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Professor Thomas G. Field, Jr.: Pioneer in Intellectual Property Education, Teacher, Mentor, and Scholar

Jon R. Cavicchi

University of New Hampshire School of Law, jon.cavicchi@law.unh.edu

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PROFESSOR THOMAS G. FIELD, JR.: PIONEER IN INTELLECTUAL PROPERTY EDUCATION, TEACHER, MENTOR, AND SCHOLAR

JON R. CAVICCHI¹

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I. INTRODUCTION

It is almost an impossible endeavor to summarize the forty plus year career of Thomas G. Field, Jr. Regarding this inquiry, Field might say, “If you want to know what I have done, look at my C.V. on the web!” His ten page, single-spaced “Abbreviated Curriculum Vitae” only sets the factual stage for the incredible career that spanned

¹ Jon R. Cavicchi has been a Professor and the IP Librarian at UNH School of Law since 1992, and is both a J.D. and LL.M. alum. He has known and worked with Professor Field since 1981.

the entire life of the University of New Hampshire School of Law (“UNH School of Law” or “UNH Law”).² The real story is only told by Field himself, his contemporaries, colleagues, and the thousands of students whose life he touched. This article is based on interviews with Field, colleagues, and alums, as well as my own experience and empirical research on the impact of Field’s work.

The founding faculty is no longer with the UNH Law Community to provide insights about Field over the first decade of the history of the school. Emeritus Professor Bill Hennessey joined the law school in the 1980’s and was instrumental, with Dean Robert Viles and Professor Homer Blair, in building the IP Graduate Programs. Of Field’s contribution to the founding of the IP programs, Hennessey shares:

Tom Field and Robert Rines were the founding professors of the IP program at Franklin Pierce Law Center in 1973. In their different ways, each made a profound contribution to shaping the school’s uniquely non-traditional, non-hierarchical “start-up” culture, attracting like-minded individuals to join them in that magnificent endeavor from the school’s formative years onward for decades to follow. In that era, prior to the international challenge to the technological preeminence of the United States from global competitors, “IP” was still viewed by many legislators, judges, and law professors in the U.S. as “dangerous monopolies” and itself presumptively a form of unfair competition. That dismissive attitude was primarily because those legislators, judges, and law professors didn’t take the time to understand or care to understand technology and didn’t know much about how real inventors, artists, authors, or entrepreneurs think.

This article attempts to share Field’s story, focusing on his four plus decade career at the UNH School of Law, his teaching, scholarship,

²The University of New Hampshire School of Law was known as Franklin Pierce Law Center prior to 2010.

colleagues at the law school and the IP academy, as well as those human attributes that hold him special to those who have been part of his career.

II. THE JOURNEY STARTS

Field was born on June 8, 1942 in Morgantown, West Virginia to a working class family. His early academic choices were prompted by professors that worked with him. He attended West Virginia University in Morgantown, WV, earning an A.B. degree in Chemistry in 1964, and a J.D. in 1969. While an undergrad, several of his professors suggested that the field of patent law might be interesting and rewarding. Off to Washington Field went to become a patent examiner. He graduated from the U.S. Patent Office Academy, Washington DC, with a Diploma in 1967. He examined alkene polymer blends. Based on a recent Google search, it appears that he had a hand in allowing forty-two of the roughly two hundred applications that he acted on. He spent a year at the Patent Office, at which time he returned to West Virginia to earn his law degree. Having discovered the *Sears*³ and *Compo*⁴ decisions in his senior year of law school, he concluded that intellectual property would benefit from more scholarly attention. So, encouraged by several professors, he decided to teach rather than practice. They suggested that an LL.M. degree might distinguish him as an academic. Off to New York Field went, where he earned an LL.M. in Trade Regulation in 1970 from New York University.

He began his teaching career at Ohio Northern University School of Law as an Assistant Professor. While there, he spoke with the Placement Director at N.Y.U. She had graduated law school with Robert Viles, co-founder of the Franklin Pierce Law Center. She informed Field that Viles and Rines were starting a law school in New Hampshire. Rines was a second-generation patent lawyer, and one goal of this new school was to prepare practice-ready patent lawyers.

