
OREGON LAW REVIEW

2009

VOLUME 88
NUMBER 1

Tribute to Professor Dominick Vetri

CHRISTOPHER R. PAGE*

“Well, I guess I understand how Lady Godiva must have felt as she neared the end of her famous ride: I am drawing nearer to my close.” Those words were spoken by Professor Dominick “Dom” Vetri on April 17, 2008, at the end of his last Torts class, with dozens of his faculty colleagues in attendance.

As his colleagues and students can attest, it has been a very good ride. I am proud to say that I can be counted amongst the last crop of students to study torts under Professor Vetri. As bright-eyed first-year students, my colleagues and I had no idea what to expect going into the course, but our professor came highly recommended by past pupils. We quickly realized why our peers considered us “lucky” to have his class.

In the first few weeks of the school year, Professor Vetri imparted his ultimate goal for all of his students to us. He arrived to class one day with handpicked pears from his Brownsville farm, which he shared with the entire group. As we enjoyed our fruit, he shared a story with us. One morning, Professor Vetri was about to depart from his home for the law school when he noticed a group of his sheep staring up at one of his pear trees. Always the benevolent provider,

* J.D. Candidate, University of Oregon School of Law, 2010. Editor-in-Chief, *Oregon Law Review*, 2009–10.

he shook the tree branches with a nearby stick, much to the delight of the animals below. Professor Vetri paused and looked around the classroom. Then, careful not to hurt the feelings of any of his pupils, he said, “You are like my sheep staring up at those pears, and the pear tree is the law of torts.” He continued, “My goal in this class is to teach you how to knock down the pears without your dutiful professor hitting the branches with his stick.”

What seemed, at the time, to be an exercise in reckless ambition for a group of brand-new law students soon began to materialize through Professor Vetri’s classroom instruction. He utilized the Socratic method during his lectures and covered the “usual suspects” when discussing cases: the facts, holding, etc. But, inevitably, he would push us toward the pear tree without shaking the fruit down for us. He would ask questions about how we would handle the case if we were the attorneys. Why did the attorneys in this case argue what they did? Professor Vetri forced us to analyze the facts like lawyers rather than merely recite the information in the casebook.

Professor Vetri has also served as a mentor for many of my classmates and me. He never hesitates to share his vast legal experience with his students and is always willing to engage in conversations regarding the law and other, more personal, matters. He has an impressive passion for the development of his students as individuals and as lawyers. In fact, he has served as a faculty advisor for many generations of *Oregon Law Review* staff editors as they write Notes or Comments for potential publication in the law review. No matter the size of his workload, he always accepts the responsibility of leading these students through the often arduous process of writing their piece—all the while providing meaningful feedback on drafts and brainstorming with the editors as they sit in the aged rocking chair he provides for guests in his office.

Professor Vetri’s teaching style has proven to have a lasting impact on his students by showing us how to practically wield the legal doctrines he taught in class. My classmates and I encounter many former pupils of Professor Vetri who are quick to regale us with stories of how they used his teachings to successfully argue a case. His instruction has significantly impacted several generations of Oregon attorneys and the development of multiple disciplines of Oregon law.

Professor Vetri has also had a lasting impact on the University of Oregon School of Law by serving as an example, outside of the classroom, of what one individual can accomplish through legal

means for the benefit of others. I will leave the details of these noble activities to the pieces written by his colleagues that follow.

The *Oregon Law Review* respectfully dedicates this issue to Professor Dominick Vetri in honor of his tireless effort and devotion to the University of Oregon School of Law, its students, and, more generally, the Oregon community. May your life after teaching be full of joy and lacking in torts!

EUGENE F. SCOLES*

We generally assume a faculty member is measured by teaching, scholarship, and service. Some people try to treat these aspects of faculty activity as distinct and separate. For most law professors, if not all, these factors are all blended and held together by a passion for people and justice, including a passion for law and its development. So it has been with Dominick Vetri.

When I came to the University of Oregon School of Law in July 1968, Dom Vetri had completed the first year of his legal teaching career, which followed a year as a law clerk for a busy trial judge, two years of practice with a major law firm in New Jersey, and, that very summer, work as an attorney for the Alameda County Legal Services Program in Oakland, California. That office of Alameda Legal Services had a staff of experienced trial lawyers who specialized in key cases involving major public interest policy issues. During his first year of teaching, Dom was active in the successful campaign supporting the Oregon bond issue to finance the law school's new building at 11th and Alder Street in Eugene. The bond issue was approved in the May 1968 statewide election.

At the law school, Dom was teaching torts, legal writing, patents, and copyrights courses, which gave him contact with students in different years of law school. I soon came to know Dom Vetri as an intelligent, hard-working law teacher who included a serious concern for justice and ethics in his contact with law students both in and outside the classroom. In all that he did, he communicated a strong, supportive, and professional view of the law. Considering his experience and interest, he was asked to oversee the development of

* Distinguished Professor Emeritus, University of Oregon School of Law. A.B., 1943, and J.D., 1945, University of Iowa; LL.M., 1949, Harvard Law School; J.S.D., 1955, Columbia Law School.

clinics and externships designed to give students experience developing practical, professional skills incident to their other academic coursework. He developed close working relationships with local Legal Aid Director, at the time, Merv Loya and attorney Bruce Smith. Their collaboration resulted in the establishment of the law school's first clinical program, in cooperation with Lane County Legal Services. This clinic was funded, in large part, by a grant from CLEPR (Counsel on Legal Education for Professional Responsibility), a Ford Foundation subsidiary—a grant for which Dom Vetri was primarily responsible. The clinics and intern assignments involved court appearances, and Dom, with his students, drafted and supported promulgation of the Law Student Court Appearance Rule adopted by the Oregon Supreme Court in 1969. Incident to his work with Lane County Legal Services and the clinics, he helped establish and advise both the Moot Court Board and Oregon's first upper-class team that went to the National Moot Court Competition. Expanding his audience in 1973, Professor Vetri wrote two articles on the importance of teaching ethics and lawyering skills through clinical programs—while concurrently teaching a full course load of Torts, Federal Procedure, and Copyright. Dom collaborated both with a colleague, Professor Frank R. (Bob) Lacy, to publish the *Oregon Minor Court Judges' Manual* in 1972 and with a colleague, Professor Fred Merrill, in 1974 on the West Publishing Company casebook, *Problems and Materials on Federal Courts and Procedure*.

Professor Vetri's work on product liability soon attracted the attention of the Oregon State Bar, and he became a popular lecturer on product liability for Continuing Legal Education courses. In collaboration with Michael Williams, Dom published the Product Liability chapter of *Oregon's Tort Law* first through sixth editions. In 1975, Professor Vetri published his article "Product Liability: The Developing Framework for Analysis,"¹ which was widely acclaimed in the United States and, later, translated into Italian and included in a comparative law text on product liability. This was followed by articles on product liability in 1976, 1977, and 1981. He had become a recognized expert in product liability and made numerous lectures and presentations to lawyer groups both around this country and in Europe and South America.

Professor Vetri's scholarly writings were not limited to torts and product liability, but also included articles and lectures on copyright,

¹ 54 OR. L. REV. 293 (1975).

art and the law, racial, gender, and sexual orientation discrimination, law reform, and teaching effectiveness in classroom, clinics, and corridors. His scholarship reflected his passion for equal justice and civil rights for all.

