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A TRIBUTE TO PROFESSOR JACK VAN BAALEN

A Teacher and Friend

*Nick Murdock*¹

I began law school remembering Charles Dickens' admonition concerning the Court of Chancery. I knew that it was that Court which so "exhausts . . . patience, courage, hope; so overthrows the brain and breaks the heart; that there is not an honorable man among its practitioners who would not give—who does not often give—the warning, 'Suffer any wrong that can be done you, rather than come here!'" Relief came with learning that Chancery had all but been abolished until I encountered fowl, contracts and Professor Jack Van Baalen, though not necessarily in that order.

Fatigue followed wonderment that so simple a question as "What is chicken?" could have no recognizable answer. The prospect of finding not one student capable of articulating any answer, yet alone an intelligible one, did not diminish Jack Van Baalen's enthusiasm for continuing to ask the question. Socrates would have had no quarrel with this twentieth century disciple who led the wide-eyed and earnest through agonizing dissections of what some of us thought could be a simple "yes" or "no" answer. In my home, the conclusion of the *Frigaliment* case and its passing from any further class discussion (and, thus, cessation of my despondency at dinner) brought on an occasion for imbibing of the grape, spousal reacquaintance and a return to the red meat (the joy of which was only later destroyed by no doubt a Van Baalen student who had to ask "What is a cow?" in *Shrum v. Zeltvanger*).

While some students began the study of contracts with the mundane trilogy of offer, acceptance and consideration, the Van Baalen class understood that "contracts" was really the "Code." To survive, one did not know or use the Code but willed it to be one's appendage. Remedies could only be accepted if cross-referenced to a corresponding and applicable breach that necessitated study of the pertinent conditions for breach which in turn could only be learned by reference to definitions, which of course had to be tempered by an understanding that certain defined terms such as "good faith" did not have a universal meaning in all Articles of the Code.

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Later, in practice, I found that the survivors of the Van Baalen *rigor* were quite accomplished in their employment of statutory construction and skillfully practiced in the thoroughness of their analysis. Rare was the past student that did not come to enjoy the hunt for that critical nuance—the one that turned the case upside down. I never knowingly underestimated what Jack's students had learned from him and could use against me and my client.

All of this is more than adequate commendation for a law professor. Teaching students uncompromising analysis, professional self-discipline and, yes, a love of the law are all things of which Jack can be proud. His students have brought to their profession much of which he can be proud. But those things, while important to him, were never Jack's center. All his students knew that he stood for something more.

The Law for Jack Van Baalen even when reduced to transactions involving “widgets” was never without morality. One always sensed that Jack respected Socrates for more than the teaching method that he originated. Ideas were mere shadows of absolute truths thrown on the wall of a cave. Through Jack's example, one learned that there had to be an integrity of thought, intention and action. To practice deceit in the articulation of an idea or legal position was to violently demean the idea of position, itself. To twist or contort one's ideas for whatever practical legal advantage was nothing less than a willful destruction of truth. Jack Van Baalen encouraged and demanded unfettered competition of ideas within his class but never permitted the exposition of an idea to take precedence over the truth for which the idea stood.

Over the years, I have always been taken aback at Jack Van Baalen's unabashed pride in his students. He knows where they have gone and what they are doing. Few former students know that he reads their opinions, chuckles at their ingenuity and boasts almost shamelessly to colleagues of how well they have done. Fewer still know of his concern for them when he hears that things are not going well. I often wonder if Jack would be just as surprised at his students' concern for him. They recognize their debt to him, both intellectually and morally. None who I know feel that they can ever repay him.

His years at the Wyoming College of Law were dedicated to the care of his student's intellectual spirit. We, his students, would still advise all to suffer from his hand the momentary embarrassment that comes with true knowledge learned at his feet. We wish him well. We thank Jack Van Baalen for what he gave us. May his coming years as Professor Emeritus be as fruitful for him and Lynn as his last twenty were for us, his students and friends.