³ *Sears, Roebuck & Co. v. Stiffel Co.*, 376 U.S. 225 (1964).

⁴ *Compeco Corp. v. Day-Brite Lighting, Inc.*, 376 U.S. 234 (1964).

Field contacted Viles and Rines and was soon on a plane to Concord, New Hampshire. The men met, they talked, and Field was hired the next day.

Alum Harley Damon Swanson was a student when Field was interviewed and hired. She recalls:

[Bob Rines] did on occasion, however, express concern about finding the right faculty for a “new concept” law school. One afternoon Bob mentioned with a smile a chap with strong science and property law background, including a recent NYU Food and Drug Fellowship. He suggested I give Tom Field a call when he arrives in Concord. At our first meeting Tom was a bit overwhelming with energy and enthusiasm on coursework and innovative ideas—an asset that never waned. It was a good fit for the school. Though not appreciated by all, he has the ability to reduce legal concepts down to basic human form, whether in conversation or lecture and oftentimes in humorous fashion.

Rines, in an interview with this author, shortly before his death, expressed that Field was a strategic hire. He used the analogy of the three legs of a stool to describe the founding patent faculty. Rines was a second-generation patent law firm practitioner, Bob Shaw had been the IP Counsel for MIT, and Field had been a patent examiner. While from different patent backgrounds, the three men’s experience complimented each other and supported the training of practice-ready patent lawyers.

III. INNOVATOR IN IP EDUCATION

When Field joined Franklin Pierce, it was at a time when there was not a cohesive development or curriculum in the area of law known as IP. The courses that were available were strictly black letter law. Franklin Pierce Law Center was the pioneering innovator in teaching patent practice and procedure—graduating practice-ready patent lawyers who functioned at the level of a second year associate.

Meanwhile, as the number of students in the Graduate Programs grew incrementally, so did the sophistication of the students. In the same classrooms as new J.D. students were M.I.P. students who could be heads of national patent offices, seasoned patent professionals from large corporations, and others from around the globe, wanting to master U.S. IP law and practice. The Law Center continuously added to the IP curriculum as the M.I.P. classes swelled to nearly one hundred students. This growth supported a more robust curriculum that proved attractive to traditional U.S. J.D. students.

Hennessey comments, “Over his forty-plus years on the FPLC and later UNH law faculty, Tom taught a seamless series of courses on every species of IP imaginable He brought his experiences as a patent examiner and as a commercial arbitrator into the classroom.”

Field’s portfolio of courses that he taught since 1970 include:

- Administrative Process
- Fundamentals of Intellectual Property (Fun IP)
- Antitrust
- Copyright
- IP Moot Court
- Intellectual Property at Common Law [based on the Restatement (3d) Unfair Competition]
- IP Research Colloquia
- Labor [National Labor Relations Act]
- Products Liability [and product regulation]
- Property [real and personal]
- Science, technology and legal process [various titles and foci]
- Trademarks [and related law, including FTC]

Field, along with the other founding IP faculty, bridged the academic and practice worlds to teach practice ready professionals. Alum, Professor Stan Kowalski reflects this:

Professor Tom Field has the unique distinction, to have one foot firmly planted in the world of IP practice and the other in the IP academy. He has been a source of inspiration, guidance and knowledge, with a sophisticated understanding of not only the various areas of IP, but also the nuances of where they overlap. It is in this intellectually challenging and fascinating gray zone of IP law where one truly learns, and this is where Tom took his students.

Simply listing his courses is really misleading as Field taught students as part of most of his projects as the school, including supervised research, amicus clinic work products, Innovation Clinic client counseling and publications, conference planning, execution and much more.

Hennessey admires Field's long-term commitment to teaching students outside the classroom:

Tom has been equally enthusiastic collaborating on scholarship with students, many of whom came to the law from careers as seasoned professionals in technology, as peers, and performing the thankless editorial task of reviewing manuscripts for publication in a meticulous but unforgiving and (at least usually) supportive manner. How many hours he spent closely reading, re-reading, editing and making suggestions on the manuscripts of others (including myself) on a quick turnaround basis is beyond reckoning. The fact that he did not readily suffer fools gladly contributed to his reputation among students (mostly positively).