The concern Professor Vetri showed toward these topics was also reflected in his public interest participation in many university, bar, and community activities. For example, he drafted legislation for the Eugene Human Rights Commission and amendments to the Eugene Civil Rights Act. He was active on the University's Affirmative Action Advisory Board and on other various diversity programs. Dom was co-director of the law school's Public Interest Public Service Program and Certificate of Service Award. He drafted and successfully supported the Oregon Law Commission's revised legislative procedure. He assisted the Oregon Department of Justice's Continuing Legal Education Program on Gender Fairness and co-chaired the University President's Task Force on Lesbian and Gay Concerns. On the side, he served as a Brownsville municipal judge and a soup kitchen volunteer. For these many volunteer efforts, he received awards and plaudits from the law school, the university, the Oregon State Bar, and the community.

Professor Vetri was active in working for law reform as an elected member of the American Law Institute, as well as the Oregon Law Commission and the Oregon State Bar Committee on Uniform Laws. For the Oregon Law Commission, he co-chaired the drafting committee of the Oregon choice-of-law statute. He carried the message of law improvement abroad to Italy and Brazil, where he held visiting professorships and arranged exchange visits for foreign lawyers and law professors.

Driven by his concern for excellence in teaching, Dom Vetri initiated the law school's Teaching Effectiveness Program for his teaching colleagues and led seminars for law faculty members. He was the ambassador for both the law school and the university Teaching Effectiveness Programs. He personally received awards for excellence in teaching from the law school, the university, and a law school fraternity. His students regularly evaluated his teaching highly in annual reviews.

Dom has a passion for art and the law that extends beyond his interests in copyright and artists' rights. He was the law faculty advisor to the architects for the new law school building and its extensive art collection. He continues to arrange and act as curator for art exhibits in the law school. He personally participated in the

selection, and arranged the display, of the large gift of paintings by Pierre Daura to the law school and the University of Oregon's Jordan Schnitzer Museum of Art. The Daura Collection, a gift in memory of the late Dean Chapin Clark, represents the largest permanent exhibit of Daura's work on the West Coast. Professor Vetri is a member of the University of Oregon Art Museum Board of Directors and coordinates law school exhibits and museum activities of interest at the law school.

Dom Vetri is also a "gentleman farmer" who resides on his farm near Brownsville and commutes daily to the law school. For many years, he raised sheep and sold freshly butchered lamb to his faculty colleagues, including me and my family. The lamb was excellent, and we enjoyed it greatly. However, Dom identified his lambs by individual human names, such as George, Mary, or Pete and marked the freezer packages accordingly, e.g., "George-chops 2002." This led to a somewhat disturbing reaction by some diners at the family dinner table when the conversation referred to the entrée as "George's chops" or "Mary's leg." This sometimes dampened some diners' enthusiasm.

To me, Professor Vetri's most significant contributions are the result of his concern for effective teaching. Always promoting and demonstrating excellence in classroom teaching, he has extended and shared his efforts to improve and encourage communication and understanding between teacher and student in every setting, be it corridor or office, clinic or classroom. He takes time and effort to engage the minds of his students in the possible solution of legal problems presented by significant facts.

The impact of his efforts toward excellent pedagogy is subtle and often unappreciated at the time, but he has reached his students, his colleagues, and his audiences in a way that enriches and encourages the learning process. He clearly demonstrates how teaching, scholarship, and service are all related and overlapping in the learning environment of the University of Oregon School of Law.

This portrayal of Professor Dominick Vetri only partially reflects the able, energetic, enthusiastic, and engaging colleague—now our most senior professor—he has been since 1967 in the law school and the community. Highly regarded by his students, his colleagues, and his peer professionals, Dominick Vetri has been an effective leader and outstanding pedagogue. He is a highly valuable faculty member whose immeasurable contributions to the growth and enjoyment of

the University of Oregon School of Law, its community, and its public and professional constituents are extremely valued.

RALPH JAMES MOONEY*

Dom Vetri Is My Hero

I've had the privilege and pleasure of working alongside—or at least knowing well—a great many wonderful attorneys and law teachers the past four decades. Of them all, the one I admire and treasure above all others is my longtime colleague and forever friend Dominick Vetri.

Dom has accomplished an astonishing amount professionally during his career—forty-two years and counting—here at the University of Oregon Law School. Even though he is far more modest and self-effacing than most of us, his own list of “Career Accomplishments” runs a full nine pages! At the risk of duplicating unduly what other contributors to these pages might mention, let me first recount a few highlights of that record.

Dom joined the Oregon faculty in 1967. He was our school's Prince of Torts for over forty years and has also taught such diverse courses as the Civil Clinic, Federal Courts, Intellectual Property, Gay and Lesbian Legal Issues, and Art Law.

Dom was the faculty founder of our Moot Court Program. He drafted and obtained Oregon Supreme Court approval of our Law Student Court Appearance Rule. He sponsored the faculty legislation establishing the school's first substantial writing requirement for graduation. He founded and taught our first clinic, the Civil Clinic, while also helping to obtain its first outside funding. He prepared the memorandum used to convince the Oregon Bar and Supreme Court that law teachers within the state, admitted to practice in other states, should be admitted in Oregon as well without examination.

Whew! There's more. Dom founded and then directed for several years our faculty's Teaching Effectiveness Program, a series of presentations each year designed to improve both the substance and the pedagogy of our classroom work. And shortly before retiring, at an age when most people are either on the golf course or in a rocking

* Kaapcke Professor of Law, University of Oregon Law School.

chair, Dom founded our school's Public Interest Public Service (PIPS) Program, which has become a hugely successful series of activities giving students information about, and access to, professional public interest work.

Finally, of course, Dom has won every possible law school and university teaching award, as well as a uniquely impressive series of other awards recognizing his near-lifelong commitment to public interest and public service.

* * *

After all that, it may be hard to believe that Dom has been even more active professionally outside this building than within it. But he has. He drafted the City of Eugene's first civil rights law, way back in the 1960s. A decade later, he convinced the City Council to add sexual orientation to the ordinance's list of protections. He was the person principally responsible, through scholarship and lobbying, for the 1976 repeal of the state's Guest Passenger Statute. He has been a longtime leading member of the Oregon Law Commission, which works for legal reform across a broad spectrum of public and private law. And he repeatedly led statewide electoral battles (mostly successful) against right-wing zealots who, through the Oregon initiative process, have sought to deprive gay and lesbian citizens of their civil rights and economic opportunities.

I think I shall leave to others in these pages any substantial description of Dom's prodigious outpouring of high-quality scholarship the past four decades. For my part, I'll say only that that outpouring includes four books (including an innovative, widely admired torts casebook), many book chapters, and pages and pages of articles and lectures presented, literally, around the globe. Dom's work has truly made differences in several important fields.

* * *

But, Gentle Reader, it was not the foregoing long list of Dom's uniquely worthwhile professional accomplishments that caused me to insist on contributing to this Tribute. (Typically, Dom wanted the Tribute, if any at all, to be minimalist, limited to contributions by his first and final Oregon deans, Eugene Scoles and Margie Paris.) Instead, I wanted to express, especially to Dom, in writing and perhaps even for posterity, how very much I have admired and valued him over many years simply as a friend and human being.

