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Remembering Harry Pratter (1917-2002)

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INDIANA UNIVERSITY
Maurer School of Law
Bloomington

Remembering Harry Pratter (1917–2002)

At this year's annual Alumni Weekend, colleagues, family, friends, and former students of the inimitable Professor Harry Pratter, who died in March 2002, gathered to share their recollections of his life and career.

Pratter, who was born in the Ukraine and emigrated to the United States as a child, began teaching at the Law School in 1950, after earning his JD from the University of Chicago. He taught many different subjects, including Commercial Law, Negotiable Instruments, Conflicts of Law, Contracts, Torts, and Family Law. But more fundamentally, "he taught life," according to Professor Fred Aman, longtime dean of the school.

"For Harry," says Aman, "there was no such thing as just a legal problem. There were only human problems with which the law must deal."

The following remembrances were presented by Pratter's former students:

Samuel "Chic" Born, JD'70

So you've come to law school? You really are from Gas City? No way! But, it's your first day at law school, and you've been faced already with a reading assignment.

You have arrived 10 minutes early for this first class — a five-hour course in torts. There is a seating chart, so you find your assigned place and take a seat. Other students arrive; some were already there. All appear a bit nervous — at least to a kid from a small town. At one minute past 9 a.m., the door opens tentatively. This balding fellow, with one stray lock of hair, peers in. He is somewhat hesitant. He comes on through the door with books in his left hand and walks with his eyes averted from the students, looking toward the wall on



Harry Pratter, circa 1995

his right. He is stooped slightly, bent as if pulling a laborer's cart, and he maintains this posture until his left foot steps on the teaching dais.

When this man hits his mark on the raised dais, his entire aspect is transformed. He throws his shoulders back. He stands tall. He flips that unruly lock of hair out of the way — it had been dangling in front of his left eye — and the transformation is complete. He may have trudged with the gait and appearance of a workman, but now he is the ringmaster!

This was my introduction to Professor Harry Pratter on my first day of law school, in my first law school class. I will not forget that experience because Harry Pratter, when he stepped on that teaching dais, was as unforgettable on my first day of law school as he was on my final day in attendance as a student here in Bloomington.

Professor Pratter taught law on at least three levels. As law students, we could conceive of it as three intellectual horizons. The first horizon —

Caslimi

close to us — was a direct definition of the substantive legal theories and precepts within a specific legal subject matter: the elements of a particular cause of action, a principle regarding choice of law, enumerated items within a provision of the Uniform Commercial Code. This teaching of the hard facts of the law showed us Professor Pratter in his best Socratic guise.

Harry Pratter may not have known Socrates, but he certainly understood his teaching regimen. Don't you remember? How the professor could literally pound you with questions while teetering back and forth from heel to toe on the dais? As you got closer to a "better" answer, he would lean forward and bounce on his tiptoes, encouraging you to help him find the right answer. When you missed the answer — and each of us

would — remember his disappointment? How his expression changed and that lock of unruly hair dropped back over his eye? How he could dismiss you with a wave of his hand?

The statements he would make in class! Some were classics. This is not all, but some of his better ones included:

- Quoting Dickens, "The law is a ass."
- As he dropped three or four case books loudly on the teacher's desk, "Excuse me, did I awaken you?"
- "How do you define success as a lawyer, son? You know you're successful when you have a Waring blender and you belong to the country club."
- "The law is too rich for the human mind."
- "You're a lawyer, now, young man! You're in front of a jury right there in Gas City.

What's the first thing you do? You shoot your cuffs! No self-respecting lawyer can't shoot his cuffs!"

- "It's four o'clock on the sun; what time is it on earth?"

