

## GARY SCHWARTZ: A UCLA ORIGINAL

Jonathan D. Varat\*

For more than three decades, comprising his entire academic career, Gary Schwartz exercised his uncommon talent as a scholar, teacher, institution-builder, and friend, on the faculty of the UCLA School of Law—serving the last seven as the first holder of the William D. Warren Chair. By the time of his sudden, untimely death in the summer of 2001, Gary had attained a lofty and well-deserved international reputation for his scholarly contributions to the field of torts. He also had endeared himself, during that period and before, to scores of students, colleagues, and friends—overlapping, not separate, categories in Gary's life.

A memorial gathering we held in Gary's honor in October 2001 drew more than three hundred people of varied relationship to him—an outpouring that came as no surprise after the flood of spontaneous and affectionate calls and notes I had received on behalf of the law school in just a few short months.

Gary's extraordinary body of scholarship demanded an independent and focused tribute, however. This volume is dedicated primarily to that purpose. It contains eleven articles written by leading torts scholars about Gary's corpus of scholarship, or out of respect for it, all presented at the Ann C. Rosenfield Symposium in Tribute to Gary T. Schwartz held at the UCLA School of Law on April 19, 2002. It also includes a sizable number of brief and telling personal and professional tributes from others who were his long-time friends and admirers. That the distinguished authors of these articles and remembrances so readily embraced my invitation to participate in this project (and that so many others would have) is but further indication of the high regard in which Gary Schwartz was, and is, held. Their act of friendship and scholarly community pays especially meaningful tribute to Gary, who would have found their attention to his ideas and to him thoughtful and gratifying. For Gary, after all, there was no such thing as too much conversation about torts—or about most other subjects for that matter.

Himself author of more than forty articles in the field on a variety of topics, and Reporter for the *ALI Restatement (Third) of Torts: Liability for Physical Harm (Basic Principles)*,<sup>1</sup> Gary's work was, and remains, widely ad-

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\* Dean and Professor of Law, UCLA School of Law.

1. *RESTATEMENT (THIRD) OF TORTS: LIABILITY FOR PHYSICAL HARM (BASIC PRINCIPLES)* (Tentative Draft No. 1, 2001).

mired for its thoroughness, its integrity, and its insight. Students, scholars, lawyers, and judges of diverse interests find in it exceptionally learned doctrinal sophistication, historical depth, penetrating economic assessments, provocative jurisprudential discernment, and valuable comparative law lessons. The compelling expert commentary published in this volume bears detailed and knowledgeable witness to the accuracy of these judgments, just as the personal portraits offered demonstrate his oft-noted “incredible capacity for friendship,” as one close confidant succinctly put it.

The friendship and the erudition, the rigor and the whimsy, the honesty and the wide-ranging interests—all these Gary shared wherever he went, but nowhere more often than at UCLA. Although he went on occasional teaching visits to a few other law schools, he declined visits to many more, preferring to be based at home. To be sure, his frequent academic travels called him away for short periods to deliver lectures, attend conferences across the United States or abroad, or make presentations to the American Law Institute—trips he loved to take to further the work he loved so much, and to renew and expand his extensive network of friends. Most of the time, though, he was with his colleagues, students, and friends at UCLA, and we considered his loyalty and attachment a precious boon.

An effective, spirited teacher, he shared with more than a generation of law students his remarkably encyclopedic knowledge of torts, as well as his extensive understanding of local governance (urban government and urban transportation in the 1970s), workers’ compensation, administrative law, and even constitutional law. He explored with his students every facet of doctrine, theory, and practice that he could bring to bear on the subject at hand. He nurtured their learning, mentored their development—sometimes throughout their careers—and befriended them (trips to Dodger Stadium were not uncommon). They thought “Schwartz on Torts” to be an extraordinary experience (which it was), and they thought exceedingly well and fondly of their teacher (which he earned). Never fearful of embarrassment, or perhaps valuing his connection with his students and colleagues more, he sang and danced in law school skits with them.

Sometimes serious, sometimes playful, Gary was a constant and deeply committed member of the faculty. His contributions to faculty hiring were legendary. At times, he seemed to know with some precision the work of every legal scholar in America—and, because he cared, much about their personal lives as well. The phone was his friend, and he used it to our good and frequent advantage. As a reader of the work of his colleagues, he was thorough, penetrating, constructive, and astonishingly insightful. In discussion, he would speak in fluent sentences and paragraphs that always made us wonder whether they possibly could come to a successful conclusion, but they nearly always did.

Beyond the learning, beyond the insatiable intellectual curiosity, beyond the linguistic precision, though, there always was the friendship. Or rather, he made those qualities and many others an inseparable part of his friendship, which was filled with interesting stories, conversation, and the constant exchange of ideas and information. With colleagues he played tennis and baseball, watched baseball and basketball, hiked the Sierras, played poker, visited art museums, theaters and concerts, and dined with regularity. His colleagues were family, and their children, too, were family who could have more fun at his house than they were allowed to have at home.

Gary had, and shared, a fascination with ideas, with people, with politics, music, sports, movies, and food. He loved to talk, but he also loved to learn—about other people, about events, about ideas. He had an incredible memory for stories and details, which he could and would recount painstakingly at the slightest encouragement—or sometimes even without it. Because his deep intellect and his overwhelming curiosity about people were all of a piece, he brought them together in both his scholarship and his personal relationships, with extraordinary results in both cases. It was our good fortune that he lived among us so well and so long. He gave much to the broader legal and academic communities, as the sentiments expressed in this volume attest so well. But we at the UCLA School of Law were his primary beneficiaries in life, and for that we are profoundly grateful.

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