Dom Vetri is, quite simply, one of the finest and noblest beings I've ever encountered. His many public interest and public service activities, some of which I summarized above, no doubt begin to suggest that. However, Dom's superb personal qualities—his unique value to so many as friend, colleague, and mentor—in fact go far beyond even those many activities.

Dom is, first of all, more dedicated to excellent classroom teaching—his own and that of his colleagues—than any other teacher I've ever known. He searches constantly for new material, and new teaching strategies, that will educate and inspire his students even more thoroughly. He also cares deeply about students passing bar exams, urging us repeatedly as a faculty to adopt various programs he has discovered or devised that are likely to improve their chances. And he was, as I said, the initiator and for many years the driving force behind our faculty's teaching effectiveness program.

Dom also thinks constantly about ways to improve our school more generally. Hardly a week passes when he doesn't come to my office to ask my view of some new idea he had the night before, to improve faculty hiring or retention, student life, the curriculum, our outreach efforts, or our resource use. Intending no disrespect to any former or current colleague, I myself believe it's a minor tragedy that Dom never would accept the Associate Deanship, and thus be in a better position to *implement* more of his sensible, creative ideas. Certainly when any dean has asked my advice about anything, my nearly invariable answer has been: "Go ask Dom; he'll know what to do."

More generally, Dom is unfailingly gracious and self-effacing in every personal encounter I've ever witnessed. He thinks constantly not about himself, but about the welfare and feelings of others. Even when he disagrees with a person, or a faculty committee, or a political party, he will try far harder than most of us to understand the opposing viewpoint and to find common, constructive ground. He is, in short, exactly the kind of person most of us wish we were.

Finally, I'd like to conclude by paying my most heartfelt tribute of all to the many extraordinary contributions Dom has made to all who know him, as a gay man. For many, many years, I've been constantly astonished that Dom could accomplish so much, and be the remarkable person he is, all while enduring the countless extra pressures, responsibilities, and pains of being part of our nation's first "out" generation.

For over three decades now, Dom has been a mountain of strength, encouragement, and optimism for our school's gay and lesbian

students—as well as a living, breathing, walking, laughing personification for our straight students of why it would be not only wrong, but *absurd* to discriminate against gay people.

I know this, in part, because I’ve felt it myself. Dom was the first openly gay person I ever really knew, and, of course, he remains my closest friend in the gay community. While no doubt I would have supported gay rights enthusiastically even had I never known Dom, it has been his splendid professional and personal examples, together with his and my own long and priceless friendship, that have made me both a better person and a more committed citizen in that respect, as in so many others.

Dominick Vetri, you’re not only our Prince of Torts; you’re our Prince of the Well-Lived Life. I know each and every person in this building joins me in congratulating you on your retirement and *thanking* you for all you’ve done and all you’ve been to every one of us. *Molto grazie, signore.*

IBRAHIM J. GASSAMA*

Scholarship as Autobiography: An Appreciation of Dom Vetri’s Quest for Harmony

Professor Vetri’s latest tort law review article meticulously combed through the thicket of cases dealing with product design-defect allegations to uncover “surprising harmony” where many others have found mostly confusion and disorder.¹ In “Order Out of Chaos: Products Liability Design-Defect Law,” Dom’s central insight is that the apparent “inordinate disorder at the design-defect test and jury-instruction levels,” which characterizes the world of products liability design-defect cases, masks remarkable uniformity “throughout the United States at the proof level.”² To reach this surprisingly optimistic conclusion, Dom analyzed a plethora of cases from diverse

* Professor of Law, University of Oregon School of Law. The author would like to thank Professors Caroline Forell and Keith Aoki for their helpful comments. Also, Anne K. Munsey, David M. Munsey, and Dennis Ceccarelli provided invaluable assistance.

¹ See Dominick Vetri, *Order Out of Chaos: Products Liability Design-Defect Law*, 43 U. RICH. L. REV. 1373 (2009).

² *Id.* at 1373–74.

jurisdictions that have been decided since the adoption of section 402A of the *Restatement (Second) of Torts* by the American Law Institute in 1965. Some might call Dom's endeavor a rescue operation, given the state of theoretical incoherence and despair that has characterized this complex branch of product liability law for much too long. In that case, the operation should be considered successful.

Dom's article has been well-received, with one noted products liability scholar describing it as "splendid" and "just in the nick of time."³ Products liability lawyers also should find the article enormously helpful, as it could serve as a one-stop source of history, rationales, and trajectory of products liability law.

My main purpose in citing this article extends beyond recognizing Dom's important contributions to products liability design-defect law or even the broader discipline of tort law. I believe his comprehensive and refreshing treatment of the subject in this article captures, in important ways, the essential qualities of Dom Vetri as: a scholar of great depth and breadth; a gifted teacher blessed with an enviable, collegial relationship with several generations of students; and a fully engaged citizen of the legal academy and profession.⁴

In all of these areas, Dom Vetri's role is best understood as an advocate for substantive harmony whenever there is confusion or disorder that threatens the place of law as a vehicle for resolving

³ See E-mail from David G. Owens, Professor of Law, University of South Carolina School of Law, to Dominick Vetri, Professor Emeritus, University of Oregon School of Law (May 18, 2009) (on file with author).

⁴ I understand the limitations that come with the task I have set for myself. For one thing, the editors of the law review have requested that I hold my observations to a number of pages too few to capture the breadth and complexity of my esteemed colleague. I also admit that much of what I have to say must be read in context. While I have been fortunate to be one of Dom's colleagues over the past eighteen years, this period represents less than half of Dom's tenure here at Oregon. Moreover, I have chosen to extract observations, arguments, and conclusions from the small sample of Dom's work that I am familiar with, which others, including Dom, may refine or reject. Indeed, as time passes and I reflect further, even I may take issue with at least some of what I say here. However, I am certain that there is one thing that I will not ever take issue with: Dom Vetri is one of the most decent and caring colleagues any junior faculty member could dream of encountering. He devoted an extraordinary number of hours guiding me through my early years of teaching torts. For probably too long, my teaching routine was to use his materials to help prepare for class, run my main points by him before class, answer the inevitable "stump" questions during class by pledging to check upstairs (with Dom), and then debriefing with him after class, usually over lunch. Never did I detect an ounce of irritation or condescension from Dom. What Dom did for me one-on-one he has done for the whole law school faculty for years as head of the law school Teaching Effectiveness Program.

social problems. By using the term “substantive harmony,” I emphasize that Dom’s quest for harmony or doctrinal order has not been at the expense of a commitment to social justice. No one who has encountered Dom Vetri in any meaningful way could entertain any doubts as to where he stands on the critical issues of law or public policy in our time. His professional life is an unimpeachable story of fierce commitment to the progressive development of the law kept in equilibrium with loyalty to the traditions of law and the legal profession. His scholarship, teaching, service, and collegial interactions provide abundant testimony of a life lived with curiosity, passion, decency, and grace.