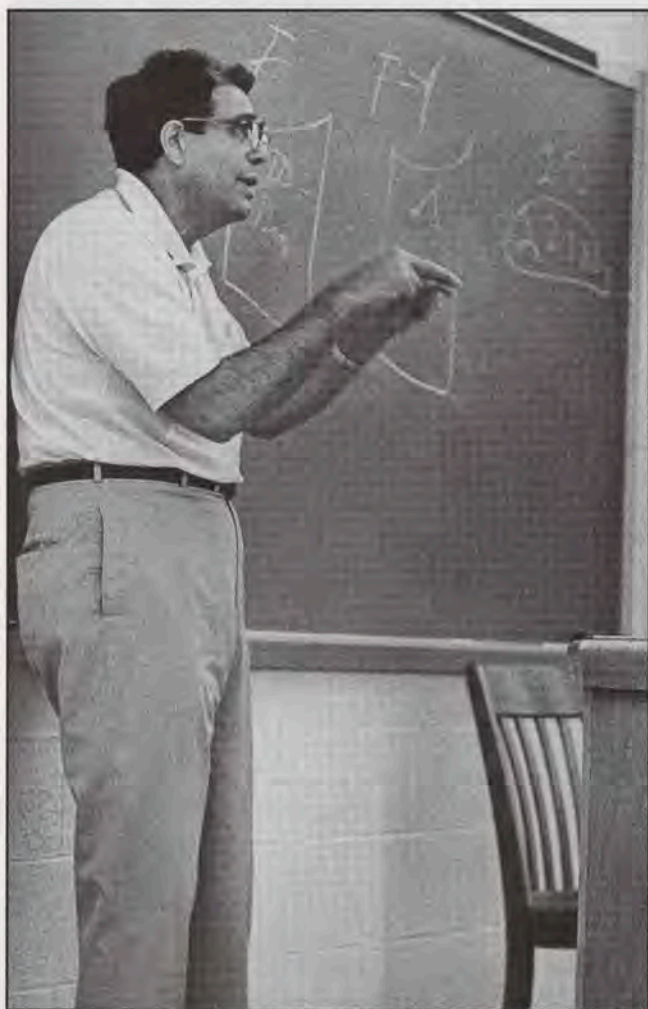
Harry Pratter believed that good lawyers had to be drudges some of the time simply to get — to understand — the law. He told me one time, "Son, in college you may have read 600 to 800 pages per week. Here, you will not read to cover as much, but you will read in a far more concentrated way: deeper, better, much more carefully." That was the student's view of Harry Pratter on the law.

But Professor Pratter taught law at a second level, one that required us to

raise our eyes and view a more distant horizon. Harry Pratter marveled at real life and how the law reacted to real life. How he made you laugh when he described Mrs. Palsgraf's predicament! What an outrageous display! Harry Pratter standing on the teacher's desk pointing at the railroad below and the scales on the platform where Mrs. Palsgraf stood above. He was excited by his description. He was having fun and so were we. His explanation and his exclamations were exciting, entertaining, educating. What a gremlin! an imp! a court jester! Harry Pratter could be. And he taught you that, indeed, the law is sometimes "a ass" and sometimes too rich for the human mind. But he taught you that it was necessary to see, feel, and know the facts of a case just as much as you needed to understand the law.

Professor Pratter taught an even more elevated sense of the law, too. And this was a far horizon. This was a horizon that required us throughout our law school careers to put our intellect on its tiptoes, to shade our mind's eye from the harsh judgmental sun and peer as far as we could into the distance. Harry Pratter's fullest gift as a law professor, as a teacher, a pedagogue, one who cared about each of us — I believe — was that he taught us to imagine. To teach law students, who are becoming more cynical by the day, that imagination is required at all times in the practice of the law is an incredible feat. It is one feat that Harry Pratter accomplished each and every day he came into a classroom.

He may have appeared to approach the teaching dais from the exterior door in a hesitant fashion, but he was hardly a timorous beastie. Harry Pratter was no shrinking violet. This was not timidity that he displayed as he approached his professorial dais. It was thought! I am convinced he was thinking, each and every day, "How can I teach these people to think, to think like lawyers, to act like lawyers, to understand the law, then to change it?" Imagination was Harry Pratter's greatest gift to



Harry Pratter, circa 1970

each of us as students.

Imagine! And every time we do, we thank you, Professor Pratter!

Born is a partner at Ice Miller, Indianapolis.

Joseph "Andy" Hays, LLB'59

Harry Pratter was a gracious, gentle man, a true gentleman.

He was a man of tremendous intellect. He possessed a photographic memory.

His was a unique intellectual reach that touched on so many subjects, coupled with a driving, unrelenting inquisitiveness.

His greatest passion, however, was for the law.

As a learned man of the law, he was especially studied in the principles and practices of law as they related to commerce.

He thrived most when he became involved in a scholarly dialogue with students and his faculty colleagues.

He had a great feeling for law students, a special compassion, and he was tireless in their support.

Through all of his activity, he possessed and practiced a rare sense of humor.

Having offered these positive, admirable attributes, they are not the only elements that made him so special back when my class was here, back in the late 1950s.

Born in 1917, in Kiev, in the Ukraine of Czarist Russia, Harry was the son of a medical doctor. Shortly after Harry's birth, as the Bolshevik revolution was under way, both his mother and father died in a typhus epidemic. While the details of the ensuing events are vague, it is known that a relative of his mother attempted to provide a home for Harry and a sister, but both children could not be properly cared for. So, young Harry was separated from his sister and sent off to live in a small Ukrainian village with a distant male relative of his father, a man with a significant number of issue, some 16 or 17 children, it is told. Harry related that the sons and daughters of that man, distant cousins, raised him in his earliest years.

