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Ohio Northern University Law Review

Tribute Articles

Introduction to the Tribute to Victor L. Streib: An Ideal Role Model

SCOTT D. GERBER*

I am delighted to be writing the Introduction to this wonderful Tribute in the Ohio Northern University Law Review honoring my recently-retired colleague Victor L. Streib. I arrived at Ohio Northern University in the fall of 2001 and quickly learned that Vic was the ideal role model for what it means to excel in all phases of the law professoriate: teaching, research, and service. Vic also was a wonderful colleague and family man, and our law college—our village of Ada—is not the same without him.¹

A DEDICATED TEACHER

Vic received his Bachelor of Science in Industrial Engineering from Auburn University and his Juris Doctorate from Indiana University at Bloomington.² He began his teaching career in the Department of Forensic Studies (now Criminal Justice) at Indiana University. He moved to New England School of Law in Boston in 1978 and to Cleveland-Marshall School of Law at Cleveland State University in 1980, where he also served a term as Associate Dean. Vic arrived at Ohio Northern University Pettit

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1. I am not stealing from Hillary Clinton here. See HILLARY R. CLINTON, *IT TAKES A VILLAGE: AND OTHER LESSONS CHILDREN TEACH US* 19 (1996). Ada, Ohio really is a village rather than a town or a city.

2. Vic's biography is drawn from his ONU faculty webpage. See Victor Streib, Faculty Profile, OHIO NORTHERN UNIVERSITY PETTIT COLLEGE OF LAW, http://www.law.onu.edu/faculty_staff/faculty_profiles/victorstreib.html (last visited Jan. 5, 2012).

College of Law (“ONU”) in 1996 to serve as Dean and Professor of Law. After a successful deanship, Vic remained the most significant member of our law faculty until his retirement in December of 2010.³

Vic taught a variety of courses during his distinguished career, including Criminal Law, Criminal Procedure, Death Penalty, Juvenile Homicide, Children and the Law, Legal Profession, and Women and Criminal Justice. His Capital Punishment Seminar was almost certainly the most popular course at ONU, and students would adjust their schedules well in advance to make sure they had a chance to take it. Who could blame them? As this Tribute demonstrates, Vic is probably the leading authority in the United States on the subject. But Vic excelled in all the courses he taught. Indeed, one of the urban legends at ONU is how Vic taught Legal Profession one particular semester while holding one of his student’s infants in his arms so her mother could take notes. A sweeter picture is difficult to imagine: the renowned Professor Victor L. Streib discussing the intricacies of legal ethics while a cherubic baby pulls quizzically at his beard. And Vic cared about all of his students, not simply the ones with adorable children. His door was always open and nary a day would pass without Vic talking to students—*mentoring* them—in his office, in the corridor, at the gym . . . name it and Vic was inspiring students there. As celebrated of a scholar as Vic undeniably is, my sense is that Vic always put his students first.

AN INFLUENTIAL SCHOLAR

Or, better still, a *life saving* scholar. Vic is, of course, most famous for helping to convince the Supreme Court of the United States in 2005 that it is unconstitutional to execute juveniles.⁴ That in itself makes Vic one of the all time greats of American legal education.⁵ Vic literally dedicated his professional life to saving the lives of juvenile offenders, and he succeeded. In fact, his comprehensive empirical evidence was so impressive that the majority in *Roper v. Simmons*⁶ and both dissents cited it multiple times!⁷

3. Vic visited at a number of institutions during his long career, including Duke, Elon, Indiana, Michigan State, Ohio State, and San Diego.

4. See *Roper v. Simmons*, 543 U.S. 551 (2005). The Court overturned its earlier decision in *Stanford v. Kentucky*, 492 U.S. 361 (1989), which had permitted the death penalty for offenders above or at the age of sixteen.

5. Vic laid the groundwork for *Roper* with his work in *Thompson v. Oklahoma*, a decision in which he and Harry F. Tepker persuaded the Court to forbid the execution of individuals under the age of sixteen at the time of the crime. See *Thompson v. Oklahoma*, 487 U.S. 815 (1987). Professor Tepker contributes a marvelous essay about that case to this Tribute. See Harry F. Tepker, *Thompson v. Oklahoma and the Judicial Search for Constitutional Tradition: In Celebration of Victor Streib*.

6. See *Roper*, 543 U.S. at 564-65.

7. *Id.* at 594-95 (O’Connor, J., dissenting); *id.* at 614-15 (Scalia, J., dissenting).