In the following paragraphs, I engage a small sample of Dom’s work to show how his scholarship has tracked not only his ideas, but also his life and passion.⁵ To borrow a description that former University of Oregon School of Law Dean Orlando Hollis employed to describe another influential former faculty colleague, Kenneth O’Connell, Dom Vetri’s scholarship served to make his “idealism functional.”⁶ Most accomplished scholars have a core set of ideas or a theme that runs through most of their work. Generally, this theme is what they come to be known for by others in their particular corner of the legal academy. In Dom’s case, his core “ideas” readily come through in his scholarly work, in his classroom, and in the numerous other professional and personal initiatives, projects, and causes that have adorned his life.

⁵ Dom’s leadership role in the creation of the Oregon Law Commission in 1997 is a shining example of how he is able to bring together various aspects of his professional life to advance social change mediated by a traditional commitment to the rule of law. His role was grounded in the intellectual commitment of giants of the legal profession, such as Jeremy Bentham, Roscoe Pound, Benjamin Cardozo, and Hans Linde, to an ongoing body that would mediate between the legislature, on the one hand, and the judiciary, the bar, and the general public, on the other hand, as these groups seek to improve the law of the state. Dom worked closely with a student, Linda Ziskin, who was a legislative intern at the time, to gain legislative sponsorship of the law and then he turned to colleagues within the faculty and across the state to build political support for the effort. Dom helped to build a powerful network designed to help the “orbiting legislative and judicial planets” communicate with each other through a mediating body. See Dominick Vetri, *Communicating Between the Planets: Law Reform for the Twenty-First Century*, 34 WILLAMETTE L. REV. 169, 177–78 (1998). Professor Vetri still serves on the commission.

⁶ See Orlando John Hollis, *A Teacher Whose Idealism Was Made Functional*, 56 OR. L. REV. 157, 159 (1977). Volume 56 of the *Oregon Law Review* was a tribute to Kenneth J. O’Connell, former Oregon Supreme Court Chief Justice and member of the University of Oregon School of Law faculty. Dean Hollis served as the dean of the law school from 1941 to 1967.

I would summarize Dom Vetri's overarching theme to be that the progressive evolution of law, often through the common law process, has not been fully appreciated or explored by legal academics or practitioners as a means of effecting social change. In my view, this is what drives Dom's quest for harmony. By piercing many accepted or presumably impenetrable, formalistic divides to uncover and elaborate on possibilities for doctrinal harmony and social progress, Dom Vetri has significantly advanced the role served by both the law and the legal process in bringing about social change. He has insisted on the common law's relevance when others were too often tempted to jettison a seemingly impenetrable fog of precedents, tests, jury instructions, and doctrines. Justice Cardozo said, in the *MacPherson* case, that "the principle . . . does not change, but the things subject to the principle do change: They are whatever the needs of life in a developing civilization require them to be."⁷ Cardozo was offering a vision of the common law process that Dom has embraced and sought to make functional through teaching, scholarship, and service.

Undoubtedly, there is often a tension between what may be considered the inherently conservative nature of the common law process, on the one hand, and the ideals of progressive activism, on the other hand. For a considerable part of his career, Dom Vetri has inhabited and managed this tension, while both keeping faith with tradition, the achievements of the past, and acknowledging limits—even as he pursues a future anchored by a substantive vision of justice. His scholarly work in tort law and other areas of law provides ample evidence of how well he has managed this tension. The deep affection his colleagues have for him and the fact that he has remained a key player in every important faculty decision over the past four decades are measures of this tension management. His popular, path-breaking tort law casebook⁸ and his leadership role in Oregon law reform also speak to this quality.

In a way, Dom Vetri's quest for harmony derives from Justice Holmes's observation that "the life of the law has not been logic: it

⁷ *MacPherson v. Buick Motor Co.*, 111 N.E. 1050, 1053 (N.Y. 1916). In Justice Cardozo's celebrated opinion, the weight of judicial precedents that had not kept up with the pressures and expectations of a rapidly modernizing society did not force him to abandon or short-circuit the common law process. Cardozo, in a sense, forged harmony by interpreting the rich tradition and specific rules of the past in light of the imperatives of society.

⁸ DOMINICK R. VETRI ET AL., *TORT LAW AND PRACTICE* (3d ed. 2006).

has been experience.”⁹ We see Dom’s exposition of this philosophy in his treatment of product liability design-defect law. To unmask doctrinal confusion suffocating the area, Dom worked from the cases upward, meticulously analyzing the facts and proof requirements in each, to illuminate how and when certain tests were adopted. Dom does not mask his primary motivation for this exhaustive research: Product liability law has failed to achieve its original objective of developing a theory “of a liability law that emphasized a consumer-safety perspective and reduced the burdensome proof requirements of negligence law.”¹⁰ In this light, the sense of disorder that arose from the proliferation of legal tests that affect design defect cases arguably serves as a barrier to justice. One way out of this mess would be to employ the legislative process. But that process is fraught with its own uncertainties and distortions. Besides, it would not obviate the need for a vibrant, dynamic, and experience-centered common law process. Statutes have to be interpreted and gaps need to be filled by courts.

In fact, Dom addressed the increasing turn toward statutes in a much earlier article, observing that the “common law as . . . Blackstone understood it, is dead. At an ever increasing pace, state legislatures have been passing statutes.”¹¹ He lamented this development as reflecting the failures of the common law process, asserting “[m]any of our judges have lost sight of their historic function of nurturing the law’s adequacy for each generation. The courts now view legislative action as the appropriate model of reform and the trend seems virtually irreversible.”¹² Dom did not see this as a benign choice and argued that it risked the “eventual erosion of law as a modern social tool.”¹³

If there was a note of despair in that analysis, it was quickly erased as Dom developed his case for harmonizing the common law tradition with legislative activism. His argument took the form of an urgent reminder that courts, in fact, have a long history of incorporating statutes into the common law process “to deal with ambiguities and

⁹ OLIVER WENDELL HOLMES, JR., *THE COMMON LAW* 1 (1881).

¹⁰ Vetri, *supra* note 1, at 1374.

¹¹ Dominick Vetri, *The Decline of the Common Law in the Statutory Era in the United States*, in *ESSAYS ON EUROPEAN LAW AND ISRAEL* 179, 183 (Alfredo Mordechai Rabello ed., 1996).

¹² *Id.* at 188.

¹³ *Id.* at 200.

gaps in statutes.”¹⁴ Dom’s argument reaffirmed his core theme as well as his inclination toward finding common ground: the common law process, when taken seriously, is dynamic and quite capable of being refined and adjusted to meet new challenges, such as the social needs that gave the initial impetus to the proliferation of statutes.¹⁵ He concluded his examination of the challenges the common law process faced in the era of statutes by calling for “[a] new understanding of the relationship between courts and legislatures . . . so that the law can remain a vibrant and evolving part of our society.”¹⁶ Substantive harmony functionalized. Although the common law process is an inherently conservative approach and the Holmesian vision of experience is too often not textured, it is the conservatism of Justice Cardozo in *MacPherson*—deftly massaging precedents with progressive policy arguments to obtain a result with much greater potential for broad professional and social acceptance—that Dom has promoted in his scholarship as well as in his teaching and public service.¹⁷

Now, neither Dom’s quest for harmony nor his faith in the common law process is unbounded. His quest and faith, while often presented in logical terms, are rooted in experience. In a 1976 article, “The Case for Repeal of the Oregon Guest Passenger Legislation,” Dom powerfully presented arguments that had no difficulty elevating a substantive vision of justice over process.¹⁸ In this case, the Oregon Supreme Court had, in effect, conceded the battle with the state legislature over the onerous and crudely outdated law that protected defendant hosts/drivers and their insurance companies from negligence actions brought on behalf of injured guests/passengers. Instead of letting things play out further, Dom directed his arguments to the legislature. He dissected the underlying rationales of the statute—to prevent collusive lawsuits and to protect hosts against ungrateful guests—through both logic and experience from everyday life. He demonstrated that the justifications for the law lacked internal coherence and were incompatible with more recent legislative

¹⁴ *Id.* at 199.