An older son in that new family was a pharmacist and, in the early 1920s, he came to Buffalo, New York and established a business and a home. This permitted him in 1925 to bring the entire family to Buffalo and those cold windy shores of Lake Erie. It was during this immigration that then 8-year-old Harry acquired the name "Pratter." The clerks at Ellis Island fractured the family name, Predarkov. Predarkov became Pratter.

As Harry approached teen-age years, the older relative passed away. Harry was subsequently raised in Buffalo by his distant relatives. Harry often described to Mary Rose the affection and caring he felt in this environment, that he was very comfortable in this adopted family. He related that, as the youngest in that situation, he was spoiled beyond the pale. The love he felt inspired him, he related, giving him great comfort in his early life and confidence as a young person.

He was graduated from the public school in Buffalo. This was in those tough depression years of the 1930s. Then at what is now the New York State University at Buffalo, he studied in a liberal arts curriculum. He had a special interest in English literature. He was awarded both his undergraduate and master's degrees. In the late 1930s, however, there was a paucity of opportunities to make use of his study and degrees. The Great Depression lingered in that period of military build-up prior to World War II.

He described that the best way to make money in those times was to work in the expanding defense plants. He became "Pratter the riveter," blocking the rivets in the production of the wing assembly of military aircraft.

He was of that extraordinary generation that did so much for us all.

As the country became embroiled in World War II, Harry Pratter served in the Army Signal Corps in the war with Japan. He described that his longest period of service was at posts in New Guinea in support of operations in the South Pacific.

Before going off to the South



McGuire Studio Inc.

Samuel "Chic" Born, JD'70



Joseph "Andy" Hays, LLB'59

Pacific, Harry Pratter married a native of Buffalo and an Ithaca College graduate, Mary Rose Lavin, a young modern dancer and physical education teacher.

After the war, upon his discharge from the service, he taught for a few semesters in the English literature department at the University of Buffalo. Pressured by his dean to pursue his PhD degree, he chose instead to pursue a career in law, having been inspired by the writings of professors at the University of Chicago Law School.

In the fall of 1947, at the age of 30, he enrolled at the UC Law School. This bold pursuit of a law degree was

funded from the combined cash flow of Harry's GI Bill and Mary Rose's job as the recreation director of Chicago's Michael Reese

Hospital Nursing School.

His post-war class of 125 students was of a much older average age than the traditional first-year law students. They were mostly GIs who had served in the several branches of the military during the war. Almost all were married. Many had small children. Most of all, in the maturity forged in their experiences in the war, those GIs were strongly committed to making a success of their graduate study.

In these days, both the university and the law school flourished under the leadership of then-president Richard Hutchinson, in what are described as the "most golden days" of the University of Chicago. In that class of achievers, Harry Pratter made his mark: He recorded superior grades, developing a reputation for both his scholarship and an eclectic, unyielding curiosity. He was described to have acquired a profound zeal for the law.

His success as a law student established, in his senior year, Harry Pratter was named as one of six managing editors of the school's law review. The curriculum vitae of Harry Pratter's law review colleagues reflect outstanding achievement: senior and managing partners of great law firms, leading positions in government agencies, and service on the great courts of our judicial system.

In recent weeks, I sought out and spoke with several of the surviving colleagues on that 1949-50 law review staff. The comments about Harry Pratter were very similar:

"He was an older fellow, maybe the oldest man in our class. ... He was very serious about every aspect of the law. ... He was constantly reading, but he never seemed to be studying the cases required for his then-current classes. ... He was always fun, pos-

"Those who knew the man would agree, I suggest, there was seldom a subject about which Harry Pratter could not comment."

— Joseph "Andy" Hays

was a learned scholar of the Universal Commercial Code, both as to the policies that created it and the substance of

the code itself.

sessing a quick and great black sense of humor. ... He would be always the first to ask a question in class. ... We knew he came from teaching, and he was one of our class that appeared destined to be a teacher."

And a teacher he ultimately became. Graduating from Chicago's law school in the spring of 1950, he was extended by the then Indiana Law School Dean Leon H. Wallace the opportunity to head a new and unique program for foreign students on the campus here in Bloomington. And he began what would become a 44-year tenure at IU's Law School. That career began in a small office over at venerable Maxwell Hall, then the home of the School of Law.

