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## EULOGY FOR JIM BEAVER FEBRUARY 29, 1996

Jim Beaver loved history. He loved the classics. And, of course, he loved texts. He particularly enjoyed expounding them—from the maxims of equity to the Federal Rules of Evidence to the Dauer Report. The Dauer Report? That was Jim's title for a single sentence, authored by Dean Dauer, in a 1989 ABA inspection report. The sentence asserted that our senior faculty were paid \$10,000 to \$20,000 less than their counterparts elsewhere. Jim never tired of expounding that text to me. And, were he here today, he would doubtless tell you that my inability to appreciate his exposition put me among the most dim-witted of students he had ever tried to teach.

Though I could not hope for a star, I thought I might raise Jim's estimation of me just a bit if I chose, as the basis for my remarks this afternoon, a classic text with historical significance. The text is a Shakespearean sonnet, whose second line, with its concern for time, has achieved worldwide circulation, as the epigraph for one of the greatest novels of the twentieth century.

When to the sessions of sweet silent thought  
I summon up remembrance of things past,  
I sigh the lack of many a thing I sought  
And with old woes new wail my dear time's waste:  
Then can I drown an eye, unused to flow,  
For precious friends hid in death's dateless night,  
And weep afresh love's long since canceled woe,  
And moan the expense of many a vanished sight:  
Then can I grieve at grievances foregone,  
And heavily from woe to woe tell o'er  
The sad account of fore-bemoane'd moan,  
Which I new pay as if not paid before,  
But if the while I think on thee, dear friend,  
All losses are restored and sorrows end.

I chose this text because the voice of that sonnet is Jim Beaver's voice; and unless you understand *that* voice, you cannot understand Jim: his sense of self, which was so complex and divided, or his generosity of spirit, which was so simple and whole.

Like most of us, Jim experienced triumph and failure; and again, like most of us, he discovered early and often that life was not always fair. He dealt with all this quite straightforwardly. He took responsibility for the decisions he made—decisions that in retrospect he might have thought should have been made differently: turning down a football scholarship to Vanderbilt; marrying the first time so early;

declining a clerkship with Chief Justice Warren; rejecting a belated offer of tenure from the University of Washington; leaving Indiana University in 1972 for a fledgling law school in the Pacific Northwest. These decisions—if wrong—were his; and the blame was therefore his.

Oh, to be sure, he occasionally “sigh(ed) the lack of many a thing (he had) sought”: partnership in Kirkland and Ellis, a seat in Congress, an appointment to the federal bench. Costly as was the expense of those many vanished sights, Jim wept little over their loss. They were fated not to be, and he had no quarrel with fate.

Jim did quarrel with those who maliciously inflicted losses on him. He did “drown an eye, unused to flow” over those grievances. And like the voice of the Sonnet, he grieved those “foregone grievances o’er” again. He could not understand, for example, how his colleagues at the U could vote to deny him tenure because he held conservative political views, or why some students might, for the same reason, refuse to take his classes, or why a University President would punish him for speaking his mind at a Board of Visitors meeting. To the end of his life, Jim had a child’s innate sense of fair play. He must have hated schoolyard bullies.

Jim’s insistent demand that we apply high standards uniformly was rooted in that sense of fair play. People ought to be judged by what they did. Those who did more—those who did better—should succeed. And they ought to succeed, he added, without regard to gender, color or point of view.

I recall, for example, his evaluation of a book written by a colleague whose political views Jim detested. He thought the book an excellent piece of scholarship and praised it lavishly—though, I must add, for accuracy’s sake, I thought I detected in his voice some surprise that one otherwise so deficient in common sense could produce quality work. In any case, Jim cheerfully voted to promote the colleague.

Indeed, Jim rarely voted against the promotion or tenure of a colleague. He was, in my view, generous to a fault in personnel matters; and he was enormously sympathetic to the rejected. In other matters as well, Jim was far more compassionate than many suspected. They saw only the bluff and bluster behind which he occasionally hid his vulnerability. And vulnerable he was because, like all of us, he wanted the approval of those around him. As Dean, I invariably tried to get new faculty to go to lunch with Jim; all too often they would look at me with fear-filled eyes, as if I were asking them to walk into a lion’s den unarmed. What they didn’t understand was that Jim could be subdued without arms. This lion could be tamed with nothing more than a sincere offer of tolerance, respect, and friendship.

Jim prized those qualities—tolerance, respect, friendship—because he knew that they alone enabled a community of teachers and scholars to flourish. He dedicated the last half of his professional career to building that kind of community at this school.

Surely in his reveries Jim thought both about that particular contribution and the general richness of a life that embraced music, politics, and art. More importantly, and more certainly, he must have recalled the affection of his children and Anita's love. Such remembrances should have made him realize that he had wasted little of his "dear time" and that he had paid in full any "sad account" he ever owed.

But . . . but . . . I suspect that even in "those sessions of sweet, silent thought" Jim was bedeviled by doubts: doubts that he had done enough, achieved enough, made enough of a difference. My fear is that he never gave himself the star he so richly deserved.

But, then again, perhaps he has heard what was said at the funeral Saturday and here today. Perhaps he has heard at last how much we valued him and how much we shall miss him. Hearing all this would probably surprise Jim—especially the fact that he was anywhere he could hear it. But hearing all this, Jim must now be whispering: "Dear friend(s), all losses *are* restored and sorrows end."

James E. Bond

Dean

Seattle University School of Law

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#### REMEMBERING MY FRIEND AND COLLEAGUE

Jim Beaver was my friend, my faculty colleague, at the University of Washington School of Law. I speak from a time in our lives over 25 years ago. Though Jim and I were friends—close friends in spirit—until he died, we seldom saw each other or even spoke on the telephone after that period. When I joined the faculty at the School of Law, University of Washington, in 1967, he had been there for two years. Then-Dean Tunks had hired him as one of a group of very bright, young faculty, to transform the school from a good, regional one to a law school of national stature. None of them had qualifications to equal Jim's, second in his graduating class at Wesleyan, first in his law class at Chicago, and, unheard of, one who had declined a clerkship to the chief justice of the United States. None had his