

Winter 2003

A Tribute to Harry Pratter

Terry A. Bethel
Indiana University School of Law

Douglass Boshkoff
Indiana University Maurer School of Law

Maurice J. Holland
University of Oregon

Follow this and additional works at: <https://www.repository.law.indiana.edu/ilj>



Part of the [Legal Biography Commons](#), and the [Legal Education Commons](#)

Recommended Citation

Bethel, Terry A.; Boshkoff, Douglass; and Holland, Maurice J. (2003) "A Tribute to Harry Pratter," *Indiana Law Journal*: Vol. 78 : Iss. 1 , Article 1.

Available at: <https://www.repository.law.indiana.edu/ilj/vol78/iss1/1>

This Special Feature is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Law Journal* by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact rvaughan@indiana.edu.



JEROME HALL LAW LIBRARY

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

A Tribute to Harry Pratter

The Board of Editors, in recognition of his lasting service to Indiana University School of Law—Bloomington, hereby dedicates Volume 78 of the *Indiana Law Journal* to the memory of Harry Pratter, who taught at the School of Law from 1950 until 1994, and passed away March 11, 2002. As evidenced below, Professor Pratter's influence spread far beyond the bounds of his classroom walls, and his presence in the Law School's community will be sorely missed.

REMEMBERING HARRY PRATTER

TERRY A. BETHEL*

When I began teaching in Bloomington as a visiting professor in 1979, I had some trepidation about the assignment to teach Contracts. I had only been teaching for two years, and Contracts was not in my course load. Also, I had failed to mention to the Dean that Contracts had been my lowest grade in law school. But I needn't have worried. I met Harry Pratter just before classes began, and my class preparation soon followed a familiar pattern. I would read the case, and then run down the hall to Harry's office and say something like, "So, what do you think of that opinion in *Hawkins v. McGee*?" Harry would smile, lean back in his chair, and talk about the case for most of an hour, raising issues that the hornbooks—and especially the teacher's manual—hadn't disclosed. When he was finished, I would thank him and then run back to my office, where I would furiously scribble down as much of what he'd said as I could remember. Then, I would read the next case, wander down the hall and ask Harry, "So, what do you think of those opinions in *Groves v. Wunder*?"

This is how I took Contracts from Harry Pratter. My law school Contracts professor had been Rollie Stanger, who retired from Ohio State and moved to Bloomington to terrorize law students. He was, I thought, the best teacher I ever had. But that was before I met Harry.

Harry knew what I was doing in that first year, but he didn't care. Harry loved to teach, even if his student probably couldn't have gotten by the admissions committee.

I made it through Contracts and managed to get a permanent appointment, so I was able to stay in Bloomington. In the years that followed, I spent lots of time in Harry's office, sometimes talking about Contracts, sometimes about basketball, and sometimes just listening to Harry ruminate. I also spent time in the hall, listening to Harry and Maury Holland argue about almost everything. They often carried their discussions to lunch in the faculty lounge. In the old days, we had a set of encyclopedias in the lounge. Colleagues were sometimes tempted to use them, but not Harry. He said nothing ruined a good argument more than facts.

After Harry retired, I occasionally had him visit my class. I wanted my students to learn from one of the great teachers, even if only for a day or two. A few years ago, I recorded a series of interviews with Harry. We talked about his early days in the school, about Mary Rose, about law, and, of course, about Bob Knight. I also videotaped him teaching my Contracts class. I wanted the law school to have the tapes as a reminder of Harry's wisdom and his gentle good humor. Harry's teaching was also

* Professor of Law, Indiana University School of Law—Bloomington.

the best example of a method that, regrettably, is disappearing from American law schools.

Harry was a good friend for a long time. I shall miss him.

SOME MEMORIES OF HARRY PRATTER

DOUGLASS G. BSHKOFF*

My last conversation with Harry occurred a few weeks before his death. I had planned to stop by his house for a short visit on my way into town. But, as often happened in conversations with Harry, I stayed for almost two hours and we concluded with a subject far removed from where we had begun. This time we started with basketball and ended with local politics. Good conversations with Harry tended to meander from topic to topic and this one was no exception. One of the great joys of chatting with him was the wealth of ideas he associated with any subject. He was remarkable for the breadth of his interests and the critical analysis he could bring to the discussion of any matter.

Of course, it was Harry's critical facility that, at times, made me uncomfortable. Nothing was undebatable in his presence. And, although we were close friends for almost forty years, Harry never hesitated to let me know when he thought I was wrong or poorly informed. Many former students and colleagues will remember him for his lighthearted banter. While not ignoring his wonderfully spontaneous and mordant humor, I believe Harry's greatest strength was his extraordinary capacity for well-informed and highly focused critical analysis.

Harry was also very tough, when he needed to be. Ordinarily, he would deflect direct challenges with a quip. Direct confrontation in unpleasant situations was not his style. But when conflict was unavoidable, he could be formidable. For example, between the early '60s and the mid-'70s the law school admission policy changed dramatically. An increase in applications forced us to become much more selective. This change was stressful. We lost friends both outside and inside the University community, friends who believed that they should be able to influence admission decisions. Harry was resolute in his determination that our admissions process should be completely honest and within the absolute control of the Law School faculty. And he publicly defended this view with vigor. He was a great source of strength during very difficult times.