Mary Rose describes that their first home in Bloomington was located adjacent to Herman Wells's residence at Woodburn House.

Six year later, in September 1956, my classmates and I were enrolled at the IU Law School. That year, 1956, was the first of the Law School's venue here at the corner of Indiana Avenue and Third Street. As the Class of 1959, we were the first to be graduated from this new law school building. Many of us had served in the military during the Korean conflict, and, like Harry's class 10 years earlier, most of us were of an older average age than traditional first-year law students.

Back in the mid-'50s, we were blessed with a great faculty: Jerome Hall, Val Nolan, Austin Clifford, Ralph Fuchs, Frank Horack, Ivan Rutledge, Bill Oliver, Leon Wallace, and this man from the UC Law School, Harry Pratter, then in his sixth year at IU.

We were treated to several classes offered by Harry Pratter: Negotiable Instruments, Domestic Relations, Conflicts of Laws, and Contracts. He

the code itself.

And, too, he was fascinated by the unfathomable, complex writings of the eccentric Cambridge University philosopher Ludwig Josef Johann Wittgenstein. In what was a new and innovative class for us as freshmen, called the Krannert Studies, this professor required that we read some of Wittgenstein's essays. These focused on his theories of logic for classic understanding, especially, as they could be utilized in the case study method. My recollection is that our eyes glazed over when Harry attempted to enlighten us on what old Wittgenstein had to offer.

But despite that shortcoming, our class established a special bond with this man Pratter and his peripatetic style and great humor. I remember in our Conflicts of Laws course, he dwelled on the common law's idiosyncratic practices for notice and service of process. He dwelt specially on the English courts' recognition as proper that notice would attach by the posting of claims on the remote and distant door of the court house on the Island of Tobago, that tiny English possession down in the far reaches of the Caribbean. Our learned professor lectured that such notice in an isolated site was sufficient to make claims against maritime assets around the globe. We challenged this warped concept of notice, righteously asserting it was sophistry. He defended the practice, chiding us for our lack of acceptance and understanding of the roots of the common law. The exchanges became passionate.

Several of the class lived in an old Victorian house down the street, one with 14-foot-high ceilings and, under them, great, heavy 12-foot-high doors. Early one morning we took down one such door, hauled it over to

his classroom, and propped it up in front his lectern. As planned, it was obtrusive and covered with bogus claims and notices we had created. Pointedly, these writings challenged the professor's standing as an intellect, his level of scholarship, and his ability to teach. It was all in good fun and he gave it back to us in memorable dialogues.

Those who knew the man would agree, I suggest, there was seldom a subject about which Harry Pratter could not comment. On the campus at large he was continually involved in commentary and seminars on many subjects. One time, here in the Law School, he took part in a highly publicized debate with some learned and equally loquacious wag from another discipline, from one of the other colleges.

We all attended, having enjoined our professor not to cause any mar on the escutcheon of our noble law school. For the debate, one of our colleagues provided our man Pratter with a tray, on which was provided a pitcher and glass. Unknown to him, instead of water, in the pitcher was straight gin, with the appropriate amount of ice.

With all of us in on the scam, we were stifling guffaws as our man in the faculty poured glassfuls of the liquid and constantly sipped from his glass during his extensive — nay, long-winded — remarks on his obscure subject. In the subsequent critique of his experience, while I cannot remember precisely his remarks, he said something like this: "In the heat of debate, the champion is not daunted along the way to ultimate victory, he stays the course, but it is of great benefit to him to be properly refreshed along the way."

With the fullest respect to the man Pratter, it is fair to say that he had a short attention span on some aspects of the courses he taught. The sparkle would leave his eye when he came to every routine aspect of his subject. When that occurred, and it was often, he would veer off the subject and intersperse his lecture with observations about lawyers and the law and

Instructional Support Services, Paul Riley



Harry Pratter, deep in discussion with Earl Singleton

life's lessons.

One such lesson, for which he became legend, was that in lawyers' experiences they will be required to demonstrate to clients and juries their élan, their panache, their dash — all to show that lawyers are unique professionals. One such method to demonstrate these qualities is to adroitly shoot one's cuffs.

This resource could be acquired only by the constant practice, early on, that is, to extend the cuffs of one's shirt out beyond the cuffs of one's suit coat. He told us, "To show properly one's linen in this manner is to be the consummate professional." Harry would demonstrate this with repeated extension of his arms, pointing to the resulting exposed cuff of the shirt.

