Tom Shaffer: A Model Role Model

As I reflect on writing about Professor Tom Shaffer, J.D., to honor him on the occasion of his promotion to emeritus status at NDLS, I think about the many ways I have known him in the nearly 40 years since we first met. I have known him as a fellow student — we were Law School classmates. I have known him as a colleague — we have taught together on this faculty for the better part of the last 27 years. I have known him as my dean (from 1971 to 1973), and I have known him as his dean. We have been administrative partners together. And throughout these last four decades, he has become one of my best friends.

I could write about the impact Tom has had on my life through our various relationships. But the thread that runs through all of them is that he has been, more than anything, a wonderful role model for me, for my colleagues, for our students. And the amazing thing is that he serves as a role model without even trying. He serves as a role model by being the person he knows he is supposed to be, and the rest of us want to emulate him because we know that is what we should strive to be the same.

As a law student, Tom placed at the top of our class. And he got there by studying the law in a way that interested him. He is the only person I know who not only read all of the assigned texts, but who also read all of the footnotes, as well as most of the references within the footnotes. He has strong analytical skills — which not only benefited him in his studies, but which also benefited the rest of us as he asked questions of the professor in class or as we sat around studying and discussing various subjects after class.

We were students during the Dean O'Meara years — years in which many of our classmates were being thrashed anonymously by, among other things, a tough grading system. Grades during those years were based on a scale of 0 to 100, and a score of 0 was given to few. The highest grade in a given class was usually around 80 — a score of 82 or 83 was considered remarkable. Tom's grade-point average was well over 90. In fact, in Constitutional Law, the late Professor Roger Peters gave Tom a 100. I voted Professor Peters low; someone received a score of 100 in the context of that grading system. His oral supplanted the type of student Tom was — "Tom Shaffer doesn't know everything there is to know about constitutional law — which you might infer from a grade of 100. But I've been teaching the subject for over 20 years, and Tom knows more than I do about it, and I think that deserves a 100."
I never thought of Tom as just a great student. Rather, I thought of him as a friend who taught the rest of us by being with us about the law. And I wanted to be like him. I never thought of trying to be better than him, either — not that it would have been possible anyway, but because it would have been inappropriate.

After graduation in 1961, we went our separate ways for a while — I went to Washington, D.C., to work with the Treasury Department, and Tom went to Jackson, Michigan as an associate at Barnes, Hickam, Painter & Boyd. After a couple of years, he returned to NDELS to begin his teaching career. In time — either among his classmates or among the faculty — was surprised, because we all knew he was destined to be a professor.

He also knew we were smart enough to know that I should be a professor — even though I didn’t know it myself at the time. I spent the next years at the Treasury Department, then joined a Chicago law firm to practice tax law. During those years, Tom kept trying to persuade me to return to my alma mater to teach, and recommended me to Dean Lawless. I came to NDELS in 1970 on a two-year leave from the law firm, and still haven’t left. I realized that Tom was right. As my friend, as my teaching colleague, and as my dean (for which he became in 1985), he showed me how wonderful law professors are. I’m now in the 27th year of my two-year leave of absence.

Know no better scholar than Tom. He is one of the most prolific authors — his list of publications is nearing the 500 mark. We, on the faculty joke that Tom Shaffer is a good sport in writing that he can pen an article in the car on his way home from work. He could even make one up if he had to, and he has a fantastically reflective mind.

He has addressed a number of topics of expertise during his 35-year teaching career. He began his career teaching trusts and estates, and estate planning, but now, in his work in our Legal Aid Clinic, concentrates on client counseling. He is a nationally known scholar in the fields of law and religion, jurisprudence and ethics — particularly ethics in the law-office setting. He studies what interests him, and he makes his interests interesting for the rest of us.

I am writing to offer a neucleation of my good friend, Professor Tom Shaffer, ... I had the pleasure of being a visiting professor at Notre Dame Law School during the 1988-89 academic year. That same year, Professor Shaffer returned to the Law School after several years at another law school.

