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ROY STEINHEIMER, UNEDITED NOTES
OF A COLLEAGUE

ANDREW W. MCTHENIA, JR.*

When the *Law Review* asked me to write something for this issue I gleefully agreed. At last a chance to get back at the Dean. When I sat down to the task I thought of several things I could say, but I rejected most of them. I have attached earlier, unedited versions of this piece which should provide some explanation of my failure to complete this assignment.

I thought of saying that Dean Steinheimer had been a strong leader of the law school at a critical time in its history. I could have pointed to the most obvious, his role in the construction of Lewis Hall, a spectacular facility envied by law schools everywhere. It not only looks good but is a humane place to work and houses a genuine community. However, if I wrote of his ability as an architect and engineer, honesty would have required that I point out that he, in his arbitrary and autocratic manner, would not indulge his faculty's request for a handball court and a shower in the building. Instead he made the Dean's office palatial. Thus, I determined that I could not say anything about Roy Steinheimer and Lewis Hall.

I could have pointed to other enviable statistics; for instance, that applications for entry into the law school have continued to increase in quantity and quality because of his indefatigable efforts as a messenger of W&L. However, the desire for honesty would dictate that I say he engaged in such rigorous recruiting less to spread the message of the law school than to log more hours in the air, enhance his reputation as the "flying dean" and persuade us he was made of the Right Stuff.¹ Since this is a commendatory issue, I don't want to talk about that darker side of his character.

I then thought about talking of his role in faculty recruitment; that our faculty is a diverse and energetic collection of anarchists ranging the political spectrum from marxism to libertarianism. However, if I said anything about that I would be exposing myself to the possibility that the editors might add a footnote in refutation of my claims about the quality of the faculty, and that the Board of Trustees, if it learned that we had such a collection of radicals, might fire us all wholesale.

Then I thought perhaps I could say something about the Dean's relationship with the community of the law school. I could have said that not only did he know all of his students, but he also knew all of their dogs by

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¹ See T. WOLFE, *THE RIGHT STUFF* (1980).

name. An enviable quality. However, honesty would force me to confess that he connected owners with their pets not in a spirit of community but so that he could take punitive action against the hapless owners whose dogs took over his office. Steinheimer is probably the only dean of an American law school: (a) whose office was chronically taken over by students' dogs; and (b) who survived such multiple canine intrusions. His technique for survival was not all that honorable. He had to move to a new law building which has three doors and one flight of steps separating the seat of power from a canine invasion, insuring that only the most hostile dogs would reach him. Hardly the mark of a courageous dean! Hence I concluded it would be unwise to talk about his relationships with either dogs or students.

Well, surely, I said to myself, there must be something good to say about his relationship with the faculty. I thought of saying that he was always interested in discussing life, the law, and other things, that in fact he yearned for such discourse. No matter how busy he was with plans for construction or budgets, he always had time to argue UCC damage rules. But if I talked of Steinheimer as a colleague, I would have to say what a manipulator he was. He used to fend off all our requests ranging from those for meager office supplies, *i.e.* pencils, to higher salaries, with complaints about the central administration. It got so bad that some unrevealed wag had two tee shirts printed. One was for Roy entitled "MY HANDS ARE TIED" and the other was for the errant faculty member to don on his way out of the office announcing "I'VE BEEN ROYED."

One good thing that I can say about my relationship with Steinheimer over the years is that he caused me to quit smoking. That requires an explanation of his powers of persuasion. Often I would go to his office with enlightened ideas for improving some aspect of the school, with which he generally disagreed. We would argue for a time and finally Roy would offer me one of his infamous Camel cigarettes. Now I love the taste of a Camel and would walk the proverbial mile for one. I would reach for the cigarette and he knew he had me. He would smile and close the argument. After countless seductions, I finally had to quit smoking. He had other techniques to "ROY" nonsmokers. His most notable was to use an appeal to the advocate's most prideful characteristic. To the Wall Street representatives on the faculty he would appeal to the professionalism and old boy network of Wall Street. He could make similar appeals to those who were products of the sixties. Not only did he most often successfully defuse diverse and sound arguments, but he turned the would be dissenters into advocates for the Steinheimer position—which was usually wrong headed. He sent them back to persuade the rest of us more timid souls of the correctness of his stance. With fairness demanding I report on Steinheimer warts and all, I decided that if I couldn't say anything complimentary about Steinheimer's relationship with his faculty, I shouldn't say anything.