Another of his memorable conclusions centered on the appropriate dress for Hoosier lawyers. He counseled that when we were to appear in front of the Hoosier juries in the small county courts around the state, it was not wise to wear white socks with a blue suit and black shoes. Juries usually conclude, he offered gravely, that a lawyer at the bar who wears white socks with dark suits would be from out of town, like from Chicago or Cincinnati, and Hoosiers just can't relate well to lawyers from big cities

out of state.

The man had fun exercising his wit to keep us involved and learning. And we loved it, given the contrasting, very somber, crisp, business-like lectures by most of Harry's colleagues.

And he had staying power. Given tenures of law professors, he was at the school for an impressive number of years. Look at his unbroken record of service here. He served this law school for 44 years as a formal member of the faculty, and another seven informally, for a 51-year total. Remember, he served here under no less than eight deans. Pray, consider that burden. For one year, he even served as acting dean. Pray, consider that chaos.

And, too, in the five decades he was involved here, this law school expanded, it prospered and flourished, adding constantly to its reputation for breadth and excellence.

In the 160 years that this law school has existed, the record shows that almost 9,000 law degrees have been awarded to its graduates. In Professor Harry Pratter's tenure, some 6,200 lawyers graduated from this school. It is a fact, then, that Harry Pratter was exposed to and involved with two-thirds of this law school's graduates. More than likely,

he taught classes to two-thirds of those graduated here. Think about that.

But beyond the merits of this extraordinary

tenure, he inspired so many of us with the combination, first, of his wide-open, constant desire to be challenging the premise on so many subjects and, second, his cutting sense of humor.

We remember him as a gracious gentleman ... as a brilliant intellect ... as a learned man of the law.

However, his most memorable and special qualities, like no others in the modern days of the Law School, were to be constantly engaged in the intellectual give-and-take and to do so with such an uncommon wit.

These two elements are what set Harry Pratter apart.

Hays is president of the Hays Group, a consulting firm that provides counsel to companies on communications policy.

Sarah Riordan, JD'93

I was a student of Mr. Pratter's in the winter term of 1992. During that semester he talked to us about philosophy, torts, history, art, music, poetry and other forms of literature, and, here and there, basketball. For a moment or two, he also talked to us about Article 2 of the Uniform Commercial Code.

There were several of us uptight law students who thought during the course of semester, "Hey, what's this guy going to test us on? Is he going to test us on the formulation or is he going to ask us questions about the code? What's the deal?" By the end of the semester, of course, everything worked out perfectly, because we had learned all the major points of the code and how to read and understand it. In addition to that, we also got the good stuff: the jokes, the Pratterisms, the formulations, the references to the French Law, and all those things that made it such a special experience for us. I guess, for me, it was all of those things com-

"Unfailingly considerate, as well as solid in demeanor and character, Harry Pratter personified professional dignity and courtesy."

— George P. Smith II

bined with his manner and his messy hair that really left me completely smitten. The same was true for my roommates who were also in the class.

So, the next fall when I was no longer his student, and one of the items up for bid in the Women's Law Caucus fund-raiser auction was cocktails with Harry Pratter, we were all over it. We pooled our money and went to the Women's Law Caucus Auction, and we fought off many very competitive bidders, but in the end, we won. We secured our date with Harry.

A few days later we went up to his office to get it set up. We were worried that he might not remember us from last year. When we got there he said, "I've been waiting for you. You bought me at auction, so now I am your slave." We made the date and, of course, we met him at Nick's — where else? When we got there, he was waiting at a table. We went over and sat down, and he said to us, "You can have whatever you would like to eat and drink, it is all on me." And he leaned in and added, "Have you ever had a boilermaker?" We hadn't. So he explained that there was beer and some whiskey involved and it was great thing to have. He said, "You could have one if you like." It was boilermakers all around.

Of course, he was very interested in us, very solicitous. He wanted to know how we were enjoying law school, how we felt about being women entering this profession. He wanted to know what we planned to do after we graduated — none of really knew at that point. Of course, he said, "Well if there is anything I can to help you, let me know. I'm your slave." During that night, he also talked a little bit about himself and some of the remarkable things

that he did during his life. As you can imagine, it was all very low-key and modest.

One of the things I remem-

ber him telling us is the story of how he met Mrs. Pratter, and how in one of their first apartments they had this thing called a Murphy bed. We had never heard of a Murphy bed. He explained to us that you just fold it up into the wall and there are doors that you close over it like a closet. When you get ready to go to bed, you just pull it down and go to sleep, and in the morning you get up and fold it up and close the doors — sounds like a terrific thing. To us, after a boilermaker or two and hearing him talk about Mrs. Pratter and about their Murphy bed, this was the most romantic thing that we could imagine. After a while, he had to get home to Mrs. Pratter, but he said, "You girls feel free to stay and have whatever else you would like to eat or drink, and it's on me — it's on my tab." He reminded us that he was our slave.