Tom and I thought the two sections of Property Law that year. What struck me most about him that year was that, despite his reputation as an internationally recognized scholar, his first interest was in his students. He gave me the courage to try small group sessions in a large, first-year required course because he was willing to try it. We were also willing to offer a variety of opportunities for student feedback and found particular attention to different techniques for student learning. We spent several delightful Fridays with small groups of first-year students in which virtually every student participated in a meaningful way.

I came away from that experience knowing that I had worked with an absolute master scholar and teacher. I will always remember him in that vein, but also as an individual who is capable of true concern and friendship for his students and colleagues.

I applaud you for [profiling] Tom Shaffer. He is one of the giants in legal education. I wish him well in his retirement years.

— Peter W. Schuck, Jr.
McDonnell Professor of Justice
St. Louis University School of Law
Tom is a wonderful colleague. For so many years here he has been at the center of a beautifully collegial environment that he helped create by being the kind of leader who knows he should be in short, being a leader rather than be talk-just about being a leader or talking as a leader. He doesn’t impose his views on others; he listens, he shares — his ideas, his time, his experiences, his life. When col- leagues have a project with the help he needs even necessary because the faculty member needs the help, but because he genuinely enjoys working with others. His own bibliography contains a number of works co-authored with members of our faculty, as well as with our students.

As a professor, he is among our most creative. He courses and other programs — such as used in our Legal Aid Clinic — by bringing together faculty from other disciplines, but and students to teach students what they need to know. Law books do not constitute him. One notable course he cre- ated to teach law, practice and insights brought to- gether scholars from around the University to teach — the clinic. Tom shared the stage with Professor Stanley Harewood of the Department of Theology and Professor Harvey Beeler of the Department of Bio- logical Sciences. In the clinical programs, he has brought in psychology professors and economists to teach students — our future lawyers — how to counsel. As a full- time clinical faculty member, he teaches our students by thinking about what they need to know and then by finding the best people to teach them. And of course, of course, is a wonderful teacher — showing our students how to be the best counselors and advocates they can be, by being the best counse- lor and advocate himself.

After Tom resigned the deanship in 1973, he left NLBS for a while. One of my goals, as always, is to bring him back. In 1988, I finally succeeded. Since then, and in particular since the 1990s, he has been one of the driving forces behind the revitalization of our clinical education programs.

Since the early 1990s, when NLBS began providing legal services to the poor in the South Bend community, there has been a constant tension between two seemingly incompatible aims of the work of legal aid: experiential learning for students and community service. Tom, however, believes that the legal aid experience can satisfy both of these aims and more. Con- sequently, he has helped create a legal aid program that provides students with practical experience that serves the community and that is integrated into the overall law-school learning process. Among other things, his reflective seminars, lectures and workshops have trained legal aid into a new educational re- source. And he did, this not by writing out to revolutionize legal aid, but by being a great clinician — by deciding, with his col- leagues in the clinic, what should be done and then turning it into.

I envy the time he spends with our stu- dents and with the clients. He has the time and the opportunity to put into effect his belief about ethics in the law firm. The work entails a heavy personal commitment from him, both in serving clients and in teaching students. But it has been a work- worthy endeavor for him, and a blessing for us that this brilliant scholar decided to devote his time to this worthwhile venture.

Tom announced his retirement from full-time teaching duties at the end of the 1990-91 academic year. And, in the college on the faculty, already missing him as a constant part of us, but he has decided to remain as a volunteer supervising attorney at the clinic. And so I know, in his own inimitable way, he will continue to be a teacher, a role model, for our students, for that, I am grateful. And he will always be my friend. So that, I can truly bless.
A Thank You to Professor Tom Shaffer

BY PAUL R. MATTLINGLY '75 J.D.

I cannot claim to be Tom Shaffer’s closest friend or best buddy, but our Class of 1975 was one of only a few in which he was throughout our tenure at the Law School the “item.” My lasting impression of him was his good-hearted common sense and concern on just about every issue, all packaged in a bow-tied Hoosier lawyer any Indiana courthouse would be proud to host. Look a little harder and there is definitely something else — living proof that there is indeed integrity in our profession.