Field remains quite modest about his teaching activities. Field's philosophy was that, "you can lead a horse to water, but you can't make it drink"—his hope was that students would learn

information they need as professionals. He tried to engage students to learn something and then take it to the next level of learning. He saw himself as a peer and not a mentor. To Field, we are all ignorant on some level. On many topics, his students knew more than him. That's what law school is all about. His students ultimately have to figure it out for themselves—the difference between information and wisdom.

Professor Stan Kowalski, who studied with Field and became a colleague, observed:

In addition to being the brilliant and learned professor, Tom is also a true humanitarian who cares about the welfare of others, and was always available to talk with students. And then there is his humor: dry, witty and subtle, often misunderstood or undetected; an amusing anecdote illustrates this. In his course, Fundamentals of IP, among many interesting copyright cases was one (*Benson v. Coca-Cola Co.*⁵), which involved alleged infringement of a song, “Don't Cha Know,” by the Coca-Cola jingle “I'd Like to Teach the World to Sing.” The plaintiff (unsuccessfully) claimed, after writing his song for 31 years, that Coke had then copied it. Tom, smiling and chuckling, remarked to the class, “31 years working on *that* song?”

IDEA Volume 50 Editor-in-Chief Richard Kurz reflects what many alums said about Field's flagship course:

Fundamentals of IP (“FunIP”) [utilized] well-organized case excerpts, combined with the reinforcement of the class's weekly quizzes, provided an understanding of the interconnected policies and principles of IP law that has been valuable to me while in practice. In large law firms, IP attorneys tend to get very specialized very quickly, and specialization can act like blinders.

⁵ *Benson v. Coca-Cola*, 795 F.2d 973 (11th Cir. 1986).

However, the facts and circumstances that arise in clients' businesses are varied and often do not fit neatly into pre-defined boxes. Thus, a comprehensive understanding of IP law is helpful when advising clients because clients' businesses touch on every area of IP law.

Alum Tony Garcia-Rivas validates Kurz's assessment of the Fun IP class:

I met Professor Field while I was a student at Pierce Law in 1995 (now UNH School of Law). Tom taught Introduction to Intellectual Property, which covered the basics of patent, copyright and trademark law. He made an otherwise dry subject incredibly interesting and understandable. His class set the foundation for more advanced patent courses in my 2L and 3L years and actually provided working knowledge sufficient for a very successful internship in a patent group after my first year, eventually leading to a full time position.

Mark Whittenberger, an alum at Holland & Knight, recounts the value of Fields multi-faceted teaching approach:

I recall being in Admin Pro and Tom going on and on for what seemed like weeks on the *In re Zurko*⁶ case. To be honest, at the time, I couldn't wait to move on to any other topic as I felt like we had covered the thing from every angle imaginable. Fast forward another five or so years and I am a fairly junior associate working on a project at the firm and one of the primary inventors involved was Mary E. Zurko. Anyway, when I informed the partners about who she was, the history of her case, they were quite impressed. I always felt like I had a major advantage coming out of Pierce's IP

⁶ *In re Zurko*, 258 F.3d 1379 (Fed. Cir. 2001).

program and Tom was one of the primary reasons for that.

David Connaughton, Jr., an alum at Lambert & Associates, succinctly summarizes the breadth and integrated approach to teaching all areas of IP reflected in the Fun IP course and text:

Professor Field's Fundamentals of Intellectual Property course provided the jumping off point to the IP careers of countless attorneys. His research and curriculum, focusing not only on the basics, but also on the intersections of different types of intellectual property, provided students with a deep and thorough understanding of IP law. His book sits in my office to this day, and continues to be a wonderful reference.

Enmeshed with his pioneering efforts developing IP curriculum, teaching methods, and casebooks was his fascination with technology and computer assisted legal instruction. He developed numerous tutorials for the Center for Computer Assisted Legal Instruction (CALI). He also developed HyperTA, a template for creating Macintosh computer assisted instruction, winning first prize at the Macintosh Division, non-commercial programming contest sponsored by the Apple Programmers and Developers Association in 1989.

