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Tribute

TRIBUTES TO PROFESSOR PETER E. QUINT

GORDON YOUNG*

We're here today for Peter. But to talk about the gem, it is necessary to talk a little about the setting. I met Peter when I moved to the law school from Syracuse in 1979 where I had been teaching law for a few years. He had been here since 1972.

His colleagues David Bogen and Bill Reynolds, intellectual anchors of the law school, started roughly two years before Peter. Michael Millemann was hired two years after that, and Mike began to fashion the impressive system of clinics that we have today, which are fundamental to our mission in so many ways. Ken Abraham, Alice Brumbaugh, Gary Power, Alan Hornstein, and Bob Keller were here, and, soon after, Danny Goldberg and Tony Waters. At that point, the initial pieces were in place for Michael Kelly's visionary deanship.

In 1974, Mike Kelly became dean of the law school and brought us into the modern world of legal education and also into our own distinctive character. Five years later, I started here, feeling as if I had walked into the Renaissance. The school was full of ability and energy, directed toward legal theory, clinical practice, public service and various alloys of those three things. And Peter was at its intellectual and collegial center.

Each of us on the faculty was interested in what everyone else was doing. It was a supportive and exciting collegial atmosphere. Until the end of that decade, scholarship was not the price of promotion and tenure, and yet, out of interest, enthusiasm, and a sense of professional duty, Peter published his Yale Law Journal article on the Rosenberg case, Bill Reynolds his scathing Columbia Law Review piece on the injustice of unpublished opinions, and Dave Bogen a series of foundational articles on the First Amendment that are still widely cited. Ken Abraham began writing articles that made him the leading expert on insurance law and a contributor more generally to the field of law and economics. After a while, we hired Andy King, Robin West, David Luban, Bob Condlin, Karen Rothenberg, Jana

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Singer, Richard Boldt, Taunya Banks, Marc Feldman, Maxwell Chibundu, Deb Hellman, and many other familiar contributors to the school. We were seriously underway. And as I said, if there was a center of this activity, Peter was to be found there.

There's so much I don't know about Peter, probably more so than with other friends and colleagues in my age cohort at the school. I have seen only the edges of his large international network of friends, most of whom are deeply engaged with law, the humanities, or sciences. I am not in a position directly to judge his highly praised books and articles dealing with the law of other nations, often of the comparative constitutional sort, although I know of their impressive reputation. But I can say, within my area of expertise, that I greatly admire his writings on American public law, especially his works on separation of powers.

I'll go through the barest facts and then take a more personal turn. Over his forty-three years here, Peter has written two books, was the co-editor of a third, and the author of thirty-two smaller pieces, mostly articles, but including book chapters and book reviews. A major focus of his scholarship and teaching was comparative American-German constitutional law. This work produced two books dealing with German constitutional issues: one published by Princeton University Press on the constitutional issues surrounding German unification; the other dealing with civil disobedience in that country.

His fellowships and awards include:

- Alexander von Humboldt Foundation Fellowship, Max-Planck-Institute, Heidelberg, Germany
- Fulbright as Senior Research Fellowship, University of Tübingen, Germany
- Fellowship, Institute for Advanced Study, Berlin, Germany
- Visiting Fellowship, Clare Hall, Cambridge University (Life Member of Clare Hall)
- Fellowship, Institute for Advanced Study Nantes, Nantes, France

And, he has taught at l'Institut d'études Politiques de Paris (Sciences Po) in Paris, France, in the Masters in Economic Law Program of the School of Law.

At our law school he has taught: our large survey courses in American constitutional law and smaller ones on the First Amendment and on the separation of powers, basic international law, international human rights, comparative law—often of the comparative constitutional variety—torts, evidence, criminal law, administrative law, and jurisprudence.

In many of his years here, he chaired the Promotions and Tenure Committee, with a great concern for preserving and improving the quality of our faculty yet with tact and genuine kindness toward those reviewed. My guess is that he has chaired that committee in at least 15 of his 43 years here. And he did equally demanding and crucial work as Chair of our Appointments Committee—three times over those years. Additionally, in one or two of those years, particularly the early ones, he spent what must have seemed an entire lifetime or two at Curriculum Committee meetings.

