

TRIBUTE TO CALVIN A. KUENZEL*

Bradford Stone**

I first met Cal in the summer of 1964 when we attended a one-month workshop at New York University for newer law teachers. The faculty consisted of Soia Mentschikoff, Associate Chief Reporter for the Uniform Commercial Code (UCC or the Code); Grant Gilmore, Co-Reporter of UCC Article 9; Allan Farnsworth, later the Reporter for the Restatement (Second) of Contracts; and Frank Kennedy, as knowledgeable in bankruptcy law as anyone on the planet.

The “students” consisted of approximately thirty young law teachers who were there to enhance their understanding of the UCC at the foot of the masters. It was one of the most exhilarating months of my professional career. During that time, I developed a friendship with Cal and with Don King, whom I had known in Detroit.

In 1966, Don King extended to Cal, to me, and to Ted Lauer and Neil Littlefield, an invitation to co-author a casebook, which was to be known as *Commercial Transactions Under the Uniform Commercial Code and Other Laws*.¹ The book was published in 1968; later editions and supplements were forthcoming in 1974, 1981, 1987, 1992 and 1997.

During the thirty years of collaboration on the casebook, we spent countless hours discussing the philosophy of the Code as well as the organizational structure of the book. We discussed (and occasionally disagreed on) case selection. Our exchange of ideas was always forthright and amicable.

Thus, I had a unique perspective from which to adjudge Cal, the educator — as a co-author. My assessment, unsurprisingly, is that Cal was a scholar of the first water.² I recall several situations when

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1. DONALD B. KING ET AL., *COMMERCIAL TRANSACTIONS UNDER THE UNIFORM COMMERCIAL CODE AND OTHER LAWS* (5th ed. 1997).

2. Cal would have wanted me to define “first water”: “[T]he highest degree of fineness in a diamond or other precious stone[,]” “the finest quality; highest rank.” RAN-

I sought to teach a Cal-selected case. The first time I was bewildered by the point Cal sought to make. By the time I taught it the third time, it dawned on me what point Cal was making. I was wont to say to myself, "The guy's a genius!" Of course, the case remembered fondly by all students of Commercial Transactions is Cal's case of *Watkins v. Sheriff of Clark County*,³ where Mrs. Bluiett's paycheck from the Silver Slipper Gambling Hall and Saloon in Las Vegas was stolen by Freddie Watkins, who used the check to purchase two tires from Western Auto.⁴

I was privileged to participate in Cal's Memorial Service on August 21, 1998 in the Great Hall at Stetson University College of Law. My remarks and recitation are shared here:

In these last days several faculty and students have expressed condolences to me on Cal's death; as if I were family. Of course, in a certain sense, I am. Cal, Don King, and I have been co-authors of five editions of a commercial transactions casebook dating from 1968. Cal was one of my dearest friends.

So when I was asked to participate in this memorial service, I thought of many things to say and recite. With each thought, I could hear in my mind's ear Cal's dissatisfaction with my sentimental expressions. "Brad, get off it," Cal would say.

Consequently, I wish to share an event that occurred when young Calvin was born. On the front of the Law School next to the horseshoe entrance, someone had placed on the lawn a wooden stork. Hanging from its bill was a sign that read: "You are your baby." This brought to my mind the three-line epigraph from Wordsworth's *Ode: Intimations of Immortality from Recollections of Early Childhood*:

The Child is Father of the Man;
And I could wish my days to be
Bound each to each by natural piety.⁵

The Ode concerned recollections of early childhood which Wordsworth realized he had irrevocably lost, and reflected his

DOM HOUSE WEBSTER'S UNABRIDGED DICTIONARY 724 (2d ed. 1998).

3. 453 P.2d 611 (Nev. 1969).

4. *See id.* at 611.

5. William Wordsworth, *Ode: Intimations of Immortality from Recollections of Early Childhood*, reprinted in A TREASURY OF GREAT POEMS 654 (1955).

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sense of an intimation or assurance within us, that some part of our nature is imperishable.

I presented this Ode to Diane and Cal and wish to share part of it with you today:

There was a time when meadow, grove, and stream,
The earth, and every common sight,
To me did seem
Apparelled in celestial light,
The glory and the freshness of a dream.
It is not now as it hath been of yore; —
Turn whereso'er I may,
By night or day,
The things which I have seen I now can see no more.⁶

It concludes:

The clouds that gather round the setting sun
Do take a sober coloring, from an eye
That hath kept watch o'er man's mortality;
Another race hath been, and other palms are won.
Thanks to the human heart by which we live,
Thanks to its tenderness, its joys, and fears,
To me the meanest flower that blows can give
Thoughts that do often lie too deep for tears.⁷

Cal, your old pal Brad will miss you beyond words to express.

6. *Id.*

7. *Id.* at 658.