In light of the fact that I write in the areas of American legal history and constitutional theory,⁸ I will leave it to the other distinguished contributors to this Tribute to speak to the substance of Vic's scholarship. Deborah W. Denno, Richard C. Dieter, Katherine Hunt Federle, Margery B. Koosed, Paul Marcus, Harold Pepinsky, Michael L. Radelet, Lauren K. Robel, Carl Monk, Lorraine Schmall, and Harry F. Tepker know far more about criminal law than I do. However, I feel compelled to mention how prolific Vic has been. When I requested a copy of Vic's publications list prior to commencing this Introduction, I received a twenty-eight page single-spaced Word attachment in response. I knew Vic had published a lot, but I never imagined it was possible to publish that much. At my count, Vic has authored more than three hundred books, chapters, articles, and papers during his illustrious academic career. No wonder Dr. Anne Lippert, at the time ONU's Vice President for Academic Affairs, referred to Vic as the most prolific scholar in the history of our university. Vic continues to write during his retirement, as his forthcoming book about preteen murderers illustrates.⁹

More importantly, as the other contributors to this Tribute make clear, Vic's scholarship is good, not simply plentiful. Not only did Vic's voluminous writings about the death penalty lead West to commission him to write a nutshell on the subject—he is currently hard at work on the 4th edition¹⁰—but he has been cited *twenty-eight times* by the Supreme Court of the United States, which is twenty-eight times more than most law professors can claim. Vic also has been interviewed about his work by, among other media outlets, the *New York Times*, *London Times*, *Wall Street Journal*, *Washington Post*, *Chicago Tribune*, *Los Angeles Times*, *ABA Journal*, *U.S. News*, *ABC (This Week, News)*, *BBC (News)*, *CBC (News)*, *CBS (60 Minutes, News)*, *CNN (Larry King Live, News)*, *NBC (Today Show, News)*, and *NPR (All Things Considered, Talk of the Nation)*. Again, few law professors can say that. Vic's scholarship likewise has influenced many colleagues in the law professoriate itself. The countless law review citations to his publications are a testament to this fact, as is my less scientific measure of being asked about Vic at seemingly every talk I have given at law schools across the country . . . even though my talks have

8. See, e.g., SCOTT DOUGLAS GERBER, *A DISTINCT JUDICIAL POWER: THE ORIGINS OF AN INDEPENDENT JUDICIARY, 1606-1787* (2011).

9. See VICTOR L. STREIB, *LITTLE KIDS WHO KILL: LAW AND JUSTICE FOR PRETEEN MURDERERS* (forthcoming 2012).

10. See VICTOR L. STREIB, *DEATH PENALTY IN A NUTSHELL* (2003) (2d ed. 2005) (3d ed. 2008) (4th ed. forthcoming).

absolutely nothing to do with criminal law or the death penalty.¹¹ Moreover, the student editors in charge of this Tribute issue honoring Vic proudly informed me recently that other scholars had contacted the Law Review asking if they could submit a piece about Vic.

A TIRELESS SERVANT TO THE LEGAL ACADEMY . . . AND TO THE LAW

Many law professors view service as, at best, a necessary evil. “It is your turn to chair the curriculum committee,” we have all heard it said. Or, “Do you have time to serve on an ABA site inspection team this year? You know, as a personal favor.” Vic was never like that. He embraced professional service with the same zeal he exhibited as a teacher and a scholar. For example, for the Association of American Law Schools Vic presented papers at annual meetings in 1984, 1986, 2000, and 2008; served on the editorial board of the *Journal of Legal Education* from 1999-2002; chaired the Curriculum and Research Committee from 1996-1998; was a site evaluation summarian from 1994-2000; served a full-time appointment as a visiting fellow in 1993-1994; chaired the Section on Criminal Justice from 1985-1986; and chaired the Section on Teaching Law Outside of Law Schools in 1983-1984. For the American Bar Association Vic was co-director of the Equal Justice Division, Criminal Justice Section from 2006-2008; was a member of the Innocence Committee, Criminal Justice Section from 2003-2008; won the Livingston Hall Juvenile Justice Award in 2002; was a member of the Law School Administration Committee, Legal Education Section from 1998-2000; was an Accreditation Evaluator, Legal Education Section from 1991-2001 (and served as team chair from 1998-2001); and authored the Resolution Opposing the Death Penalty for Juvenile Offenders in 1983.

Vic likewise has been active as an appellate lawyer and an expert witness. For example, he served as co-counsel for the appeals of a fifteen-year-old Florida boy sentenced to death,¹² a nine-year-old Pennsylvania boy convicted of murder,¹³ a fifteen-year-old Indiana girl sentenced to death,¹⁴ and a fifteen-year-old Oklahoma boy sentenced to death,¹⁵ and was an expert witness in death penalty cases in Arizona, Delaware, Florida,

11. I also received e-mails from friends at other law schools commending Vic when *Roper v. Simmons* was announced and I once noticed a letter from a federal judge in Vic’s office praising Vic’s efforts in convincing the Court to put a stop to killing kids. Vic is too modest to mention it, but I suspect there have been many such signs of admiration for Vic’s work sent to him over the years.