I thought for a time what I might say about Jane. Her untimely death has saddened us all. I had written a somewhat light-hearted paragraph about Jane for this piece and often thought of showing it to her and asking her opinion on that paragraph as well as the rest of my "tribute" to Roy. I decided not to because I knew, I think, what her response would have been. She would have laughed and scolded my impertinence with a twinkle in her eye, as only she could do. The following paragraph is one I planned to write. Because she was Jane I decided to include it.

"I debated for a time whether I could say something about his relationship with Jane who is perhaps the most gracious person I know. However, she is so independent and such an important part of the Washington and Lee and Lexington communities, that I don't think it would be fair to tar her reputation with Roy. I ultimately concluded that she could overcome the connection and that to be Jane Steinheimer's husband was at least one redeeming thing I could say about Roy, so I decided to leave that in this final draft."

Roy Lee Steinheimer came from the Midwest and his only remote connection with Washington and Lee was his middle name. Yet there is much about his character which fits well with the character of this institution. He took a long view of history and resisted all temptation for "tinkering" and chasing the latest fads.² Some leaders exhort with rhetoric. Roy has never been known for his inspirational rhetoric, nor for flattery. In connection with the latter, he is in good company.³ He has led by his unerring commitment to integrity. Credibility, coherence, and certainty are words he uses often.⁴ The base element of each of those and

² He is consistently conservative in his views of life and the law. Writing on his favorite subject, the Uniform Commercial Code, a decade and a half ago he offered this advice:

At this juncture, the real value of the wealth of written material on the Code, including the excellent articles in this symposium, lies not in triggering instant amendment of the Code, but rather in focusing the attention of judges and lawyers on potential problems under the Code so that such persons will be better able to handle these problems properly if and when they arise. This complex statute will never be flawless, but constant tinkering could well do more harm than good.

Steinheimer, *Forward: The Uniform Commercial Code Comes of Age*, from *Symposium: Selected Problems Under the Uniform Commercial Code*, 65 MICH. L. REV. 1275, 1279 (1967).

³ In the *Gorgias* Socrates admonishes Gorgias, a teacher of rhetoric, that "[f]lattery of every kind, whether of oneself or of others, whether of the few or of the many is to be avoided. . . ." Plato's *Gorgias* (W.C. Helmbold trans. 1952).

⁴ "It has been said that credibility is the morality of fiction. Verbal coherence might be said to be the morality of poetry. Certainty is ideally the morality of the market place." Steinheimer, *Address-Summary Prejudgment Creditors' Remedies and Due Process of Law: Continuing Uncertainty After Mitchell v. W. T. Grant Company*, 32 WASH. & LEE L. REV. 79, 95 (1975).

the glue that holds them together is his integrity. His tenure has been in the best sense of the word, that of a gentleman.⁵

Roy Steinheimer has been a great dean of the Washington & Lee Law School. He leaves us with a grand legacy. He also leaves us with a challenge and a burden.

It is a commonplace that great men impose a burden upon those who come after them. When there has been remarkable achievement in politics, art, or thought, the generation that follows in its wake, and benefits from it, may suffer the paralyzing sense that nothing really important remains to be done. It may feel that the most brilliant opportunities have already been explored and turned to advantage. As a result, the successors seem faced with a dilemma: either they become mere caretakers of the monuments the great have left them, or, desirous of independence, but despairing of excellence, they drastically narrow their ambitions and set out to till, with technical proficiency, a small field.⁶

I am grateful that he will remain with us. His presence will ensure against "paralysis." His continued provocative counsel should ensure that we become neither "caretakers" nor "tillers."

⁵ There can be no better definition of that word than that offered by another member of the Washington and Lee community, Robert E. Lee. General Lee's definition of a gentleman:

The forbearing use of power does not only form a touchstone, but the manner in which an individual enjoys certain advantages over others is a test of a true gentleman.

The power which the strong have over the weak, the employer over the employed, the educated over the unlettered, the experienced over the confiding, even the clever over the silly—the forbearing or inoffensive use of all this power or authority, or a total abstinence from it when the case admits it, will show the gentleman in a plain light. The gentleman does not needlessly and unnecessarily remind an offender of a wrong he may have committed against him. He can not only forgive, he can forget; and he strives for that nobleness of self and mildness of character which impart sufficient strength to let the past be but the past. A true man of honor feels humbled himself when he cannot help humbling others.

4 D. FREEMAN, ROBERT E. LEE 499 (1935).

⁶ R. UNGER, *LAW IN MODERN SOCIETY* (1976).