True to his word, Mr. Pratter remained very responsive and attentive over the years. Later that semester, when Bill Clinton was elected president, my housemates and I threw a big party and invited everyone we knew, including Mr. Pratter. We didn't expect him, but he showed up at the door in his hat. The other students, of course, were very impressed that this professor had shown up at our house. It was even better when he shared with many of them that he was our slave.

And he helped me get my first job. When I met him on one occasion here in Bloomington with my Mom and Dad, he went out of his way to say nice things about me to my parents and tell them that I was such a good student — which was sort of true. Anytime that I came to Bloomington and wanted to stop by or talk to him on the phone or visit and talk about my career and whatever else was going on, he always made time, even

when he wasn't feeling so good. When my own father died, Mr. Pratter was one of the first people to say comforting things to me and to my family. The last time that I saw him, it was at a party. I wanted to monopolize his time, and he was OK with that too. I know that I am just one of literally generations of students that he taught and helped. I am so very glad — and I know that I am very, very lucky — to be a part of that group.

Riordan is an associate with Bose McKinney & Evans, Indianapolis.

George P. Smith II, JD'64

"Tell them I had a happy life." — Ludwig Wittgenstein on his deathbed, from "Wittgenstein: The Terry Eagleton Script," *The Derek Jarman Film 3* (1993).

This past July, while working at Cambridge University, one morning I took a stroll down All Souls Lane to Ascension Parish Burial Ground, formerly St. Giles and St. Peter's. I had made this visit several years ago and reported on it to Harry, who, in turn, expressed great interest. This time, the visit was especially sentimental, for it honored Harry Pratter and his mentor, Ludwig Wittgenstein, who is buried there. Unlike the reported efforts of Hillary Rodham Clinton when she was in the White House to channel the spirits of Eleanor Roosevelt and Mahatma Gandhi, I did not seek to channel either Harry or Ludwig's spirit. Rather, I sought to recognize and pay tribute to two great influences in my life.

Without doubt, Wittgenstein was the animating force in Harry's intellectual life. The Wittgenstein grave is marked by a horizontal granite slab with his name and the years 1889–1951 on it. At the head of the marker is a small ivy plant, three pine cones, and several pebbles, together with a miniature wooden ladder (symbolic, no doubt, of Jacob's ladder to heaven written of in the Old Testament) and some 12 tuppence. I did not then, and still do not, understand the significance of the coppers

being on the gravestone, but I placed three additional pieces with the other coins — one each for Harry, me, and the IU Law School.

Wittgenstein said, reportedly from his deathbed, "Tell them I had a happy life." I think it is a clear statement of the record, that, on balance, Harry Pratter had a good and happy life, for he succeeded admirably in making his beloved family and those around him not only happy but secure intellectually.

The Book of Proverbs tells us that "a good name is rather to be chosen than great riches." Harry Pratter had both, and his riches were to be found within a caring and supportive family, respected colleagues, grateful students, and rewarding and self-sustaining personal values of loyalty, friendship, decency, humility, compassion, grace, and good humor.

Insofar as it is possible for any human being to be both wise and worldly wise, to be selfless in any material sense, to have no envy, jealousy, vanity, or conceit, to harbor neither malice nor hatred (seldom even moved to anger), and to always be reliable, considerate, generous, and never cheap, Harry came as close to that as can be done. He was a kind, humble, and gentle man — noble and exemplary — yet one of exceptional spiritual and moral conviction, all without being rigid, false, or pious. Unfailingly considerate, as well as solid in demeanor and character, Harry Pratter personified professional dignity and courtesy. In a fast-paced society where courtesy is increasingly rare, it was refreshing to witness Harry's charm and civility and, furthermore, to admire at first hand his character, which was tied to a simple dedication to the inherent values of human dignity and the goodness that comes from this recognition.

The law school world is known for bramble bushes, spelunking adventures, penumbras formed from emanations, complex issues of legislative drafting and interpretation, land-use controls, administrative decision making and the antitrust



Sarah Riordan, JD'93



George P. Smith II, JD'64

laws, as well as heavy jurisprudential issues of social science and criminal theory. What a wonderful counterbalance were Harry Pratter's courses in Conflict of Laws and Commercial Law, where high drama and mirth were introduced regularly through Socratic hypotheticals drawn from the Bushmen of the Kalahari Desert in Southern Africa to the residents of Gas City, Ind. Invariably these rich hypotheticals never yielded a definitive answer, which would in turn move Harry, himself, to conclude, as Charles Dickens did, that "the law is a ass!" Not surprisingly, oftentimes these very same hypotheticals would appear on the final examinations.