I'll now move back to a more personal view of Peter at the center of our wonderfully successful experiment back in the 1970's up to today. Saying that Peter was at the intellectual center of the law school in the seventies, and of course up to now too, requires a lot of refinement and qualification. First, there were, and are, quite a few very smart, rigorous, well-read, highly productive and public spirited colleagues on the faculty. And, second, the word "intellectual" by itself seems a little vague—much too cold—to describe Peter.

I'll have to do better than that, so here goes. In the manner of analytic philosophers, Peter excels, and always did, at breaking ideas into pieces and then exploring their connections, logical implications, confusions, inconsistencies, et cetera.

However, analytic methods can't create the object of their analysis. Only observation of some part of the world, followed by theorizing, can do that. And Peter has his own distinctive, agile theoretical imagination, enriched by broad reading and life experience, ranging far beyond law. He was always astonishingly well read in law and legal history, but also in the sciences, social sciences, really everything.

Of course some of this broader stuff, in turn, enriched his legal writing and teaching. While all this curiosity and investigation was significantly about the professional project, I don't believe it was primarily about that. It was about understanding and appreciating, as much as possible, the world that is briefly open to each of us.

Peter would have been at home in a Paris salon with Voltaire or, slightly later, chez Mme. de Stael. And he tried to recreate some of that, in a low-key way, at the law school, both for his benefit, and for his colleagues, their students, the School generally.

In one form of this, he encouraged—really was the driving force behind—collegial reading groups. Among others, the colleagues were Ken Abraham, David Luban, Robin West, various philosophers from College Park and elsewhere, Richard Boldt, Jana Singer and, I'm guessing quite a few others. We read some legal books and articles, such as Ronald Dworkin and Charles Reich. But mainly we read much more broadly in philosophy and

other humanities. For example, we read John Rawls, Nozick, Hegel (if you can read Hegel) Weber, Adorno, Kuhn, Rorty, and some anthropology—Geertz’s wonderful “Interpretation of Cultures.”

There was some chitchat before and, often, Italian food along with the main event. But, when we started talking about the book du jour, it was an uninterrupted, hard-driving discussion down into the footnotes. I am sad that this no longer happens often, though some colleagues and I recently did something like this with Ronald Dworkin’s last book. Let me encourage you to think of Peter and do this sort of thing from time to time with each other. In fact, I encourage you to ask Peter to join you, if he is around and has the time.

Peter almost always had something well thought-through, deep, and helpful to say at various colleagues’ presentations of their works in progress. But, more impressive to me, was the no-holds-barred, but still tactful, one-on-one sessions that he had with colleagues about their writing at various stages of development. Some of this is based on my own experience, and some on hearsay. Peter was especially good at a sort of collegial metallurgy: the combining of encouragement, critique and concrete suggestions.

I’ll make one personal observation about Peter’s mind and attitude before I move on. In the process of preparing, yet again, to teach a particular constitutional law or administrative law segment, I’d try to rethink lots, if not everything, from the ground up.

Often I’d see new perspectives or inconsistencies. I’d call Peter. What he did then was really characteristic of him. Quite often, I’d find that he had made the same discovery, or an even broader one, earlier—and had a lot to tell me of what it meant or might mean. Sometimes he would just say, in his completely honest way, that he hadn’t seen that particular set of problems. Then we’d just have fun playing together with ideas and arguments. That sort of playful discussion with colleagues, especially with Peter, was always a large part of what made the job wonderful for me.

As for Peter’s teaching, my best students had a tendency to bring up Peter for great praise when we would talk about the courses that they were taking. There were always students at the school who majored in Peter Quint. And they were among our most impressive students. Driving this was his rigor and the demanding nature of his teaching. Those who spent a little time with him after class were also impressed with his great concern for their learning and with his kindness.

Almost finally, I have a few words about Peter and the future of our law school. In the short term, Peter’s continuing involvement with us—as part-time teacher and participant at workshops—is up to him as he structures his life around writing, travel, et cetera. I have no doubt that he will often be at

school engaging in scholarship. And I would always encourage colleagues, especially young colleagues, to have him read their drafts.

But these things are not really what I have in mind when think about Peter and our future. What I do have in mind is what we make out of his example in the longer term. For that stretch ahead of us, it is up to us what we will do.