IV. MENTORING THE FIELD WAY

The aim is to help and support people to manage their own learning in order that they may maximize their potential, develop their skills, improve their performance and enable them to become the person they want to be.⁷

⁷ ERIC PARSLÖE & MONIKA JAMIESON WRAY, COACHING AND MENTORING: PRACTICAL METHODS TO IMPROVE LEARNING 22 (2000).

It is almost artificial to differentiate Field's role as classroom teacher and mentor to countless students. Alums tell that Field helped them to progress in their education and careers with mutual trust and respect. Field, in his way, helped students to believe in themselves and boosted their confidence. Field asked tough questions and challenged, while also providing guidance and encouragement, allowing students to explore new ideas in confidence.

It is ironic that while many alums refer to Field as their mentor, Field rejects the "mentor" mantle and considered his work as largely peer-to-peer in collaborative learning, with Field often learning from the students.

Emeritus Professor Judy Gire recognized this for decades, commenting, "Tom was a fine mentor to individual students. His ongoing personal involvement in academic scholarship made him a valuable resource for students involved in writing articles or briefs." Alum and former colleague Gene Quinn tells:

Arriving early for the first day of law school in 1992 I came across a man playing a guitar sitting outside the main entrance. I would soon learn that fellow was Professor Tom Field. Within days I would also learn that Tom would be my faculty mentor, and my generation long relationship with a man I [am] pleased to call my friend began.

Quinn's story is commonly told. Alum Richard Kurz reflects:

Tom regularly sat in one of the easy chairs in the lobby near Jan's reception desk. He enjoyed discussing any recent opinions that were released by the courts, and drew on his encyclopedic knowledge of case law to insightfully explain what made the court's opinions interesting, questionable, significant, or even mundane. Such ad hoc conversations helped to provide an understanding of legal reasoning that would have been unavailable otherwise. Additionally, because of his availability, I regularly found Tom to be a valuable

source of helpful advice while I served as editor-in-chief of IDEA.

Alum Gene Quinn worked closely with Field while earning both J.D. and LL.M degrees, as a colleague at the law school and afterwards as a longtime consultant. Quinn remarks:

To call Tom a mentor doesn't really scratch the surface. He always took the time to listen, help me sort out my feelings and then form them into achievable goals. He would give actionable suggestions, and he was always available. In fact, Tom was always at the school, spending countless hours in his office, but he was never too busy for students. I continue to stay in touch with him all these years later, seeking his advice from time to time on various matters. It is a testament to his devotion to students and education that all these years later he still remains as available and interested as he ever was. Tom may not be the best guitar player, and if you were going to visit him in his office you needed to have a stomach for cigarette smoke no doubt. Tom may have even been cynical a time or two, and his sense of humor wasn't for everyone. But the one undeniable truth was always that Tom cared. He cared for the school, for students and particularly his mentees. While we may wish that this level of caring and commitment were the norm in academia, sadly it is not. Caring, commitment and community is always what has distinguished Franklin Pierce and now the University of New Hampshire. But there is no doubt that the bar was set by Tom Field, one of the founding members of the faculty.

Alum Tony Garcia-Rivas notes, "Professor Field was always approachable and well liked by students. He was often spotted among

the students playing his guitar or discussing some “deep” legal concept.”

Alum Mark G. Bloom expresses the familiar experience of many alums of a lifelong learning relationships:

[W]henever I have returned to the law school, I would make sure to stop by Professor Field’s office to chat. He always had a “here, have a beer . . .” way of making you feel comfortable, despite focusing discussions on either seeking out your opinion on the hot IP topic of the day or complaining about the US Copyright Office—which he did with equal zeal . . . [h]aving Tom Field as a Professor enriched my law school experience.

Michael Frodsham, alum at Workman Nydegger, also reflects the informal learning that took place no matter the setting:

Tom Field was such a great resource. No question was too stupid, and he was always so thoughtful and giving of his time. [I] [r]eally enjoyed walking into his office unannounced and talking over basic IP issues. There was nothing with which he was not familiar, and he always had solid insights. [He is a] [g]reat guy, and huge asset that will be missed in the Franklin Pierce community.