¹⁵ As Dom put it in this context, “[w]e would not expect judicial treatment any different by and large than the deliberate process of the evolution of law in common law substantive areas.” *Id.* at 199.

¹⁶ *Id.* at 200.

¹⁷ See *MacPherson v. Buick Motor Co.*, 111 N.E. 1050 (N.Y. 1916).

¹⁸ See Dominick Vetri, *The Case for Repeal of the Oregon Guest Passenger Legislation*, 13 WILLAMETTE L.J. 53 (1976).

actions. He employed examples from everyday experience to show that the law had not kept up with the needs of a changing society.¹⁹

That article is noteworthy as an example of Dom's style of argument, especially the seriousness and respect with which Dom tackled arguments that clearly had run their course even as he demolished them. There is this sense that Dom was reassuring the legislature that they never meant to impose the injustice both inherent in the law and nurtured by their repeated affirmation of it. He cited the incompatible legislative actions that they had also pursued, not as evidence of confusion or systemic corruption, but rather as proof of the decent people the legislators were and that, therefore, the unfortunate consequences of the law could not have been intended.²⁰ Thus, he would argue, repealing the law "would be an important additional step in achieving the demonstrated concern of the legislature—an accident reparations system in Oregon that operates efficiently, effectively, and justly."²¹ This style very much reflects that of the better common law judges distinguishing troublesome but well-established precedents that no longer respond to the needs of society.²² Those of us who have been the object of Dom's lobbying on myriad faculty governance or public policy issues are all too familiar with that style.

Any discussion of Dom's scholarship in this context would be remiss if it did not include a consideration of his casebook on tort law.

¹⁹ *Id.* at 59–64.

²⁰ Here is an example of his craft: "The Oregon Legislature, in adopting the 'add-on' form of no-fault statute . . . evidenced a faith that the fault system can work if properly modified. One such modification was the adoption of the comparative negligence statute. Another needed modification is the repeal of the guest passenger legislation." *Id.* at 70 (footnote omitted).

²¹ *Id.* at 70–71.

²² For example, see Justice Cardozo's decision in *Pokora v. Wabash Ry. Co.*, 292 U.S. 98 (1934), dealing with the doctrinal barrier posed by Justice Holmes's famous "stop and look" standard imposed in the earlier case of *Baltimore & Ohio Railroad Co. v. Goodman*, 275 U.S. 66 (1927). For another example, see Justice Peters's decision in *Rowland v. Christian*, 443 P.2d 561 (Cal. 1968). In a note following that case in Dom's casebook, he stresses that the

court does not begin the opinion with a discussion of the policy considerations. Justice Peters first demonstrates how the current rules and exceptions resulted from the process of much erosion from harsh earlier rules. The court puts its new duty rule in the context of this common law tradition and demonstrates that the accumulation of all the changes over the years argue for a new, more encompassing rule.

VETRI ET AL., *supra* note 8, at 294.

Tort Law and Practice was first published in 1998 and is now in its third edition with several co-authors. The book has been widely received for various reasons, but I would like to address two that I think make it stand out: (1) its conscious effort to make the study of tort law inclusive by emphasizing the growing diversity of the legal profession and society and (2) its integration of ethical considerations throughout the text.

Both in style and substance, the book reflects the diversity of the American experience. We can see this perspective in the identities of characters that populate the numerous problems and hypotheticals.²³ The choice of cases, issues, and controversies also highlights this diversity. Dom and his co-authors were not the first to argue for this inclusive perspective and are not the only ones who have taken steps to realize this goal. However, much in keeping with Dom's character, they accomplished their objective in a manner that is not only respectful of tradition, but also entirely in keeping with it. Nothing in terms of doctrine or process was sacrificed to make a purely political point.²⁴

The same may be said of the way ethical considerations are raised throughout the text, reflecting the view that "[s]uch an important area cannot be left to a single course on Professional Responsibility. Ethics issues are best understood in the contexts and circumstances in which they arise."²⁵

²³ As the book puts it,

The cases, problems, hypotheticals, and questions in the book also present the opportunity to learn about issues related to people of color, ethnic groups, gender, disabilities, and sexual orientation. As lawyers, you will handle cases for people from a wide variety of backgrounds, and you must be prepared to conscientiously, sensitively, and competently represent clients from the diverse American community.

VETRI ET AL., *supra* note 8, at xi.

²⁴ See, for example, the *Ruvalcaba* case dealing with the duties a landowner-occupier owes to visitors. *Id.* at 276–88 (discussing *Am. Indus. Life Ins. Co. v. Ruvalcaba*, 64 S.W.3d 126 (Tex. App. 2001)). The case, pregnant with issues of identity and politics, was offered primarily as a primer on the status trichotomy and its many exceptions, as well as on lawyering skills and judicial tendencies. Read in conjunction with the celebrated case of *Rowlands v. Christian*, 443 P.2d 561 (Cal. 1968), and the extensive accompanying notes, teachers and students may avoid confronting these vexing matters only by considered choice.

²⁵ VETRI ET AL., *supra* note 8, at xi.

CONCLUSION

There is much that is unique or extraordinary about Dom Vetri, especially in terms of his contributions to teaching, the legal academy, and public affairs in general. But, to me, what has stood out most sharply in the years I have known him as a friend and colleague is his decided commitment to make the extraordinary appear so normal. His outstanding character and capacities have not been deployed in service of easy victories. Rather, his life has been one long search for intellectual and social harmony founded upon a clear vision of justice that is at once as process-driven as it is substantive. Passionate about the unexhausted potential for the common law process to promote social change, Dom has not had the easiest of tasks at a time when the impatience of progressives desiring change matches the determination of conservatives to defend the past or the status quo. Yet, in these times, the most passionate concerns, complex questions of law, and troubling matters of morality or judgment have found a path to Dom Vetri. The reason for this is not just because he will not pass up an opportunity to engage others or to do the right thing, but more so because, to him, these are opportunities for finding common ground. In his life, as reflected in his scholarship, Dom has always chosen to undertake the difficult tasks in order to seek harmony where others might see only confusion and conflict.

GUIDO ALPA*

The inspirational teaching of Dominick Vetri developed not only at the University of Oregon School of Law, but also at many other American and European universities, including the universities of law in Genoa and Rome at which I taught.

