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## Professor Warren Shattuck

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# In Memoriam: Professor Warren Shattuck

by  
LEO P. MARTINEZ\*

This summer, the Hastings administration's announcement to returning students of Professor Warren Shattuck's death included the Associate Academic Dean's comment that "Warren Shattuck taught generations of students to be ethical and compassionate lawyers." Perhaps nothing more needs to be said.

At the same time, I was Warren Shattuck's student, his colleague and, at least in name only, his boss. Having lost my own father this past May, my perspective here is affected by that personal experience. I can only describe Warren Shattuck as wonderfully inscrutable. A story will illustrate my point.

Vern Countryman, the distinguished Harvard Law School professor and nationally recognized commercial law expert, visited Hastings one semester in my second year of teaching. I was fortunate that his office was next to mine, and in one of many hallway conversations, Professor Countryman told me that he had been a student in one of Warren's first contracts classes at the University of Washington School of Law. Upon discovering that we shared this common connection, Countryman lowered his voice conspiratorially and he, the great commercial law scholar, confessed that he had not understood contracts under Warren Shattuck. I should explain when I say my own experience was the same.

What I mean and what Countryman meant by saying that we did not understand contracts was not that Warren Shattuck was an ineffective teacher. Quite the contrary, Countryman's own stature gives lie to the statement. Indeed, among my prized possessions from my early years as a law student—which I still use to help me prepare for my own Contracts classes—are the notes I took in Warren Shattuck's class as a first year law student at Hastings. Rather what we mean is that Warren Shattuck did not make the course easy. He was a quietly demanding teacher who taught at a consistently high level. I could

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sense from his methods that he was effectively telling and teaching each of us: "You have an intellect and it should not be wasted in solving trivial problems." I am convinced that his avid support of that theory is why he deliberately refused to answer questions directly, always choosing instead to return questions with further questions.

It was with no small sense of irony and with something bordering on sheer terror that I faced my first contracts class as a professor and there, seated in the back row to evaluate my teaching, was Warren Shattuck. In what seems a blur, I struggled though the class at one point painfully aware that an offhand comment of mine had caused him to stare off in contemplation of what I could only imagine was obviously a profound misstatement of the law. Afterwards in his office I asked him about his theories and thoughts on the subject of the class. True to form, and always the teacher, he responded, "Well, what do you think?"

In retrospect I recognize his method. He chose to make us as students think for ourselves, and he insisted that we think our way through the problems. He also taught me, by way of our discussion of my teaching, that the process is never finished. It is a priceless lesson which I continue to attempt to pass on to my own students.

It is tempting at this point to refer to General Douglas McArthur's 1951 address to Congress in which he quoted an old ballad with what now is the worn phrase "old soldiers never die . . ." <sup>1</sup> Certainly in this case the phrase is appropriate. As evidence of the professionalism and integrity the quote implies, I will tell you that this summer when Warren came to my office to say goodbye, he had all in order—his office was cleared out, his grades were turned in—he handed me his office key, and he thanked me for my indulgence of his teaching. All was neatly complete.

However, a more fitting parallel to Warren's role here at Hastings can be found in McArthur's 1964 address to the Corps of Cadets at his beloved West Point. McArthur's words made clear his knowledge that for him the end was near, but he was not so preoccupied with death as he was with what he viewed as a last opportunity to express his loyalty to the institution.

"The Shadows are lengthening for me," he said. "The twilight is here. My days of old have vanished tone and tint; they have gone glimmering through the dreams of things that were. Their memory is one of wondrous beauty, watered by tears, and coaxed and caressed

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1. WILLIAM MANCHESTER, *AMERICAN CAESAR* 661 (Little, Brown & Co. 1978).

by the smiles of yesterday.”<sup>2</sup> He went on to say that in the evening of his memory, he always came back to West Point concluding that when he crossed the final river his last conscious thought would be of the Corps; and the Corps; and the Corps.<sup>3</sup>

Such institutional loyalty today seems almost a quaint anachronism, but it has not completely vanished. For me it is the measure of the man. Warren Shattuck taught me, like he taught Vern Countryman and many other generations of law students, to be ethical and compassionate lawyers. He also taught us to think for ourselves in attempting to find the solution to difficult problems—a valuable lesson regardless of the context.

I am struck by Warren’s immense loyalty not only for this institution but for his students. His founding of the Hastings first year student scholarship program, his generous funding of it, and his insistence that it not carry his name, all speak with as much eloquence as McArthur’s farewell. In these days of lengthening shadows and diminished loyalties, Warren Shattuck’s shadow is cast over us. We are honored. Warren, you are missed.

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2. *Id.* at 699.

3. *Id.*