Field made the teacher/mentor experience enjoyable using humor, as many alums tell. Alum Mike Boggs shared:

Tom Field was a teacher, mentor, and advocate in many ways during my time at FPLC and afterward. However, one statement Tom made to a group of us advisees early at our time at Franklin Pierce provides some insight into the character of the man. Tom told us “practicing patent law is a nice, safe, indoor job” [as compared to those engineering and chemistry fields from which we were emerging]. I have repeated that many times to those contemplating patent practice.

Some alum often did not get the humor, but it was part of the unique Field style. Alum Brian Champion aptly recalls:

Working with Tom as an editor was always a tremendous learning experience. Tom was always quick, but [gentle] in his critique and he provided focused solutions to sometimes difficult and technical writing concepts. His humor was always an asset, but I can now admit that even though I may have laughed at his joke at the time, there were times when I had no idea what he was saying! But, he made it sound funny nonetheless. I enjoyed taking his Administrative Law class. Several of us would meet in the Bird to get our morning coffee . . . (his class always started at o’dark thirty) . . . and we would carefully listen as Tom explained the exciting nuances and riveting repartee of Administrative Procedure. Tom is a class act. His excellent reputation is only surpassed by his full personality . . . and truly kind heart. I feel that I was extremely fortunate to study under his mentorship, both as a student in his class, and as an editor for IDEA. I wish him the very best as he continues to be a major contributor to the law and to lawyers everywhere.

Ironically, Field seems to not see his humor as part of his core personality. To him, humor was a deliberate teaching tool:

I’m glad to see references to my sense of humor. I still remember a student response to “How can this class be improved?”—“Tell more jokes.” My main goal, however, was not to entertain. It was a deliberate feedback mechanism: If people laughed at the right places, they were paying attention. And it usually meant that they understood the point I was trying to make.

V. SCHOLAR

Field is best known by many due to his longstanding scholarship that is broad and deep, appealing to a wide audience. He has written books, articles, op-eds, amicus briefs, web content, educational materials for the public, as well as computer-assisted legal instruction tutorials. A search on Westlaw shows his works cited hundreds of times in primary and secondary sources. But, that is an inadequate marker of the impact factor of the countless readers of his works.

Hennessey sums up Field's scholarship:

Over his forty-plus years on the FPLC and later UNH law faculty, Tom taught a seamless series of courses on every species of IP imaginable, along with property, antitrust law, food and drug law, torts, administrative procedure, [and] products liability, among other subjects. He brought his experiences as a patent examiner and as a commercial arbitrator into the classroom. His stint at NYU studying with the renowned IP scholar Walter Derenberg did not go to waste. The institutional practices of the PTO, of the Copyright Office, the practicing IP bar, and the courts were always on his radar. He wrote variously for legal scholars, sometimes for students, and sometimes no-nonsense "IP Basics" handbooks for inventors, artists, authors, and entrepreneurs directly. His own start-up scholarly journal, *RISK: Issues in Health and Safety*, was as cross-disciplinary as anything I had ever read, and he carried it on his editorial and scholarly shoulders virtually alone and with a great (but virtually unrecognized) investment of time, effort, and thoughtfulness.

His legal publishing began in 1970 while he was a young assistant professor at Ohio Northern University School of Law. That article, dealing with trademarks and labeling, began his eclectic

collection of close to fifty articles in scores of legal periodicals. The collection covers all areas of IP, law/science, alternative dispute resolution (ADR), labor, free speech, medical devices, pharmaceuticals, consumers, administrative law, legal education, crimes, IP office practices, and constitutional law.

His publication in traditional law journals is only a small representation of over one hundred works appearing in interdisciplinary, professional, book reviews, conference materials, news outlets, government, and NGO sources.