The practice of law is changing and, to that and other sorts of flux, we must make some real adjustments. But I think that we want to continue to be not only Maryland's leading law school, but also the very good national law school that we now are. For that we need to ensure that every student has at least a few classroom experiences of analyzing legal material very deeply on its own terms and, then, of thinking about how the material might be connected to the wider world of science, the humanities, especially ethics, and then, in a final turn back, of considering how those insights should reshape the current legal reality.

We want each student who graduates at least to have been exposed significantly to this Quint-like sort of thinking and to the habit of making broader connections. And beyond our ordinary graduate, we have many students who will become judges at all levels of the judiciary, or high-ranking policy makers, even a few law professors, and some practicing lawyers with real vision and effect on Maryland and the nation. The opportunity to explore depth and breadth are especially important to these students. Surely, in some cases, that sort of preparation will make them who they become in the profession.

I am not suggesting that Peter is the only one of us who teaches in that way. Far from it. We have a richly talented menu of faculty, extending from well-aged colleagues (think the cheese plate) down through our startlingly good so-called "junior" faculty, (the spring salad?), all of whom engage in what I'll call Peter's sort of teaching, through seminars and individual supervised projects.

But Peter is perhaps the exemplar, an especially powerful and long running example of this sort of teaching. We are in a time of tight resources, and I know that there are competing priorities for the foreseeable future. But I would like to see the values that Peter has expressed through his life as our colleague weighed heavily in the process of making the necessary compromises.

Finally, let me say that I miss the law school. I miss even faculty meetings a little—and, among their pleasures (yes, there were a very few), was Peter's speaking. First, often a disarming folksy "gosh," sounding like air leaving a high-pressure tire. And no one, who had been around for a

while, took that at face value, for it was always followed by something well thought out, forceful and sophisticated.

I'll leave the memories at that. I'm grateful to you, Peter, for being such a good colleague to me over the years, and to all of us at this school, about which you and I care so much.

MICHAEL MILLEMANN*

Thank you Peter Quint! From all of us who have taught here or who worked in the dean's office during the last four and half decades. Or who were students lucky to have taken a class from you.

Thank you for your excellence as a teacher and scholar, but also for your appreciation of legal educational excellence in all its varied forms.

Thank you for your principled leadership at times when principle was at risk.

Thank you for your mentorship and friendship to so many, including me.

Thank you for your modesty and sense of humor.

Thank you for your love of our school.

Thank you for leading us in making it better.

Thank you, above all, for your tremendous heart, which, for forty-three years, you invested in us all.

When Peter Quint came to teach at the law school in 1972, tuition for residents was \$500 a year in the day division and \$375 a year in the evening division. The law school sat in the current footprint, but was just the shell of today's school. We then required today's required courses, but we also required Criminal Procedure, Evidence and Tax. Peter was a key leader in making our school better over the next forty-three years.

I met Peter when I was hired to teach in the spring of 1974. He was a blossoming scholar and, even then, an excellent teacher. I and others will describe the many ways in which he has become an internationally renowned scholar, but Peter also was a superb lawyer. He spent five years at the predecessor of Debevoise & Plimpton, LLP before he came to our school. That is one measure of his legal ability.

More important to me was what I observed during Peter Quint's participation in our Juvenile Law Clinic, the school's first clinic, in which he mooted cases for Peter Smith (the Clinic teacher) and the clinical students.

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The clinic had a broad array of legal work in the 1970s (and later). Its students were counsel for juveniles in delinquency cases and engaged in juvenile law reform litigation, including in Maryland's federal district court and the Fourth Circuit. Peter Smith was a brilliant and dogged lawyer and teacher. He placed the major responsibility for the majority of the cases in his students. So Peter Quint's moots were of the students who would argue or try the actual cases.

In these moots, which I sometimes sat in on and participated in, Quint always asked the key questions that the courts would ask, and made the students focus on the interplay of facts and law. With his moots, Quint required the students to integrate theory and practice a decade and a half before the school made this integration in its curriculum mandatory. When the U.S. Supreme Court agreed to hear a clinic case, Peter Quint accompanied Peter Smith, who argued it, to D.C.