His books, periodicals, and conferences, in addition to his lectures, give witness to his excellent teaching. All of these contributions are well known to legal scholars. Dom left his permanent stamp on all of the areas to which he applied himself, from tort and contract law to

* Professor of Civil Law, University of Rome “La Sapienza”; Professor of Anglo-American Law, University of Genoa; D.H.C., University Complutense, Madrid; Hon. Master of the Bench, Gray’s Inn; President, Italian Bar Council, 2004–2009; President, National Council of Forensics; Of Counsel, Gianni, Origoni & Partners, Rome; Alpa & Galletto, Genoa, Italy. Professor Alpa has published books and articles on civil law, financial markets contracts, regulation, consumer protection, tort liability, and comparative law.

intellectual property to civil rights to art and many other subjects in which he is interested. He dealt with these matters with the skill, passion, and creativity required to make a legal scholar's discourse captivating and persuasive, as well as rigorous and useful. Master lawyers like him, however, do not only teach students; they also teach colleagues. Our friendship began over discussions of product liability and was strengthened by many wonderful occasions spent together. And, as a colleague, I wish to lead my testimonial by posing the question: What did Dom teach me?

Our memories are repositories of faces, incidents, images, and words that arise when we think of a person. I remember my surprise when I learned that Dom's first degree was in mechanical engineering—before he obtained his law degree. This was, of course, pursuant to that typical American rule that requires an academic degree before attending law school.

I thought it would have been preferable to obtain an academic degree in the area of social sciences, such as political or economic science, philosophy, or sociology. But, in discussing this issue with Dom, I realized that I was reasoning as a legal academic of the Old Europe, where we place the law amongst social sciences. He also reminded me that my attitude was much closer to European ideas than to the English common-law tradition, in which, during earlier eras, it was possible to teach law, be a lawyer, or be a judge without a law degree. An example is the outstanding career of Lord Bingham, who became Senior Law Lord after having been a very successful barrister, without having obtained a law degree. After his retirement, he did finally receive a law degree—an honorary degree (*honoris causa*) from Roma Tre University.

As a result of this conversation, I pondered whether Dom's background as an engineer had somehow influenced his study of the law and his teaching. I concluded that it had, as many of his legal "discoveries" were shaped by both his approach to understanding the law with the help of the scientific method and practical experience and his attitude of "building" a legal argument as the result of systematic legal analysis. Riccardo Orestano, one of the great Masters of Roman Law, entitled one of his most important essays on legal epistemology "L'edificazione del giuridico" (*The Legal Building*). The legal scholar is indeed an engineer, who constructs, with the laws, the structure of the social system, the schemes of protection, and the ways to resolve problems. Legal engineering first arises from a conception of the society as a whole, which involves a

system in constant change—reflecting not only a combination of people and goods, but also real lives and relationships for which we as a society must be concerned. The order of the modern world is based on freedom and will. “Social engineering” becomes “legal engineering” when legal concepts are used instead of political or sociological concepts. Therefore, the rules of interpretation, which are based on logic, are the pillars of exact sciences.

Dominick Vetri is a “formalist” legal scholar: he uses the tools of the law in order to achieve ethical and social aims. In tort law, this concept implies the use of rules derived from law, from judgments solving the most important cases, and from commentary provided by scholars, in order to obtain a proper balance between the various interests of the parties and the needs of society. Thus, great skill is necessary to understand the system deeply and to adapt it to the needs of society. This process is not static: the protection of rights, even fundamental rights, ebbs and flows over the course of time, pursuant to different social times. Accordingly, Dom is committed and vigilant in defending the rights of minorities and the rights of people suffering from intolerance and prejudice.

Dom views the legal system as a resource that helps to ensure the defense of individual rights, in particular the protection of the individual that, as a member of a minority group, is at risk of having rights suppressed or overlooked by the majority. Dom not only taught me to look at the law with a broader perspective, he also taught me that, above all, the law must not be followed in a conformist way, but instead it should be used with courage.

MARGARET PARIS*

Justice and Art: Themes of Dom Vetri’s Career

Gene Scoles and I form bookends of sorts to Dom Vetri’s career on the Oregon School of Law faculty. Gene was fortunate to serve as dean during the first part of that career, and I had the honor of attending the last class Dom taught as a full-time member of the

* Philip H. Knight Dean and Professor of Law, University of Oregon School of Law.

faculty (thankfully, he continues to teach half-time as a professor emeritus). Gene has beautifully encapsulated Dom's many important legacies in the law school and beyond—the law school's Teaching Effectiveness Program, its clinics and moot court program, the Oregon Supreme Court rule that enables all law students to gain practical experience in Oregon courts while still in law school, and more. In these efforts, Dom has proven to be a visionary.

Having familiarized the reader with some of Dom's major accomplishments, Gene has kindly cleared room for me to amplify a couple of important themes that have characterized Dom's faculty career. Dom suggested these themes himself, in remarks he made to students in his last Torts class, when he advised them to do good work, nourish the personal sides of their lives, and cherish the “enlightenment and comforts” of art.¹

I'd like to reframe his remarks a bit to emphasize two things that stand out for me when I look at his career. The first is Dom's insistence, perhaps fed by his experiences as a gay man, that injustice and discrimination should not be left unaddressed. The second is his predilection for infusing all aspects of his life, including his work environment, with art and for encouraging others to do likewise. In a way, these two themes are linked as I'll try to explain below.

JUSTICE

Dom's approach to injustice can be described simply as “doing the right thing”—something that I have noticed is far easier to articulate than to follow. Many of us fall into one of two camps when confronting injustice: either we engage in hand-wringing and second-guessing about when and how to get involved (especially when our own communities land in the victim's role, and we look hopefully at others to come to our defense) or we erupt in the kind of flailing, ineffective anger that makes positive outcomes less likely. Dom avoids both of these traps. Whether the victim is one of his own communities or a group with which he has no affiliation, he speaks out passionately, but rationally, and searches thoughtfully for a way to advance a good resolution. His approach is a courageous and consistent one.

¹ Following tradition, the law faculty attended Dom's last Torts class in April of 2008, during which he gave his concluding remarks. For a transcript, see <http://www.law.uoregon.edu/news/article/504> or Tribute, *Tribute to Professor Dominick Vetri: Career Highlights*, 88 OR. L. REV. 29, 34 (2009).

Perhaps he developed this extraordinary capacity for confronting injustice because he is a gay man in a world that is heteronormative, at best, and, more often, homophobic. And, perhaps not surprisingly, I first became aware of his talents in this regard as I learned about the Solomon Amendment,² a piece of legislation that protects the U.S. Armed Forces from a critical consequence of the “Don’t Ask, Don’t Tell” policy.³ This policy, one of the last vestiges of de jure discrimination in our nation, both mandates the discharge of gay, lesbian, or bisexual members of the Armed Forces and prevents the enlistment of persons known to be gay, lesbian, or bisexual.⁴ In a principled stand bolstered by an Association of American Law Schools’ requirement that “employers seeking use of law school career facilities and/or services provide written assurance that they do no[t] discriminate based on sexual orientation (as well as any of the other protected categories),”⁵ many law schools, including ours, denied access to military recruiters for years, who were, of course, unable to provide the assurance of nondiscrimination. But beginning in 1994, when Congress passed the first iteration of the Solomon Amendment, schools—such as ours—that denied access to military recruiters were deemed ineligible for certain types of federal funding⁶ and were faced with an impossible situation: abandon the insistence on nondiscrimination or cause parent universities to lose millions of federal dollars. It was, and remains, a dismaying situation.

