns simply became Ted, and, with the passage of the years, I came to understand that he exemplified in many ways C.S. Lewis’s *The Four Loves*—a book of reflections on affection, friendship, romantic love, and charity.¹ Although difficult to summarize in a short discussion, affection is, in the words of C.S. Lewis, “the humblest love,” common between parents and their children, and possible between any two individuals.² Friendship is essentially a tendency towards cooperation; romantic love can blend nicely with friendship and be enriched by it. Just ask Ted and Pat or Pat and Ted. When it comes to the mystery of love, the sixty-year-long marriage of Ted—the law professor—and Pat—twice-elected Shaker Heights mayor—speaks for itself. They adored each other. According to C.S. Lewis, since affection, friendship, and romantic love often break down, we need a higher love—not to replace but to fulfill and order them, or even to give them a reason for existence.³

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1. C.S. LEWIS, *THE FOUR LOVES* 31, 57, 91, 116 (1960).
2. *Id.* at 33–34.
3. *Id.* at 125–27.