I was a classroom teacher during the early part of this period (1974–76). I did not begin clinical teaching until 1976, when our school, with Dean Michael Kelly's leadership, created the Legal Services Clinic, a joint venture of the school and Piper & Marbury. I was inspired before and after I began clinical teaching by Peter Quint's participation in our Juvenile Law Clinic. Here was one of our most important developing scholars and classroom teachers modeling how important the integration of theory and practice was.

There is an additional reason that I believe Quint is a first-rate lawyer. It inheres in his scholarship. The hallmarks of his scholarship are those of excellent lawyering: the “no-stone-left-untuned” thoroughness of factual and legal research, his honest analysis and application of the law and facts, his fact-based advocacy for ideas, the elegant quality of his writing, his overall clarity (above all), and his integration of theory and facts. These are the measures of a great scholar and first-rate lawyer. Peter was and is both.

Among many other happy recollections of Peter are memories of the many ad hoc meetings at the school on weekends and late evenings, often when he and I were the only professors at the school. I especially sought him out for his advice and insight when I was teaching Constitutional Law. I used more of his articles and ideas in my courses than those of any other constitutional scholar.

Peter now is an internationally lauded international and comparative law scholar, including four books and articles that analyze German and French constitutional law and compare our Constitution and our Supreme Court's role in enforcing it to those of other European countries. But, in the 1970s and 80s, it was his analysis of the American Constitution that I found most useful.

His article about the Rosenberg trial was masterful, both in his analysis of the evidence and his creative proposal that there be First Amendment limits on the admission of evidence in criminal prosecutions.¹ His trilogy of articles on presidential power and the exercises of it by Presidents Nixon, Carter and Reagan are the best in the fields of executive privilege and separation of powers.² They have extraordinary contemporary significance. They were the foundations of my executive privilege and separation of powers classes. I also relied heavily on his original research on the Communist Party Smith Act cases, including in Baltimore, in teaching about the First Amendment.

Our drop-in weekend and late-evening conversations about these and other topics are among the collegial highlights of my forty-two years at the school. Peter fielded my questions without any hint that these were things I really should know. His was collegial diplomacy at its best. I always left these conversations knowing more than when I came.

Peter also did his part to protect the American Dream by owning and driving an old big car, an Oldsmobile I think. I will never forget the sight of Peter behind the wheel of one of these behemoths. General Motors should have sponsored Peter's retirement event!

When I accepted the Law Review's invitation to write this piece, I took the invitation to mean that I should speak for the faculty, not just for myself. We each have our own vantage point, and none, by itself, captures the critical importance of Peter to this school. So I asked a cross-section of the faculty to give me their comments. I start with comments from the faculty who were here in 1972 when Peter was hired. One who had worked at Debevoise with Peter said:

[At Debevoise] he struck me as always impeccably dressed in his three piece suit. When he came here, he became peccable. His scholarship has brought renown, and his work with comparative constitutional law, and educational institutions and other organizations has benefited the world and not just this school or even this nation.

Another said:

When Dean Cunningham hired Peter in 1972, he was from all appearances a Wall Street lawyer in a three piece suit with all the values and professionalism of the elite Bar. There was some

1. Peter E. Quint, *Toward First Amendment Limitations on the Introduction of Evidence: The Problem of United States v. Rosenberg*, 86 *Yale L. J.* 1622 (1977).

2. Peter E. Quint, *Reflections on the Separation of Powers and Judicial Review at the End of the Reagan Era*, 57 *GEO. WASH. L. REV.* 427 (1989); Peter E. Quint, *The Separation of Powers Under Carter*, 62 *TEX. L. REV.* 785 (1984); Peter E. Quint, *The Separation of Powers Under Nixon: Reflections on Constitutional Liberties and the Rule of Law*, 1981 *DUKE L.J.* 1.

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consternation when Peter actually showed up with a counter-culture haircut and a devotion to the German intellectual tradition.

Other comments:

- “Peter has been an exemplar for all that is good in scholarship. His erudition and dedication to the truth are wonderful. He has also been a wonderful teacher. Tough Socratic but always challenging.”