Dom’s reaction has been measured, productive, and multifaceted. Beginning in the 1990s, he worked with our Career Services Office to craft an approach to military recruiting that would satisfy the ever-changing terms of the Solomon Amendment⁷ while both alleviating, to the extent possible, the effects of discrimination on gay, lesbian, and bisexual students and respecting, to the extent possible, the school’s antidiscrimination stance. He rallied the faculty to write letters protesting the military’s policy and the Solomon Amendment. He advised students, wrote articles, taught classes, and lectured about the situation. He kept us educated about efforts to challenge the

² 10 U.S.C. § 983 (2006).

³ 10 U.S.C. § 654 (2006).

⁴ See 10 U.S.C. § 654(b)(1)–(3), (c)(1) (2006).

⁵ Francisco Valdes, *Solomon’s Shames: Law as Might and Inequality*, 23 T. MARSHALL L. REV. 351, 354 (1998).

⁶ See *supra* note 3.

⁷ The Amendment was modified from time to time, usually to give it more teeth. See *supra* note 3.

Amendment and, when a lawsuit was filed,⁸ he urged us to enter as plaintiffs (we did). When the case was over, he didn't stop working on the issue. Indeed, to this day he continues to both advise students, faculty, and administrators and consult with our Career Services Office about efforts to ameliorate the effects of the Solomon Amendment.

Throughout this nearly twenty-year span of events, it has been left to Dom, for the most part,⁹ to provide leadership on Solomon Amendment matters, and yet, he has been incredibly generous and kind about having to march at the head of the column. This example of his courage and consistency in the face of injustice is not an isolated one, and his efforts have not been limited to situations implicating his own interests or communities. He can be counted on to deliver gentle reminders about unfairness, to note the needs of a group or an individual, and to call the faculty to its better nature. In matters of the conscience, he is our guide.

ART

This piece now turns to something seemingly unrelated: Dom's involvement with art in our law school building. Dom has been deeply involved in the new law building's architecture and art from the outset, serving on both the Law School Building Planning Committee beginning in 1996¹⁰ and the subcommittee that selected the building's art.¹¹ He had long been interested in art and architecture: he and his partner, Doug, had designed their own home on their Brownsville farm—immersing themselves in Christopher Alexander's *A Pattern Language*,¹² and he developed the law

⁸ The action was unsuccessful from the law school's point of view. *See* *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.*, 547 U.S. 47 (2006) (upholding the constitutionality of the Solomon Amendment).

⁹ Our outstanding Career Services personnel have been the exceptions: Merv Loya, Jane Steckbeck, Josh Burstein, and their staff have been passionate antidiscrimination advocates.

¹⁰ The William W. Knight Law Center opened in the summer of 1999. Campus Planning and Real Estate, Completed Projects, University of Oregon Campus Planning and Real Estate, <http://www.uoregon.edu/~uplan/projects/projects-completed.htm> (last visited Nov. 7, 2009).

¹¹ Under Oregon law, at least one percent of the direct construction costs of new or remodeled state buildings must be spent on the acquisition of artwork. OR. REV. STAT. § 276.080 (2007). For more information, see the Oregon Arts Commission's website at http://www.oregonartscommission.org/public_art/percent_for_public_art_program.php.

¹² CHRISTOPHER ALEXANDER, SARA ISHIKAWA & MURRAY SILVERSTEIN, *A PATTERN LANGUAGE: TOWNS, BUILDINGS, CONSTRUCTION* (1977). Alexander, a prominent

school's Art and Cultural Property Law course. True to form, in his work on the new building, he championed the needs of individual users—whether faculty, staff, or students—as well as the importance of human scale and interiors that connected well to the outdoors.¹³ He also worked closely with Jane Gordon and others on the art subcommittee to ensure that the school would purchase beautiful, powerful, varied, and unique pieces.

Dom's work on the new law school building and its art continued after the building was completed. For example, he learned of the availability of important historic, photographic records of county courthouses in Oregon. He obtained these photos for the new building so that they could be displayed in a lovely second-floor hallway bathed with natural light that opens onto what the building's architects referred to as the "Great Hall"¹⁴ and what we know as the Wayne Morse Commons. Shortly thereafter, the law school and the university's Jordan Schnitzer Museum of Art received a magnificent gift of art from former faculty member Tom Mapp and his wife, Martha Daura.¹⁵ The gift was facilitated by Gene Scoles and named in memory of former faculty member and dean Chapin Clark.¹⁶ It consisted of a large collection of paintings by Martha's father Pierre Daura, an important expressionist painter who lived and worked in Spain and France. Dom shepherded the collection, selecting pieces for display in the law school's third-floor spaces, which, until then,

theorist and chief architect for the Berkeley Center on Environmental Structure, would have been a familiar name to Dom and other University of Oregon faculty in the early 1970s—when the university hired him to design a process for campus planning. His work resulted in the publication of CHRISTOPHER ALEXANDER ET AL., *THE OREGON EXPERIMENT* (1975). This book was the precursor to *A PATTERN LANGUAGE*. See generally Greg Bryant, *The Oregon Experiment After Twenty Years*, RAIN, Spring 1991, available at <http://www.rainmagazine.com/archive/1991-1/the-oregon-experiment-revisited>.

¹³ I send out a silent word of thanks to him every day, when I come into my office and throw open my windows, because it was only his insistence on functional windows that saved that feature from the inevitable "value engineering" that accompanied the university's struggle to complete the building within budget.

¹⁴ University of Oregon, William Knight Center, <http://www.schoolsdesigns.com/ResultsDetail.asp?id=168> (last visited Nov. 7, 2009).

¹⁵ See Jane Gary, *Law School Celebrates New Scholarship, Major Bequest and Daura Paintings*, OR. LAW. UPDATE, Winter 2004, at 3, available at <http://www.law.uoregon.edu/ol/docs/OL2004winter.pdf>.

¹⁶ Dean Clark died in the fall of 2002, during a fishing trip on the Rogue River. See Diane Dietz, *Chapin Clark, Former Law School Dean, Dies*, REGISTER-GUARD (Eugene, Or.), Oct. 5, 2002, available at <http://www.encyclopedia.com/doc/1G1-92713532.html>.

had been devoid of art. He oversaw the framing of the pieces and their arrangement on various walls and rooms.

The building was now beginning to vibrate with visual art, all of which shared Dom's eclectic taste. But empty white walls remained the hallmark of many of our spaces, and our budget did not permit any further purchases. Dom came up with the brilliant idea of approaching the Schnitzer Museum and the Erb Memorial Union (EMU), both of which have large art collections in storage, to ask for permission to exhibit some of their art. The museum's basement held a number of large, late-Carl Morris abstracts,¹⁷ and Dom negotiated for the loan of two of these, along with a couple of smaller finds from the EMU's storeroom. He quickly arranged to hang these in some of our larger spaces. Each of these transactions must have consumed a great deal of Dom's time, from combing through storage vaults to numerous discussions to working out loan and insurance documents, but he never mentioned this or asked to be acknowledged for it. An enormously energetic and productive person, he simply poured himself into this project for its intrinsic rewards.