His mark is also on dozens of student publications based on research he supervised, as well as his work as editor and faculty advisor for the law school academic journals. He served as Founding Editor-in-Chief, *Risk: Health, Safety & Environment*, 1989–2000, as well as Board Member and Faculty Advisor, *IDEA: The Intellectual Property Law Review*, 2001–08 and 2012–13. Few recall that the first fifteen volumes of *IDEA* were published by George Washington University. *IDEA* moved to Franklin Pierce when it was founded in 1972. While Professor Robert Shaw was the longtime moving force for *IDEA*, the journal began collaboratively with Rines and Field as the Editorial Board.

RISK published nearly three hundred peer-reviewed articles on cutting edge topics. His tenure with *IDEA* marked the publication over one hundred and fifty articles, edited by *IDEA* law review staff.

RISK was pioneering. For Field, it was labor intensive, challenging, and educational. Field said that *RISK* was done from an interdisciplinary angle. That could be no fun at times. Since the journal was not purely law or purely the discipline of the non-law authors, they were challenged to earn career points and tenure credit working with the journal. Similarly, libraries were like academic silos, questioning why they should subscribe. After eleven years, Field ended *RISK* in favor of writing on IP topics related to his teaching, and the advancement of the reputation of the law school.

His two major books are *Fundamentals of Intellectual Property: Cases & Materials* and *Introduction to Administrative Process: Cases & Material*. These two books grew out of Field's finding that there were no casebooks that best served these two

courses. They evolved based on decades of teaching several survey of IP courses, first as print course materials, published by Carolina Academic Press, and, ultimately, as PDF files on the Web. The move to transition these to the Web allowed Field to make continuous updates for the benefits of his students, as well as others in the IP academy that adopted them.

Field's movement to open source his books was much appreciated by academics and practitioners alike. Alum Richard Kurz expresses gratitude, "Tom's FunIP casebook is the only textbook that I have repeatedly accessed while in practice (and, thankfully, I have been able to use the electronic version which Tom made freely available)."

Beyond the halls of academia, Field was known by the "world at large" for educational materials for the public including: *Copyright in Written Work*, *Copyright on the Internet*, *Avoiding Patent, Trademark and Copyright*, *Seeking Cost-Effective Patents, Trademarks and Business Goodwill*, *So You Have An Idea*, *Copyright in Visual Arts*, and *Copyright for Computer Authors*. These publications were distributed as booklets for decades. The law school distributed over 130,000. Updated versions have since been available on the law school web—some of these receiving the top number of hits on the site.

Alum Mark Bloom spoke of the impact of these educational materials:

Over the years, I have met many individuals who, although not directly connected in any way to the law school, were first introduced to IP basics from one of Professor Field's many publications. His dedication to "preaching the gospel" of sound government IP policies, as well as the effective private management of IP assets, is laudable.

Field mastered web publishing in part during his time as law school Webmaster, 1995–2004. This served him well when he was designated Charter Op-Ed Columnist for IPFrontline.com. His hundredth op-ed was recently published as he wended down his teaching career. These op-eds were wide ranging and were

prominently featured on the IPFrontline home page for countless IP professionals to study. Elena Lowe, Editor at IPFrontline.com, Inc., comments that IPFrontline first asked Professor Field to be a columnist for the legal section in 2004, and that “Tom’s knowledge of IP is unsurpassed; his style is sophisticated and unique; his columns are a treat for our readers all over the world and a joy for our editorial team every time we receive his latest op-ed. It is an honor to serve as an online publisher for Professor Field.”

Field was Director of the IP Amicus Clinic for three years. He participated in the initial amicus briefs in 1997 with *In re Zurko*,⁸ continuing through the *Bilski*⁹ case in 2009. Other noteworthy briefs include *eBay*¹⁰ and *KSR*¹¹ at the U.S. Supreme Court. To Field, amicus work went beyond the courts and included rulemaking petitions and statements at the USPTO, and legislative statements on patent reform.

What created the impulse to endlessly publish? Field relates that Viles regularly asked him why he was writing so much. There was no culture of scholarship at Franklin Pierce (aka “Franks” and “FPLC”). To Field, the story of Tom as teacher and scholar is the story of Tom as learner. He states that he learned most of what he knows trying to put together “stuff” for students. To Field, teaching facilitates scholarship and scholarship facilitates teaching. This is why he has announced he will no longer be producing legal scholarship – he is no longer teaching and generating related ideas.

