

---

*David F. Levi\**

It is hard for me to speak or write about Dan. It is hard to keep my composure even now, several months after his death, as I edit the memorial remarks written in the grip of grief. And it is hard to do justice to his deep goodness and wisdom.

It is also hard not to give in to feelings that he left us too soon, which he did, and that in leaving too soon he somehow was cheated. But he was not cheated. He had it all in every sense — in the gifts he had as a person and in the gifts that were brought to him every day by his wonderful sons, Josh and Jonathan, by his daughter-in-law, Shannon, and his granddaughter, Delilah, and his remarkable spouse, Ellen.

And we weren't cheated either, because he was such a present person, attentive and always there for each of us. Still, and of course, we wanted much more.

Dan and I grew up together. Four houses apart, first cousins, three months between us. His parents were my parents and vice versa. Our fathers had been law professor and student, then roommates in Washington, D.C., during the war, then colleagues, then brothers-in-law. At some early point we realized that the Levi household was run on distinctly more liberal lines than the Meltzer household when it came to such matters as chores and bedtimes. This discovery led to a certain amount of unsuccessful scheming which now we call “regulatory arbitrage.”

The Levis and Meltzers were part of an extended clan of family, not to mention an extraordinarily close group of law school and Uni-

---

\* Dean and Professor of Law, Duke University School of Law.

versity faculty, living their lives together in the intense atmosphere of Hyde Park and the University of Chicago. Many of them had never lived for any length of time outside of the square mile of the University campus. They went to the Lab School and often on to the College and University. Maybe Dan's devotion to family and his sense of self-confidence, his secure sense that he was loved and never alone in the world, stems from this part of his growing up in the midst of so many close friends and relations.

Dan and I started down the well-trod path of our parents, brothers, and sisters. We went to the Lab School from nursery school through high school. We were in that postwar generation that came of age in the late 1960s and experienced not only the three horrific assassinations and the dissent and deceit surrounding the Vietnam War but also the hope of the civil rights movement. The place of law in such a fallen world seemed important.

Dan was sixteen when we left for Harvard College together. There was considerable doubt in our two households that anyone could get a serious education at such a place. It soon became apparent that Dan was not just getting a good education but that he was smarter and more capable than everyone else.

He excelled in the classroom, and he enjoyed his many friends, many of whom became friends for life. There is an art to friendship and Dan had mastered it. He was attentive. And he was appreciative. Because he was so secure in himself, he could admire others and take true enjoyment in their successes and talents. What a wonderful quality that is in a person, a colleague, a friend. There is a kind of humility in that.

Above all else, Dan became a kind and gentle person. I have received many notes and calls about Dan and every time it is Dan's abiding kindness, his deep decency and sweetness that is mentioned and remembered. And there is a powerful lesson in that.

Dan's extraordinary quality as a lawyer and a person grew from these foundations and early days. And his excellence as a lawyer and law professor was of a piece with his sterling character as a person. They were mutually reinforcing. How wonderful to think that by being a better lawyer one could be a better person and that by being a better person one could also be a better lawyer. This runs counter to what many believe, yet Dan's example is a powerful data point that can also be a model and an inspiration. It is to me.

Maybe it is harder now in a time of specialization for lawyers, including law professors, to have the big view and the wealth of different experiences to draw upon. Perhaps law professors are more "academic" and less sophisticated in the ways of the world, and perhaps lawyers are more narrowly focused on their areas of specialization and less able to see beyond. But as Dan's life and career demonstrate, it is still possible to break through the constraints and to achieve complete-

ness as a person and a lawyer. It takes dedication, in Dan's case dedication to his family and friends on the one hand and to his students, to his scholarship, to his School, to his colleagues, and to his country on the other.

One could see in Dan that practical wisdom and striving for excellence that distinguishes the great lawyer, the great person. To paraphrase Justice Holmes, Dan had the ability to see far and to see the details, to carefully work through a problem and get it as right as possible; and he had the modesty and character to let his work and his words speak for themselves.

Now his work and words speak to us of the possibility of wholeness and goodness and excellence, of the possibility of the academic lawyer and the lawyer academic, the unity of action and intellect. As my colleague Jamie Boyle wrote to me, trying to help me grasp this theme about the wholeness and goodness we see in Dan, it is "about how being a mensch and being a professional, a caring humble person and a serious intellectual, are actually part and parcel of the same noble enterprise."

After our sophomore year in college, Dan and I came back to Chicago for the summer. Harvard had been in an uproar for two years over the Vietnam War. It was hard to focus. Both of us thought it might be good to take a class at the University of Chicago. I can't remember what Dan took. I took Victorian poetry with Norman Maclean. He wasn't famous then, but he was a beloved teacher. He told me once never to shy away from using the word "beautiful," if it fit. In his most famous story, he ends by telling us something about the enduring power of love and thought and beauty:

Eventually all things merge into one and a river runs through it. The river was cut by the world's great flood and runs over rocks from the basement of time. On some of the rocks are timeless raindrops. Under the rocks are the words, and some of the words are [Dan's].<sup>6</sup>

He was beautiful.

---

<sup>6</sup> NORMAN MACLEAN, *A RIVER RUNS THROUGH IT AND OTHER STORIES* 104 (25th anniversary ed., 2001).