

## TRIBUTE: TRIBUTE TO PROFESSOR ROBERT BERKLEY HARPER

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### Reporter

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### Text

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I've known **Robert Harper** since the fall of 1968 when he was in his first year as a law student and I was in my first year as a law professor. After that, he served as Dean of Students under Dean Edward Sell from 1971-74; and since 1974, he has been a member of the law faculty. During that time, he's also become one of my closest friends.

Since I've known Bob for so long, I could tell you stories about things that happened 20 or 30 years ago. And maybe I will touch on one or two incidents. But since most of you haven't known Bob for that long, I thought that you might be more interested in hearing about Bob as he is today.

So I asked a student in Bob's Scientific Evidence class to tell me something about current students' perception of Professor **Harper**. The student told me that Scientific Evidence was one of the best courses he's had at law school. He raved about Bob as a teacher, and said that all the students had learned a lot in the course and been especially impressed with how much Bob knows about scientific evidence.

Then, he went on to talk about some of Bob's interests. Among other things, he said, "Professor **Harper** is very interested in Shakespeare. He has quoted and discussed lines from Shakespeare in class." He also warned me that Bob is someone who is "larger than life," so it would be very difficult for me to give a clear picture of him in a few pages.

I agree with the student that it will be difficult, if not impossible, for me to give you a clear picture of Bob in the space I have. Because of Bob's interest in Shakespeare, however, I decided that the way I want to approach this is to try to pick some quotes from Shakespeare that will give you some insight into his character. Because Bob is such a multi-faceted individual, I can't do it with a single quote. But I can at least choose a few quotes that may help to give you a picture of him.

The first one relates to his generosity: "For his bounty, there was no winter in't: an autumn twas that grew the more by reaping." <sup>1</sup>

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<sup>1</sup> William Shakespeare, Antony and Cleopatra, act 5, sc. 2.

As anyone who knows Bob can tell you, Bob is and always has been incredibly generous. One example that people within the law school community know about is that he gave a large gift to the law school for the benefit of future students. But there are many other examples that you don't know about. Bob has helped countless people not only in the law school community but also in the wider community. He has served on the Board of the Neighborhood Legal Services for many years. He has gone to nursing homes and done pro bono work (such as preparing wills) for elderly people there. He has written powerful articles identifying problems that the community needs to address. And whenever someone he knows is in need, he has invariably been generous with his time and resources.

Reflecting on Bob's generosity does lead me to one story from the past, however. I remember when Bob was Dean of Students back in the early 70s. A student had turned in something late to the Dean's office and was assessed a \$ 5 fine. She appealed to Bob to try to have the fine rescinded. Thinking she could appeal to Bob's softer side, the student talked about what a hardship it would be if she had to pay the \$ 5 fine. She said, "Oh, Dean Harper, I've recently become married. We're very poor. If I have to pay an extra \$ 5, it will be such a burden. What can we do?" Bob's response was vintage Harper. He said, "Well, Christmas is coming. You never know. Maybe someone will leave something under the tree."

As to Bob's generosity, you may think that story provides a counter-example. But it really doesn't. Instead, the story suggests another quote that applies to Bob: "He is a great observer, and he looks quite through the deeds of men."<sup>2</sup> Law faculty are not noted for their common sense or their acuity in assessing people. Bob is an exception. In assessing people or in deciding what action to take in a difficult situation, he has exceptionally good judgment. As they say in the African-American community, he has "mother wit." On this issue, I can speak from personal experience because I have gone to Bob for advice on numerous occasions relating to both law school and non-law school matters. His advice has always been shrewd, practical, and sound. On the few occasions when I didn't take his advice, I regretted it later.

Another quote that applies to Bob relates to a special gift he has: "His voice was propertied as all the tuned spheres."<sup>3</sup> Bob is an excellent scholar. Among other things, he has written the definitive text on the Pennsylvania **[\*719]** Law of Evidence.<sup>4</sup> But what has always impressed me more than his scholarship is that people, especially non-lawyers, actually enjoy reading his writing. As one example, I remember how jealous I felt when I heard the secretaries in the Document Technology Center talking about how they were working on one of "Professor Harper's education law" articles or essays and that the issues he was discussing were "really interesting." I have never heard comments like that about any other faculty member's scholarship, including my own.

In choosing the quote relating to an exceptional "voice," however, I was not just thinking of Bob's writing but also his spoken words, especially some of the comments or speeches he has made in faculty meetings. Since matters discussed in faculty meetings are confidential, I cannot quote any of Bob's speeches. But I can tell you that, on occasion, he has been extraordinarily eloquent. Those of us who have been on the tenured faculty for more than 15 years would probably agree that a speech Bob made during a tenured faculty meeting in 1989 was the most eloquent and powerful speech they have ever heard in a law school faculty meeting. Since I have been here since 1968, I can tell you that that speech was the best one I have heard in any law school faculty meeting.

I could tell you a lot more about Bob. He has been an extraordinary friend to me and he has had a tremendously positive impact on the law school. I doubt if there has ever been another member of the law faculty who has equaled Bob in the range of contributions he has made to the law school or to the Allegheny County community. Bob told me once that, when he became a lawyer, his goal was to "make doors where there were once walls." During his more than thirty years at the University of Pittsburgh School of Law, he has been remarkably successful in achieving that goal. Which brings me to a final quote from Shakespeare, which I think perhaps provides the most appropriate description of Bob:

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<sup>2</sup> William Shakespeare, *Julius Caesar*, act 1, sc. 2.

<sup>3</sup> William Shakespeare, *Antony and Cleopatra*, act 5, sc. 2.

<sup>4</sup> Robert Berkley Harper, *Handbook of Pennsylvania Evidence* (Aspen Law & Bus., 2001).

This was the noblest . . . of them all. . . .

His life was gentle, and the elements

So mixed in him that Nature might stand up

And say to all the world, "This was a man." <sup>5</sup>

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<sup>5</sup> William Shakespeare, Julius Caesar, act 5, sc. 5.