Field described his scholarship agenda as “opportunistic”—writing on topics that “grabbed his attention.” Hennessey caught this approach perfectly:

Each piece he wrote was different from the last and from the next. I think the reason Tom Field was able to produce his well-received casebooks on IP

⁸ *Lehman v. Zurko*, 525 U.S. 961 (1998).

⁹ *Bilski v. Doll*, 556 U.S. 1268 (2009).

¹⁰ *eBay, Inc. v. MercExchange, L.L.C.*, 547 U.S. 388 (2006).

¹¹ *KSR, Int’l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007).

Fundamentals and Administrative Procedure, over fifty articles and reviews in *IDEA*, and over 100 op-eds online on patents, trademarks, copyrights, the internet, ADR, science in the courts, the teaching of law to scientists and science to lawyers, among many other topics, is that he just allowed his intellectual curiosity to follow dispassionately whatever interested him.

VI. COLLEAGUE

In his unique way Field sums up his career quite simply, “I did my job for 40 years. I had fun. I hope students learned.”

Emeritus Professor Judy Gire insightfully portrays Field as a colleague, “He had a wonderful, egalitarian outlook and was tremendously supportive of colleagues on the faculty. He cloaked his generous, kind spirit behind a quirky, at times, curmudgeonly persona and was always devoted to students and legal education.”

Emeritus Professor and former Acting Dean Dick Hesse remarked of Field’s endless sustainable energy and productivity:

Each time my wife [told me] I was bordering on being a workaholic I was able to defend myself by pointing to Tom. I arrived early five days a week and left late on most days. Tom was almost always there when I arrived and when I left. Further, on the occasions I worked on the weekends, Tom was there. I lack the ability to judge his work but the volume of his production speaks for itself. Finally . . . I can attest to Tom’s sense of humor and his keen sense of justice.

Field served as the Chair of the Faculty Appeals Committee, requiring balancing fairness and justice in matters between the law school and students. Emeritus Professor Mitch Simon spoke of Field’s community service:

I can say without hesitation that in the twenty-five years I knew Tom he always looked at faculty issues from the

standpoint of what is best for all our students. I never once saw him sway from his principles for political or selfish reasons. The school will miss Tom's fairness and character.

Of the longtime strengths of the school in IP and PI (public interest), Simon relates, "Tom and I come from what might be called 'different sides of the building.' His focus was IP; mine public interest work."

Field always taught students that IP was a tool of public interest. He consistently said, "IP is like a hammer—you can build a house or tear one down." Field commented that no one acknowledged working with clients and publications of the Innovation Clinic and *RISK* as constituting "public interest" law. Field lamented that former deans and colleagues seemed to ignore the Innovation Clinic and *RISK* as "exemplars of PI law."

Mary Wong former IP Center Director, now Senior Policy Director at Internet Corporation for Assigned Names & Numbers (ICANN), spoke of Field's welcoming spirit and contribution to the IP academy:

Tom was the first to extend a very warm and personal welcome to me when I first joined UNH Law (then Franklin Pierce Law Center) and did more than he probably realizes to help me develop my teaching and research agendas. Although I have now left the school, I'll never forget Tom's kindness and dedication to our IP program. I hope those of you who know Tom will contribute to this very special issue honoring him as he retires, especially as many will also know him as the founding moderator of this terrific listserv.

Associate Dean Margaret McCabe acknowledged the breadth of Field's expertise in different areas of law and their interconnectedness:

When I first met Tom, I was intimidated by his encyclopedic knowledge of administrative law. As I got to know him more deeply, I benefitted greatly from that knowledge and most of all, Tom's willingness to share it, discuss it, and engage in collaborative discussions that helped me develop my teaching and scholarship. His sense of humor and love of the law—especially the concept of regulating risk—made working with Tom fascinating and fun.