Even though I feel it was not his most outstanding characteristic, his wit cannot be ignored. This sometimes shy and self-deprecating humor, accompanied by an impeccable sense of timing, is legendary. It is sad that most of his wonderful witty remarks have been lost. But there are a few exceptions. For example, according to one former student,¹ Harry would begin class each semester by announcing, "Third, and perhaps most important, this course is practical because the casebook materials and even the lectures themselves may help you understand your Gilbert's outline." These outlines are law study aides deprecated by faculty and cherished by students. This remark must have endeared Harry to several generations of law students.

* Robert H. McKinney Professor of Law Emeritus, Indiana University School of Law—Bloomington.

1. Guy R. Loftman, *Study Habits and Their Effectiveness in Legal Education*, 27 J. LEGAL EDUC. 418, 418 (1975).

On another occasion, a new Law School employee was somewhat flustered when she encountered Harry in the elevator on her first day of work. She wanted to go down and he had pressed the up button. Not knowing exactly what to say, she remarked, "Oh, I thought you were going to have me on the ground floor." Harry gallantly replied, "It would have been my pleasure."

TREASURED MEMORIES OF A REMARKABLE FRIEND

MAURICE J. HOLLAND*

Any of us with the good fortune to have been Harry Pratter's friend and colleague must count that experience among the most cherished joys of our lives. Everyone who knew him at all well will fondly recall his unflinching good humor and infectious *joie de vivre*, his marvelous sense of life's abundant ironies and occasional absurdities, his astonishing breadth of interests and learning, and, of course, his wit, Swiftian in its acerbity, yet never cruel except to some imagined targets mischievously conjured up for the occasion, who richly deserved to, but never would, feel its lash.

In all those respects, and countless others so easily retrieved from our abundant and still fresh memories of him, Harry was assuredly a most remarkable man. Yet, without being combined in the way he did, none of those particular attributes, characteristics, and lovable foibles quite captures why so many of us regarded him, and will always remember him, as a magnificently unique individual. No one in my experience has seemed more nearly impossible to do full justice to in trying to describe for anyone who did not know him. We are, however, obligated by claims of friendship and deep affection to do the very little we can.

As most of you know, Harry fought in the Pacific in World War II, and thus qualifies for membership in what Tom Brokaw has called "The Greatest Generation," although I am sure Harry would have scoffed at that idea. Admittedly, the style of Harry's life in the years I knew him, was, as well befits a professor, a quiet one, perhaps even verging on the sedentary, at least in its outward appearances. But the inner man was a valiant, dauntless, and wide-ranging adventurer when it came to the worlds of literature, language, philosophy, and both popular and high culture. Notice that I did not immediately think to include law, because, in the early days of our acquaintance, I formed a wholly mistaken impression that the law was among the least of Harry's interests, and that his natural academic bent might have seen him ensconced in the Department of Philosophy, where he could lavish all his attention on his revered Wittgenstein, or perhaps in the Department of Comparative Literature.

The sense that Harry would have flourished as a philosopher or literary critic was not wrong, but that early impression of his not being particularly intellectually drawn to the law could not have been more so, and thus the law should of course be included in any listing of his interests. My initial mistake was in failing fully to understand that Harry could not help but apprehend the law through the lens of his literary and philosophical sensibility.

After all, who but Harry could even contemplate a scholarly effort to make Wittgenstein yield insights into the Uniform Commercial Code that would reveal its inner true nature as an artifact of the twentieth century's tragically failed project of

* Professor of Law, University of Oregon; member of the Indiana University School of Law—Bloomington faculty, 1973-1986.

reconciling hope with despair about the human condition? Not many people are likely to think of the UCC in just that way. But to think of things in the law, as well as quite a few things outside it, in ways that no one else quite managed to do was at the core of Harry's being, which must surely have proved quite a boon to those thousands fortunate enough to have been his students.

Of course, Harry was admirable for many attributes apart from the remarkable originality of his views on life and the law. I shall mention here just one of those most laudable qualities from which I, along with others in our early years on this faculty, greatly benefited. When undertaking their first scholarly projects, sensible young academics invariably hope to find at least one senior faculty member who is willing to devote the time and make the effort to serve a mentoring role, in other words to provide both the much needed encouragement and the equally requisite shrewd, incisive criticism. For many that hope is in vain because everyone is too preoccupied with paddling his or her own canoe. On this faculty, however, at least during my years as a member of it, that mentoring role was most generously and unfailingly filled by Harry Pratter.

If Harry was himself somewhat less prolific of published scholarship than he was undoubtedly capable of being, the reason surely was that he gave of himself so unstintingly to others, especially to his juniors, never begging off or pleading too many other demands on his time when approached for help, as he so often was. That was so in my case, and I am sure I was far from the only one, despite the fact that my initial scholarly undertaking could scarcely have been more exotic or distant from Harry's particular fields of interest or expertise. Every good law faculty needs a Harry Pratter, but very few have been so fortunate as to have his equal.

So yes, in addition to the grievous personal loss each of us feels, this law school is sadly diminished by Harry's passing. And yes, as he would be the first to insist, that institutional loss is being made good by the many fine young people who have joined, and will join, this faculty.