“If Picasso had painted a tomato, he would have painted a Picasso tomato, hence destroying its Platonic essence.”

— Harry Pratter

Perhaps Chief Justice Shirley S. Abrahamson of the Wisconsin Supreme Court summed up Harry’s approach to law

teaching when, at last May’s graduation exercises here in Bloomington, she said, “He made the class intellectually challenging and fun because (simply) he was intellectually challenging and fun.” He taught Justice Abrahamson, as he taught us, his former students, “how to approach a problem ... and analyze issues ... how to identify and resolve inconsistencies; how to have fun figuring out the law and arriving at the best solutions under the circumstances.” Finally, and most important, he taught us, as lawyers, to be courageous and to have courage in expressing and fighting for the ideals of justice. Indeed, the words of Shakespeare come to mind when Polonius advised Laertes in *Hamlet*, “To thine own self be true, And it must follow, as the night to day, Thou canst not then be false to any man.”

Students have praised uniformly Harry’s encyclopedic knowledge of his subject areas and his thorough class preparation. Indeed, his photographic memory allowed him the luxury of coming to class without lecture notes; this was always a mystery for some of his students. They simply could not comprehend how a professor could have such instant recall. His life has been an adventure in learning shared with his students. Notwithstanding his towering intellect, his students were never intimidated; rather, Harry Pratter’s penetrating understanding of the law stimulated his students to think more clearly and deeply through his deft use of the Socratic dialogue.

The late Professor Curtis Berger of Columbia University summed up aptly what Harry Pratter stood for as a teacher when he said: “I think that we as teachers must let our students know that we value their humane as

well as intellectual qualities — and our own as well as theirs. For unless lawyers value the compassionate in themselves, I think they will be incapable of carrying about the human needs of others.”

In the 1974–75 school year, Harry and Mary Rose had a wonderful year visiting at the University of Virginia Law School. With side trips to the Greenbrier and the Homestead resorts, Harry came to understand the reality of the state motto, “Virginia is for lovers!” In reporting on Harry’s appointment to law faculty, the *Virginia Law Weekly* of Sept. 27, 1974, noted his course load of Contract Law, Legal Philosophy, and Conflict of Laws, his research into John Rawls’s *A Theory of Justice*, and how at IU he not only worked diligently on the revision of the Student Conduct Code, but also “helped the athletic director and his coaches with legal problems in sports and even aided one student, Steve Downing, in negotiating a contract with the Boston Celtics.” At Indiana, we know that it was commonplace to find Harry both at practice and at courtside when the Hoosiers played. One can only imagine how many Wittgensteinian plays were shared by Harry with the coaches.

Harry’s popularity among the students was recognized at Virginia by his selection as the graduation speaker in 1975. While neither Harry nor the archivist at the Virginia Law School could locate a copy of these remarks, one can speculate on what he might have said. Addressing a graduating class that included George Allen, one of his top students who now is the junior senator from Virginia in Congress, Harry might well have opened with a Pratterism, a conundrum, such as, “If a lion could speak, would we ever understand

him?” Most likely, he would have encouraged the graduates to pursue wisdom and truth and to fight for social justice — just as

he, himself, did throughout his life. He would have, no doubt, suggested that with knowledge comes power and intellectual growth and, thus, personal fulfillment; and that calmness of mind is one of the most treasured jewels of wisdom.

How fascinating, and — on occasion — mind stretching, to participate in the “language game” of Wittgenstein and Pratter through the study of the Uniform Commercial Code. With legendary erudition, Harry was the first to use the code as a paradigm not only to explore how language has meaning and, indeed, a linguistic behavior of its own, but also to test the extent to which a general theory of legal interpretation can be used in understanding linguistically the arcane provisions of the code.

As if to prove the validity of Harry’s path-breaking use of Wittgenstein, the University of Pennsylvania law review in 1988 published original scholarship on Wittgenstein and the Uniform Commercial Code. I remember well talking with Harry about this article and his great excitement and pleasure over the fact that his pioneering efforts in “selling” Wittgenstein came to fruition.