Professor Keith Harrison, who was also both a student and colleague of Field, summed up the theme by most of those who contributed to this article:

Tom is without question THE “go to” guy on all things relating to intellectual property. I speak as one of his colleagues and as one who audited his class. Tom's knowledge of Intellectual Property issues is encyclopedic. He is able to break down the most complicated concepts and explain them to the general practitioner who has little to no background in Patents, Trade Secrets, Trademarks and Copyrights. He is also at the top of most people's lists—academics and practitioners—when they want to run a confounding problem by someone with a wealth of knowledge and experience.

Field's collegiality went well beyond the halls of Franklin Pierce. He was active with the IP academy and as an ambassador to IP professional organizations.

Alum Daniel Cahoy, Professor of Business Law at Penn State University, recognized this:

As a law student at Franklin Pierce in the mid 1990s, I [was] very impressed by Tom Field's drive to connect the academic IP community. Through his IPProfs listserv, he helped the growing cohort of IP faculty find

a voice and network. He was a key player in the effort to make intellectual property law a robust and respected academic field. Thanks to the work and dedication of early advocates like Tom, IP is now perceived as an essential component in the education of law and business students. We owe him a debt of gratitude.

While some IP academics focus their effort on the IP academy, Field was active in a wide venue, including professional, governmental, and community organizations. A sample includes:

- 20 year leader in ADR of IP disputes for the American Arbitration Association
- Charter Member, Editorial Advisory Board, U.S. Patents Quarterly (BNA)
- Editorial Board, AIPLA Quarterly Journal
- Advisory Commission on Patent Law Reform (Department of Commerce)
- Chair, Education Committee, American Intellectual Property Law Association
- Public member, Device Good Manufacturing Practices Advisory Committee, U.S. F.D.A.
- Von Humboldt Fellow, Max Planck Institute for IP, Munich
- Member, Technology Assessment Panel, National Institutes of Health
- Food and Drug Law Fellow, New York University

His presentations were wide ranging as well, including:

- Committee on Commerce & Consumer Affairs, House of Representatives, New Hampshire (testified in favor of HB 161, to repeal N.H. REV. STAT. ANN. § 352:1,2, preempted copyright provisions)
- Pierce Law 8th Intellectual Property System, Major Issues Conference (discussed proposed amendments to 35 U.S.C. § 284)
- N.H. Bar Association, Telecomm, Energy & Utilities Section (discussed the effect of copyright on discovery in agency proceedings)
- N.H. Writers' Project
- American Intellectual Property Law Association
- Specialty Papers Conference, Montreal (talk and seminar on strategic IP management)
- Joint Maine and Quebec bar meeting, Quebec City; panel on IP Protection
- IP Management in the Digital Age, Brussels
- Health & Sciences Television Network: Video for broadcast copyright issues affecting nurses and other personnel at acute care medical facilities
- University of Notre Dame, Science Technology & Values Program [regulatory risk management]

Field also worked with professors from other law and graduate schools, collaborating on articles. Professor Ralph Clifford wrote an article with Field and remarks:

I still remember when I approached him with the idea of combining forces on our article the absolute joy that flowed from him about the idea of working on a joint piece. This was particularly notable because I cold called him—I had not had the opportunity of meeting him before the call. During the work on the article, I loved the way he had of letting me know that the idea I was espousing was stupid [without] making me ever feel that I was stupid. A true scholar.

VII. CONCLUSION

Perhaps Field is “the last of the Mohicans” with the entrepreneurial spirit of the founding faculty of the Franklin Pierce Law Center. Rines would endlessly say, “you see a need, you fill it.” That is what Field did for over four decades. He was endlessly intellectually curious, and had the skill set to accomplish a broad and extensive range of creative ventures. He was on a team with Rines, Viles, Shaw, Homer Blair, Karl Jorda, and the growing and evolving IP Faculty that built IP programs and curriculum and brought IP professionals from every corner of the earth to study the U.S. IP laws and system. The last word comes from Hennessey, who concluded, “Tom Field’s career as a teacher, scholar, and colleague who was always there for you reminds me of Malcolm Gladwell’s observation in *Outliers: the Story of Success*: ‘Practice isn’t the thing you do once you’re good. It’s the thing you do that makes you good.’”