

ERNEST GELLHORN: AN APPRECIATION

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In many halls of fame, it is the custom to install a plaque with tributes for each honoree. If the field of law had a hall of fame, the inscriber of the plaque for Ernie Gellhorn would have trouble reciting all of the feats that ensured Ernie's admission on the first ballot.

Should the inscriber emphasize Ernie's writing? Ernie wrote brilliantly for many audiences—among them, scholars, practitioners, judges, and students. Many would say that Ernie earned lasting recognition simply for authoring his volumes on administrative law, antitrust, and regulated industries. The commemoration could quote the testimonial contained in the teaching evaluation that one student wrote for my antitrust class in the Summer of 1987: "I enjoyed the course, but God bless Gellhorn." And what about Ernie's skill in advocacy and counseling? Or his leadership in the bar and the academy? Each of these areas of endeavor easily could warrant its own plaque.

If the choice were mine, I would celebrate Gellhorn the teacher. In 1986, I left private practice to join the faculty at George Mason. That summer I saw Ernie at a reception held to welcome Henry Manne as the new dean of the School of Law. I asked Ernie for his advice on how I should do my new job. Ernie generously shared his thoughts with me. As he did so, I saw what I would come to recognize as one of Ernie's many admirable traits—his willingness to help junior academics and practitioners without regard to their capacity to help him. At many conferences and meetings in later years, I would notice that Ernie's habit was to examine nametags only to make sure that he knew the name of the person he was speaking with and not to decide whether the person's professional affiliation was sufficiently grandiose to warrant an expenditure of his time.

From the notes I scribbled at the reception on that evening in 1986, here are Ernie's suggestions:

First, treat every day as an opportunity to do something special—to give a great class, to help a colleague, to inspire a student, to write an excellent paper. Try each day to paint a masterpiece.

Second, don't show anyone up. Be lavish and open with encouragement and praise for students and colleagues. Be cautious and private with criticism.

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Third, don't make a habit of proclaiming your greatness. Others have covered that field exhaustively. Try something different. Take satisfaction in quietly raising the game of everyone around you.

Fourth, brush aside the inevitable slights of academic life. You will find that many academics have a high estimation of their abilities. Some can be acutely tiresome, and you may be tempted to dwell upon their missteps. Each minute you spend to nurse old hurts is time lost, time stolen from pursuits that improve your own life and those around you. You cannot build a good reputation by keeping grudges.

Finally, when success comes your way and you are established as one of the usual suspects in your field, pass the favor along. May you never become too important to help those who need it the most.

I have read my notes of Ernie's comments many times. I have come to realize that, on that evening nineteen years ago, he was not talking simply about how to behave on a law school faculty. Ernie was teaching me how to live. As the years passed by, I often saw Ernie reinforce the lessons in the most powerful way possible—by the example of his life.

Fortunately, Ernie's contributions as a teacher do not end with his death. He painted masterpieces in the institutions of his profession and, more intimately, in our minds and in our souls. He inspires us to do the same.