From the classroom to the halls of the Indiana State Legislature, Harry assumed roles not only as a brilliant pedagogue, but also an equally astute leader of law reform, thereby realizing the goal of every legal educator: namely, to shape directly the course of law. In the late 1950s and early ‘60s, with Herculean effort, he worked dauntlessly to ensure that Indiana adopted the Uniform Commercial Code. His incisive and insightful official comments and case annotations to the individual provisions of the code breathed new

interpretative life and stability into an exceedingly complex area of the law. That said, the mysteries of the code still provide great opportunities for billable hours — and for that, the Indiana Bar owes Harry a great debt of gratitude.

When I telephoned Harry in January 2002 to wish him New Year greetings, I told him of a new book that I was going to send him: *Wittgenstein's Poker*. He replied cheerfully that he had already received it as a Christmas gift from his secretary and was having great fun getting into it. I knew, then, that I had to read it myself. And, so, in preparing these remarks, I did.

Briefly, the book recounts a 10-minute meeting on Oct. 25, 1946, of the Cambridge Moral Science Club in the Gibbs building at King's College, perhaps 20 feet from the famous King's College Chapel. Ludwig Wittgenstein was in the chair with some 30 others in attendance, including Bertrand Russell. The meeting was convened to hear a paper by renowned philosopher Karl Popper, of the London School of Economics, titled, "Are There Philosophical Problems?" The discussion that followed approached the topic of philosophy and the significance of language as a linguistic entanglement. Popper argued that philosophy is meaningless, and Wittgenstein objected and used a poker to jab convulsively, punctuating his statement with it — much in the same way Harry used to do with his pointer in my classes in Commercial Law and Conflict of Laws. It was often surmised that Harry was actually assuming fencing postures.

Almost immediately after the Cambridge meeting, rumors spread around the world that the two great philosophers had come to blows armed with red-hot pokers. From all of this came Popper's Poker Principle: Don't threaten visiting lecturers with pokers. As I read this book, I thought how proud Wittgenstein would have been had Harry been in attendance at this 1946 meeting and proffered examples of linguistic

entanglements or Pratterisms such as: "If it is four o'clock on the sun, what time is it on earth?" or "If Picasso had painted a tomato, he would have painted a Picasso tomato, hence destroying its Platonic essence." Finally, "Grapes are eaten one by one, especially if you pull them."

As one grows older and assesses the small contributions made during a lifetime, a certain sense of pride in accomplishment is held — a wonderful marriage, children, a fulfilling professional life, sustained success on the stock market, an original and thoughtful piece of scholarship cited by the U.S. Supreme Court, a brief before the court, etc. What allows me a sense of personal fulfillment and pride is the establishment of the Harry Pratter Professorship. To my way of thinking, the significance of the professorship is so real because it makes a statement of recognition about an individual and an institution — for it embodies the very essence of what has made this law school such a great one: namely, excellence in teaching, service, and scholarship. Long after all of us in this courtroom are gone, the professorship will remain as a symbol of Harry's immortality — an immortality that is anchored in his profile as the quintessential pedagogue, a great thinker and intellect, a compassionate man, caring and informed colleague, loving husband and father, fun-loving grandfather, and of a humble man who lived his entire personal and professional life according to the highest intellectual and moral standards with grace, humaneness, humor, and — most important — *joie de vivre*.

Professor Joseph L. Hoffmann, in inaugurating the Pratter Professorship, acknowledged Harry's "intellectual curiosity" and his ability "to ask questions and make comments that provoke new and creative thought" — always "with a twinkle in his eyes" that reflected "the lively and youthful spirit of the man within." Harry was a vital man who never stopped exploring new ideas and new knowledge. Indeed, I think

Harry's whole character and disposition showed unmistakably the validity of two propositions in the Book of Ecclesiastes: namely, that "a man's wisdom illumines his face," and a little folly is more weighty than wisdom or wealth.

In sum, then, within the persona of Harry Pratter we saw an incredibly kind and humble man in a profession where, all too often, the image of pomposity and arrogance is often enjoyed publicly and not infrequently practiced. Harry stood as the great counter example for the effectiveness of kindness, the superior pleasures of friendliness and the deeper satisfactions of a life dedicated to careful and sustained thought. Harry was a gentle man who enriched all who knew him, for he not only maintained a deep sense of duty toward the Law School and its greater community, the bar, the bench, and the university, but he had a profound sympathy and tolerance for his fellow man. In Harry was found a virtuous and truly selfless man and, in the words of Wordsworth, a "Happy Warrior."

Scripture reminds us that "there is an appointed time for everything, and a time for every affair under the heavens." And so this afternoon, it has been the appointed time to honor a man who not only lived greatly in the law but also lived greatly.

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