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Tributes to Arthur H. Sherry

Jesse Choper

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In Memoriam

Tributes to Arthur H. Sherry

I

I am gratified that the editors of *The Hastings Law Journal* have chosen to honor my friend, Arthur H. Sherry. It has been my privilege to be associated with him since 1976 as a fellow member of the Hastings faculty. He came to Hastings as a distinguished figure among the leading scholars and teachers in the field of criminal law. His vast experience and substantial accomplishments gave him the foundation for exceptional service in the education of a full generation of Hastings students.

My friendship with Professor Sherry began many years before we became colleagues at Hastings. About thirty years ago we were members of a board organized by the American Bar Foundation and the Ford Foundation to conduct an ambitious study of the nation's criminal justice system. The initial idea for the project came from Justice Robert H. Jackson of the United States Supreme Court, who, in the early years, assumed a leadership role in the program. The basic method of the study was empirical, calling for the guidance of those with deep practical experience together with an overall comprehension of the sources of crime and the hard realities of governmental efforts to control it. Arthur Sherry met those requirements in full measure.

My own inadequacies for the mission made me particularly aware of Professor Sherry's knowledge and wisdom. His outstanding career as a chief prosecutor and public administrator in California was of inestimable value. I learned a lot from him and, at the same time, I learned a lot about him. I became aware of his basic integrity, his fair-mindedness, and his courtesy and good-heartedness.

Professor Sherry spent his life in public service, mainly for the people of California. He served with high motivation and real accomplishment. An example, may I say, that is adhered to faithfully by other members of the family I have come to know—his talented and lovely wife, Mary Ellen, a successful journalist, and his daughter, Virginia, one of my favorite students in constitutional law and a coworker in the cause of reforming the role of money in politics.

Though he worked in many arenas in his long career, the students of Hastings were among his primary beneficiaries because his work there came in the latter years of his full and rich experience when he was in the best position to reflect and—on reflection—to teach.

Let us trust that from his students will come others like him to abide by his model and to follow in his straightforward footsteps.

*Ray Forrester**

II

Professor Forrester's tribute gives some flavor of our beloved colleague, Arthur Sherry, as a friend, a colleague, a scholar, a public servant, and the wonderful gentleman that he was. Just one example of the high regard for Arthur's record of distinction in public service may be found in the fact that on July 30, 1986, the day after his death, the San Francisco Board of Supervisors adjourned out of respect to Arthur's memory, on a resolution authored by then-Supervisor Louise Renne. And, on August 25, 1986, the State Assembly of California adjourned in his honor on a resolution introduced by Assemblyman Art Agnos. But I would like to say just a few things, from the perspective of Boalt Hall, about Arthur's special contributions to the law school.

Arthur came to Boalt in 1953 at least in part to replace Warren Olney, who was stolen from Boalt's faculty to head the Criminal Division of President Eisenhower's Department of Justice. Boalt was then a very different place from what it is now. The student body and faculty were about a third of their present size. Dean William Lloyd Prosser was roughly midway in his tenure. The young Turks were Ed Barrett and Frank Newman, and the faculty was full of people whose reputations we now take for granted but who were then just starting—those like Albert Ehrenzweig, Dick Jennings, Adrian Kragen, and Steve Riesenfeld.

Arthur already had an established reputation when he came to Boalt, built on a distinguished career as a prosecutor and as the administrator of a large legal office. Thus, he gave our school a strong link to the profession—within this community and throughout the state. He possessed that important feel for the practical realities; he knew the players on the scene, and was well known to the profession as one who could play their game superbly.

One example may be recounted to illustrate the significance of this

* Professor of Law, University of California, Hastings College of the Law. A.B. 1933, J.D. 1936, University of Chicago; LL.D., H.C. 1963, University of Arkansas.

for Boalt Hall. In the middle 1960s, the State undertook a major revision of the California Penal Code, following the Model Penal Code of the American Law Institute. For guidance, the legislature sought an Advisory Committee and Arthur was the obvious choice to lead the enterprise. He had connections with prosecutors throughout the state, he had experience dealing with the legislature, and he possessed a towering reputation for fair-mindedness. It was an enormous benefit to Boalt Hall to have the Committee's project headquartered here, bringing to the school scholars in criminal law from throughout the state, and giving the people within the school itself—as well as the world at large—tangible evidence of our participation in the processes of law reform, a major part of our reason for being.

Arthur helped new, less worldly faculty in many ways. He dropped their names in places where it would be useful, and he introduced them to leading figures in the state and community. Most prominently, he kept the law school's attention focused on the real and the practical. In his quiet way, he kept us in touch with the real professional world that we were training our students to join.

Arthur was, of course, a fine teacher and a scholar as well. He made a lasting contribution to the literature on the subject of status crimes—vagrancy, public drunkenness, and the like. Those so-called petty crimes consume an enormous share of the public resources devoted to law enforcement. It was characteristic of Arthur to devote his energy to the unfortunates who commit those low-profile crimes that clog the system and obstruct its capacity to deal efficiently and fairly with major offenses.

It was a joy for me to have known Arthur as a friend and colleague for more than twenty years, and it was a distinct privilege for Boalt Hall to have his association—as a student, as an alumnus, and as a Professor of Law—for nearly six decades.

*Jesse Choper***

** Dean and Professor of Law, University of California, Berkeley. B.S. 1957, Wilkes College; LL.B. 1960, University of Pennsylvania; D. Hu. Litt. 1967, Wilkes College.