- He is “one-of-a-kind in his complete devotion to scholarship and the law school. During the many years that Peter headed the Promotions Committee, he always conveyed a sense of moral purpose that demanded everyone’s respect. Peter also always seemed to be there when faculty members were having difficulty, both within the school and outside of it.”

- “His piece in the Yale Law Journal on the Rosenberg’s trial signaled the turn to valuing scholarship as well as teaching at the law school. Quint was and is a triple threat in the academy: a superb teacher and scholar and an energetic citizen of the community. He was a tireless colleague in support of others’ scholarly work.”

- “Peter set the gold standard for scholarship at our school and never wavered from his commitment in nurturing our junior faculty and sustaining our community of scholars. Striving for us to always be better. This will be his legacy.”

- “His early scholarship included path-setting models for a scholarly community that was just beginning to form here. Peter’s more recent work on comparative constitutional law has played a similar role today.”

- “Peter was a transformational figure for the Law School. At the time he joined the faculty in 1972, the faculty was essentially a teaching faculty. Peter was a self-motivated scholar. He served as a model for younger faculty like me for whom scholarship became an expected and valued part our responsibilities. This helped to transform the Law School into a national law school with a national reputation.”

- “Peter is a true intellectual, but grounded in the real world importance of ideas. He has the attention to detail of a German legal intellectual—he is someone who can dissect legal concepts with the precision of a surgeon. But he always connects his legal analysis to real world issues and consequences. In this and in so many other respects, he has been an inspiration to his colleagues, and he certainly has been an inspiration to me.”

- “Peter has been an intellectual bridge between great sources of jurisprudential wisdom—Rawls, Holmes, Hart, Hale—and contemporary legal research, teaching, and practice. He has brought great and humane intelligence to bear on some of the most difficult issues in law—civil disobedience, presidential power, or the lessons to be learned by the U.S. from other legal systems.”

- “Peter had such high respect from everyone on the faculty that for decades he served as chair of one or the other of the two most important faculty committees: Appointments and Promotions.”

- “Peter Quint is an institution within this institution. He is the calm but authoritative voice of reason on controversial issues within the law school. I have often gone to him when I have had to make difficult decisions because I trust his judgment and think that he makes decisions with the best interests of the law school in mind.”

- “Peter has been the voice of wisdom at the law school. He is the inspiration behind our LLM program and the importance of integrating an international perspective into our pedagogy for the benefit of our students and our own scholarship”

- “For me, Peter has always been a font of wisdom, and the conscience of the institution.”

- “Peter has played a key role as a community builder at our law school. He has mentored many of the most productive writers and most effective teachers on our faculty, and has supported the development of our Clinical Law Program and Cardin Requirement, and for many years oversaw our tenure and promotions process.”

- “He is a mensch in every sense of the word—a supportive and loving mentor and a wise and wonderful friend. When I first interviewed for a faculty position, I was told that every candidate had to pass muster with Peter Quint. So I expected a haughty and aloof figure—slow to warm and quick to judge. I couldn’t have been more wrong. From the moment I joined the faculty, Peter has been an engaging and generous mentor who is never too busy to share his deep knowledge of constitutional law, his wisdom about teaching or his tales of living and dining in Paris.”

- “You can’t leave a conversation with him without knowing more than when you began, usually thinking that you came up with the new ideas yourself. Beyond that, he is funny, caring, cultured, and a genuine friend. He leaves a big hole.”

- “Peter is unmistakably an intellectual, in the very best sense: smart, cosmopolitan, multilingual, ironic but never too ironic, and a thinker. But above all, there is that fantastic twinkle in his eye and wryness in his smile, which were actually the first things I noticed about him. Peter’s superb paper on the separation of powers under Nixon was my introduction to constitutional law; years later, his famous paper on the trial of the East German border guards became my first real introduction to German legal theory, and I’ve read it many times. Peter should be celebrated for his great career and his tremendous heart.”

Peter, on behalf of all of us, job well done!

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DAVID BOGEN*

I'm not Peter's oldest friend—but I may have known him about as long anyone at the school. We were at Lowell House together, attended college and law school together, were Debevoise colleagues and finally ended up here. In 1975, Mike Kelly was the dean of the Law School, and there was an opportunity to go to Germany. Mike selected me. Just to show what a warm hearted and generous person Peter is: he still speaks to me. Of course he also used the occasion of the exchange visit by the Heidelberg professors to Maryland to begin his long and incredibly fruitful relationships with scholars there and his study of comparative law. He has always managed to make things better.