12. See *Allen v. State*, 636 So.2d 494 (Fla. 1994).

13. See *Commonwealth v. Kocher*, 602 A.2d 1308 (Pa. 1992).

14. See *Cooper v. State*, 540 N.E.2d 1216 (Ind. 1989).

15. See *Thompson*, 487 U.S. 815.

Louisiana, Pennsylvania, and Texas.¹⁶ Closer to home, Vic was always willing to present works-in-progress talks when I was trying to reinstitute that practice as, at the time, the untenured chair of the law college's faculty development committee. He likewise could be counted on to tap into his vast network of connections to bring in outside speakers for our Dean's Lecture Series when I chaired that committee as an assistant professor.

A WONDERFUL COLLEAGUE AND FAMILY MAN

Indeed, Vic was particularly helpful to junior colleagues. He went out of his way to make certain that their personnel files included his own experienced opinion about the quality of their teaching—invariably expressed in extremely supportive terms—and he also attended the research presentations we made at faculty workshops. Trust me when I say that I was not the only junior colleague who very much appreciated how supportive Vic was to those of us navigating the sometimes stormy waters of the tenure track. Academic politics can be a nasty business, but Vic refused to play that game.¹⁷

Vic's collegiality likewise was expressed in more personal ways: he and his wonderful wife Lynn Sametz would frequently invite colleagues to dinner at their lovely home, especially if they were new to the area and did not know how to cook. Lynn certainly knows how to cook . . . thank you, Lynn!

Of course Vic's greatest legacy is his family: Lynn and their daughter Jessi and son Noah. Vic is justifiably proud of Lynn, a successful academician in her own right, and of Jessi and Noah, both of whom are

16. See Victor Streib, Faculty Profile, *supra* note 2.

17. Vic is supportive even during his retirement, and even after junior colleagues have received tenure. I, for one, received an e-mail from Vic in the spring of 2011—an e-mail that Vic shared with the present ONU Law College Dean and our faculty colleagues—commending the publication of my Oxford University Press book on the origins of judicial independence in America. Vic wrote:

Scott,
 Congratulations on FINALLY(!) getting your extraordinary research into print! It is, in my view, the most impressive work thus far in your career, and it is a wonderful feather in the cap of ONU law. Hopefully this will continue to send the message to legal education and the legal profession that ONU law faculty members include serious scholars who are publishing seminal works in their fields. Rightly or wrongly, this scholarly reputation of the law faculty is the MOST IMPORTANT factor in determining the national reputation of a law school. Your work, Scott, has established you as a serious legal scholar and has helped ONU law in its never ending quest for reputation, ranking, applications, etc. . . .
 Vic

E-mail from Victor L. Streib to Scott D. Gerber (Mar. 10, 2011) (on file with author). Needless to say, I have saved a copy of this particular e-mail.

currently completing Ph.D. programs at elite universities. And Lynn, Jessi, and Noah are very proud of Vic, obviously.¹⁸ The last time I saw Vic was one of those precious moments in life that helps to explain why because it goes to the heart of the kind of person Vic is: after I downloaded a lovely wedding picture of Noah and his new bride that Vic had happily shared with the faculty and staff at the law college, I mentioned to Vic that it was clear to me that Noah had learned the greatest lesson that a father can teach a son. Vic paused and asked, “What’s that?” I answered, “To marry well above your head.” Vic beamed and said, “He certainly did that.” He then headed to the exit knowing how lucky he was to be able to spend even more time with his family during retirement.

* * * * *

I would like to close this Introduction to this wonderful Tribute honoring Victor L. Streib by simply saying that my biggest personal regret about Vic retiring is that I never got to serve under him when he was Dean.¹⁹ As any good dean knows, law professors are supposed to be scholars, not simply classroom teachers or members of campus committees that seemingly never meet. It might enable a law dean to remain in office virtually in perpetuity if he or she does not require his faculty to publish, but it is a disservice to the students we are charged with educating and to the profession that we should be trying to inspire. Vic knew that, and his long and illustrious career is a blueprint for any law professor trying to do the job the right way. Thank you for being such a wonderful role model, Vic. You are a credit to both the law professoriate and the law itself.

18. I enjoyed many a playful give and take with Jessi and Noah about their famous father. My running joke when I saw Jessi at the gym without Vic was to ask whether Vic was at home sitting on the couch munching on potato chips. Vic is health conscious, so I knew the answer was no, but Jessi would always laugh too hard to rise to her dad’s defense. When I saw Noah at the gym lifting weights with Vic I would remind the two-sport varsity athlete to make sure his dad did not lift too much weight because he might hurt himself being as old as he was. Noah, like Jessi, would laugh like it was the first time I had ever told the joke. They clearly adore both Vic and Lynn.

19. That, and I do not get to eat anymore of Lynn’s fabulous cooking. North Carolina, where Vic and Lynn presently reside, is a long way from Ada.