My own academic success was never too far from memory. There was the incident where, as a first-year student, my scholarship ended in the London program the thought occurred to me that maybe the Law School wouldn’t mind me paying for a “thankless” year abroad. Without giving it a thought, I brazened it in to share my concern with the dean. “Well,” he said, looking across the top of his glasses and办法 pinning a chuckle, “What would have done to do with anything?” That discussion is no further, and I vowed to put more intelligently in the future.

When our group returned a year later, I went to see her about London again this time to assert our collective feeling that the London students felt somewhat isolated by the administration in South Bend. “Well,” he said, still looking across the top of those glasses, “What do you want to do about it?” After articulating a realistic program that we were convinced would promote harmony within the Law School family, he smiled simply nodded approval, and told us to take care of it with an assurance that the dean supported it. We did, and he did.

Nearing graduation, many of our ideas small class decided it would be appropriate to dispense with the pompously and expense of cap and gowns, graduation ceremonies, and the like. “Well,” in the diploma, we urged. We knew things to do and place to go. By, and by the issue ended up before the deans, and a conversation ensued. In addressing the matter, he told us he would take a lesson from the approach of other ladies of historical note. He would defer a decision until the more hopeful that the entire matter would go away and resolve itself. Disregard the reason no decision could be extracted from the deans, the position hardened — until too many parents, friends and acquaintances objected to being excluded from a visit to Notre Dame in May for a graduation exercise. Gradually the dean was vindicated. History repeated itself and the matter fell into and blow away like much warmed.

Over the years, I have spoken to Tom from time to time. On one occasion, during his tenure at Washington & Lee University, I asked his advice in a mundane manner over lunch during a recruiting visit for my firm. A client had demanded a law-student program that become widely successful, especially after an economics writer for Newsweek magazine had characterized it as a legitimate program. Millions upon millions of dollars were involved. There was recklessness in it, especially at the Internet Revenue Service and it seemed every state securities commission in the country had yet to install the country paying out regulatory fees and exploring the programs merits and legality to those threatening attempts to shut it down. Tried and particularly worn out from constant admonitions about how, whatever the merits of my client’s programs, I should be advised of keeping much money out of the U.S. treasury, I told the story to Tom, wondering what he would think of me. At the end of my tale, he smiled as he always did.

It would be unfair to say because I cannot recall Tom’s exact words. But the point of his response will stay with me. Their questions and complaints, he analyzed, were the economic equivalents of the old lawyer’s question about how counsel can represent a murderer when he “knows” the defendant is guilty. My duty was to be the best advocate I could be — to present my client’s case in the strongest possible terms consistent with everything I know to be correct, ethical and appropriate. All the better that I was personally convinced in the matter. Leave it to the other side to master their arguments, and don’t worry too much about what they think. Their judgmental concerns might even be a mask for a lack of intellectual integrity in the arguments they advance. Do the job you signed up for, fit into 60% of the time for it.

Simple, straightforward and direct. Perhaps it was more meaningful to me because it was what I wanted or needed to hear. But I know that was it was correct. Considering the source, I was enlightened and comforted about resuming the struggle. Of course, I lost in the end — my client’s program was overtaken legislated out of existence by the Tax Reform Act of 1986 — concerned by name in committee reports and hearings by various linguistics who asserted that it was a “risky” abuse of tax, but it would be alive.

Tom Shaffer probably doesn’t remember our conversation in that restaurant many years ago, or our numerous discussions when he was dean. He probably doesn’t remember hundreds or thousands of conversations with hundreds of thousands of students, lawyers, clients and others. But rest assured that many who speak with Professor Shaffer remember him and what he has to say. Many law fools and will continue to be guided by his wisdom, common sense and leadership.

It is an appropriate way to mention with him as he retires from full-time teaching and such work for his many substantive contributions to, and continuing example for our professional lives.