

THE PROFESSOR

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I met Professor Howard L. Oleck as a first-year law student at Stetson University College of Law, where he taught Torts and Non-profit Corporations, Organizations, and Associations. When Professor Oleck entered the classroom, we were all impressed with his military bearing and enthusiasm for teaching.

Howard Oleck used the adversarial method of teaching. For each case assigned in class, Professor Oleck assigned a student to argue for the plaintiff and another student to argue for the defense. He required us to stand and present the case as if we were presenting a summary argument in court.

By requiring standing argument between his students, Professor Oleck was the first and only professor, during our first year, to steel us in the area of public speaking. He exposed us to criticism and questions from the judge (who was, in Torts class, Professor Oleck). He was the first to teach us to find the issues, rule of law, analysis, and conclusion of each case. His students, thus, sensed the real nature of argument in our legal system.

All of his students left his Torts class knowing how to argue both sides of the case. In legal practice, nothing can be more elating than having the judge rule for your case, based on the law and precedent; nothing can be more sobering than learning to lose a case. Howard Oleck brought those experiences to us as first-year students. By using the adversarial method, Professor Oleck used his academic position to train his students to practice, to think on their feet, and to respond to adversity, as well as to be academics. I will always remember the days he said, "Stewart. Stand and plead the case for the plaintiff (or defendant)." We waited, after arguing, with intense anticipation for his ruling, "For the Plaintiff (or Defendant)."

Professor Oleck, both in his Torts class and his Nonprofit classes, asked us to voluntarily fill out a questionnaire, so that he could learn more about us and our goals. The most difficult question asked

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us to explain, in one sentence, our philosophy of life. When students complained that the feat was impossible, Professor Oleck stated that he could define his entire life in one word. That word was "duty." His life was based on duty to his family, duty to his country, and duty to the legal profession. The performance of duty is sadly missing in some people today. Professor Oleck lived to do what he felt was his "duty." He loved his wife and children without bounds, and told the story of how he met his wife, Helen, with a look of the purest love in his eyes. I have never known a couple so devoted to each other.

Howard Oleck was a tank commander in World War II.¹ While fulfilling his duty to his country, he participated in the liberation of Hitler's infamous concentration camp, Buchenwald. With Professor Oleck's passing, we have lost his stories about the horrors he saw there. As an eyewitness to the Holocaust, Professor Oleck could describe the conditions there in such detail that one felt the pain of the prisoners and the horror of the American soldiers. Having witnessed the atrocities at Buchenwald, Professor Oleck was angered at those who expressed disbelief in the desperation he found there — angered by the student who did not know who the German SS troops were. We should all listen to the veterans and victims of World War II, with a hunger to hear their stories before they are lost. Only then can we hope to avoid repeating that history.

Professor Howard Oleck was also a prolific writer. He often said that it was easy for him to write. He never understood writer's block. He loved to write so much that the words "just flowed." Professor Oleck authored many books and articles, including *Modern Corporation Law*² and *Parliamentary Law for Nonprofit Organizations*.³ His writing range was vast, extending from poetry,⁴ to fiction,⁵ to his legal publications.⁶ His treatise, *Nonprofit Corporations, Organizations, and Associations*,⁷ pioneered the study of that sub-

1. See Thomas C. Marks, Jr., *The Officer, Captain, Armored Infantry, U.S.A.*, 27 STETSON L. REV. 377 (1997).

2. HOWARD L. OLECK, *MODERN CORPORATION LAW* (1958).

3. HOWARD L. OLECK, *PARLIAMENTARY LAW FOR NONPROFIT ORGANIZATIONS* (1979).

4. See, e.g., Howard L. Oleck, *Hindsight*, 61 A.B.A. J. 1435 (1975).

5. See, e.g., HOWARD L. OLECK, *A SINGULAR FURY* (1st ed. 1968).

6. See Lizabeth A. Moody, *The Scholar*, 27 STETSON L. REV. 333 (1997).

7. HOWARD L. OLECK, *NONPROFIT CORPORATIONS, ORGANIZATIONS, AND ASSOCIATIONS* (5th ed. 1988).

ject. After his nonprofit treatise was published in 1956, Professor Oleck became, and continues through his treatise to be, the leading authority on nonprofit organization law. Supplements to the treatise are still being published.⁸ I am privileged to be his co-author, continuing to do research for the supplements and the next edition of the treatise.

Howard Oleck was Distinguished Professor of Law and Dean Emeritus of Cleveland State University College of Law, and Professor of Law Emeritus of Stetson University College of Law. He also was Professor of Law at Wake Forest University and New York Law School. Howard Oleck was an active member of the New York, Ohio, and Federal Bars for fifty-six years. He served as Special Master of Federal Courts on complex corporate cases. Professor Oleck was Consultant for congressional committees, several state legislatures, foreign nations, and many organizations worldwide. Howard Oleck served as counsel, organizer, and officer of many nonprofit organizations.

Professor Oleck's career in legal writing and teaching was a gift to all of us. It is a tribute to him that I still receive many requests, from all over the country, asking for guidance in nonprofit cases.

Howard Oleck urged his students to display the quality of “noblesse oblige.” *American Heritage Illustrated Encyclopedic Dictionary* defines that quality as “[b]enevolent and honorable behavior considered to be the responsibility of persons of high birth or rank.”⁹ Professor Howard Oleck epitomized that quality.

I miss Professor Oleck. However, as long as lawyers practice, law professors teach and write, law students learn and grow, and nonprofit organizations seek to manage their organizations ethically, legally, and efficiently, Professor Howard L. Oleck will always be with us. The next time any of you donate to a nonprofit, charitable, or religious organization, know that Howard L. Oleck formed the law that properly guides these institutions. His family, philosophy of life, service to country, and legal guidance are the things he leaves to us — they are his legacy.

8. See HOWARD L. OLECK & MARTHA E. STEWART, *NONPROFIT CORPORATIONS, ORGANIZATIONS, AND ASSOCIATIONS* (6th ed. 1994).

9. *AMERICAN HERITAGE ILLUSTRATED ENCYCLOPEDIA* 1152 (1987).