Henry James created Peter Quint,¹ Marlon Brando played him,² Benjamin Britton wrote an opera about him,³ but that was not Peter Edward Quint and thankfully our Peter is no ghost. As I recall, his best friend in college was fellow Detroit native, Raymond Sokolov, later a noted editor and author of books about food; but though I knew of Peter's ties to excellence in food, I never did find out whether that included pumpkin—so my doggerel does not comment on the issue.

Peter, Peter,
Law School Teacher,
Debevoise and Detroit creature,
Cambridge, Mass., U.K. as well,
Plus Baltimore for quite a spell.

Peter, Peter,
No one neater.
Attention paid in all his classes
Sometimes to sweater, always glasses,
brings admiration from the masses.

Four decades plus he's raised our sights
And for his students turned on lights;

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* T. Carroll Brown Scholar Emeritus and Professor Emeritus, University of Maryland Francis King Carey School of Law.

1. See HENRY JAMES, *THE TURN OF THE SCREW* (Dover Thrift Editions 1991) (1898).
2. *THE NIGHTCOMERS* (Elliot Kastner-Jay Kanter-Alan Jnr Productions 1971).
3. BENJAMIN BRITTEN, *THE TURN OF THE SCREW* (world premiere Sept. 14, 1954) (opera).

But to digress from honor due,
There's a rumor—perhaps 'tis true—
His barber once gave him a crew
His mind flies—
It's supersonic
When he hears of things Teutonic;
But though his work is brilliant there,
He'll never be beyond compare.

ROBIN WEST*

Peter Quint has long been my friend, colleague, teacher, mentor, companion, confidante and champion.

He has also been, to my mind, not just a great scholar, but the quintessential legal scholar. Peter is what Robert Ferguson, the legal historian at Columbia, called, although referencing the Jeffersonian era, a “man of law and letters.”¹ As was true of the Jeffersonians, Peter sees and inhabits law as a truly seamless web of cultural and political authority, not set apart from or over those other forms of social life. He knows that to study law, one must study the language, the history, the culture, and the politics of the society in which it is embedded. Whether the subject is mid to late twentieth century east Germany,² or the American First Amendment,³ or the contemporary French Civil Code, or the constitutions of societies in transition, Peter has always done precisely that: devoted him self to full immersion—a deep dive—into the social milieu, the languages, and the myriad histories of the legal regime he seeks to understand. Even more important, Peter also knows—in his heart, so to speak—that law, or the Rule of Law, is hard to keep hold, that it runs deep and touches us deeply, and that it is, all said and done, immeasurably valuable. It is sometimes corrupted and it is always vulnerable. Law, therefore, needs critique and reform and change

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1. ROBERT FERGUSON, *LAW AND LETTERS IN AMERICAN CULTURE* (1984).
2. PETER E. QUINT, *THE IMPERFECT UNION* (1997); Peter E. Quint, *German Unification and the Federal Constitutional Court: A Retrospective View after Twenty Years*, in *GERMAN UNIFICATION: EXPECTATIONS, AND OUTCOMES* 153 (Peter C. Caldwell & Robert R. Shandley eds., 2011).
3. Peter E. Quint, *Towards First Amendment Limitations on the Introduction of Evidence: The Problem of United States v. Rosenberg*, 86 *YALE L.J.* 1622 (1977).

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and sometimes it needs uprooting, no less than it needs respect and veneration. Law needs to be *cared for*. Peter does just that in his scholarship, and because he does just that, because he *cares*, his legal scholarship is always, whatever its subject, a rigorous, demanding act of love. For just that reason, Peter has always been a demanding scholar, mostly of himself, but also of his students and of his colleagues.

His retirement is a loss for Maryland students but a gift to those of us who will now enjoy his company and benefit from his learning all the more. He loves Maryland Law School—it is and has been his home for legal scholarship, for teaching, and for learning and conversation. I am sure it will continue to be all of that. And I hope that bruised and battered and beautiful Baltimore City will continue to be his home as well.