Two significant spaces remained to be worked on: the long second-floor gallery and the first-floor administration suite. The second-floor gallery lines several balconies overlooking the first floor, and the area receives shafts of light angling through stained glass windows that are themselves pieces of art. Dom began displaying serious photography in this space, and soon this undertaking developed into exhibits that would be refreshed every six months. A number of prominent and upcoming photographers have hung their works here, including Gary Tepfer, Terri Warpinski, James Guay, Jon Christopher Meyers, Kristin Loya, and Scott Blackman. For the first-floor administration suite, Dom arranged two long-term exhibits of the works of internationally renowned bird artist Larry McQueen.¹⁸

¹⁷ Unfortunately, the dark nature and slashing geometries of these canvasses made them difficult to live with on a daily basis, and we returned some of them after several years. One of the Morris paintings now hangs in the alcove entryway of the law school's Jacqua Law Library. Morris's earlier work as a WPA artist is well known, and his murals are available for viewing in the U.S. Post Office in Eugene, Oregon. For a quick summary of his life and work, see Ginevra Ralph, *Carl Morris: From Social Realism to the Music of Abstraction*, available at <http://www.lanec.edu/library/don/morris.htm> (last visited Nov. 7, 2009) (a co-production of the Oregon Festival of American Music and the Lane Community College Library).

¹⁸ This did a great kindness to me because, as a birder, I love the constant immersion in McQueen's art.

Dom's efforts organizing these exhibits have never stopped. Instead, he always takes the further step of encouraging people to stop and notice them. He publicizes the exhibits, works with our building manager to display information about the artists and the pieces, and produces brochures so that viewers can take away a record of what they have seen. He holds openings allowing people to meet the artists and he went so far as to help me schedule special showings of the McQueen exhibits for our local Audubon Society. He obviously enjoys these events immensely, often having Doug share them, despite the fact that the late hour means heading home through dark countryside.

I've sometimes wondered why this work seems to give Dom special joy and I now have an inkling of an answer. Of course, spending time organizing art exhibits permits Dom to linger among beautiful examples of human creativity. But more than that, I think art embodies Dom's inclination toward tolerance, openness, and individuality, his appreciation for excellence, and his celebration of multiple perspectives.¹⁹ These are the values that resonate in his life

¹⁹ Some of these terms were suggested to me by Elliot Eisner's *Ten Lessons the Arts Teach*, on the National Arts Education Association website at http://www.arteducators.org/olc/pub/NAEA/advocacy/advocacy_page_5.html:

1. The arts teach children to make good judgments about qualitative relationships. Unlike much of the curriculum in which correct answers and rules prevail, in the arts, it is judgment rather than rules that prevail.
2. The arts teach children that problems can have more than one solution and that questions can have more than one answer.
3. The arts celebrate multiple perspectives. One of their large lessons is that there are many ways to see and interpret the world.
4. The arts teach children that in complex forms of problem solving purposes are seldom fixed, but change with circumstance and opportunity. Learning in the arts requires the ability and a willingness to surrender to the unanticipated possibilities of the work as it unfolds.
5. The arts make vivid the fact that neither words in their literal form nor numbers exhaust what we can know. The limits of our language do not define the limits of our cognition.
6. The arts teach students that small differences can have large effects. The arts traffic in subtleties.
7. The arts teach students to think through and within a material. All art forms employ some means through which images become real.
8. The arts help children learn to say what cannot be said. When children are invited to disclose what a work of art helps them feel, they must reach into their poetic capacities to find the words that will do the job.

2009]

Tribute to Professor Dominick Vetri

27

and work—the ones he helps us to foster within our community. These are the same values that inform his approach to injustice and his courage in the face of discrimination. It is no surprise that the man who sees worth in every unique human being is also the one who relishes the breadth of human creativity and expression.

Thus, I think, Dom's passions for justice and for art are related and, perhaps because they are so, they have had particularly powerful and beneficent effects in our law school community. What a difference he has made! Thanks, Dom.

9. The arts enable us to have experience we can have from no other source and through such experience to discover the range and variety of what we are capable of feeling.

10. The arts' position in the school curriculum symbolizes to the young what adults believe is important.

Career Highlights

Professor Vetri earned his Bachelor of Science degree in Mechanical Engineering from the New Jersey Institute of Technology. He received his Juris Doctor from the University of Pennsylvania, where he was an editor on the law review and graduated as a member of the Order of the Coif. After clerking for a year for a New Jersey judge, he joined the law firm of Meyner and Wiley, where Robert B. Meyner, former two-term governor of New Jersey, was the senior partner. Fortunately for us, he found his way west and joined the University of Oregon School of Law faculty in 1967.

Over the years, Professor Vetri has taught a number of courses, including torts, federal courts, copyrights, civil clinic, gay and lesbian legal issues, and art law. As a specialist in torts, particularly products liability, he published numerous articles in the area and became the lead author of a successful torts casebook. Dom Vetri is known and respected as a conscientious and innovative teacher. Beginning in 1993, at the request of the dean of the law school at that time, David Frohnmayer, he developed and led a program focused on the teaching effectiveness of law faculty until his retirement. Professor Vetri first offered an experimental seminar on gay and lesbian legal issues in 1979, began offering a regular course on the subject in 1989, and has continued to teach the course since his retirement. In 1989, the class was one of a few courses dealing with these issues being taught in law schools around the country; today, many schools have such a class. Over the course of his career, he has won a number of teaching awards, including the Phi Delta Phi Law Professor of the Year Award in 1979, the University of Oregon's Burlington Northern Teaching Award in 1992, and the law school's Orlando J. Hollis Teaching Excellence Award in 2007. Professor Vetri held the Bernard Kliks Chair from its inception until his retirement.

He has lectured on torts, products liability, and other subjects in a number of countries in Eastern and Western Europe, as well as in Brazil and China. In addition, he has held visiting scholar positions at law schools in Rome, Florence, and Genoa. Both his love of the people and food of Italy and the friendships he has developed with Italian colleagues have caused him to return many times for professional and personal reasons.

Professor Vetri joined the law school at a time when it was transitioning from a small, provincial school of about 200 students into a modern law center of 500 law students with a national reputation under the guidance of then-Dean Eugene Scoles. The opportunity to be a part of that growth and development attracted Professor Vetri to Oregon. Developing new educational programs, courses, and opportunities for students and engaging in public service work became an important part of his efforts over the course of his teaching career. In 1969, with the help of several students,¹ he created the school's original Moot Court program and, later, successfully petitioned the Oregon Supreme Court to permit third-year law students to make court appearances under the supervision of an attorney.² In 1980, he prepared a legal memorandum on behalf of the three Oregon law schools petitioning for the admission of Oregon law professors to the state bar without examination if they were previously admitted to a state bar elsewhere.

In 1970, Professor Vetri developed the law school's first clinical program, the Civil Law Clinic, in conjunction with Lane County Legal Services and taught in that program for many years thereafter.³ The program became a model for other law schools because of its combination of academic focus on training in lawyering skills and practical experience with clients. He was instrumental in the development of a number of other clinical programs and student internship and externship opportunities.

Professor Vetri's career includes considerable government and public service, areas in which he has always had considerable interest. He served on both the Lane County ACLU and the Oregon ACLU Boards of Directors for a number of years. Shortly after joining the law faculty, he began to work with two students⁴ in drafting Eugene's first civil rights ordinance. The ordinance, adopted by the city, prohibited discrimination on the basis of race, religion, ethnicity, and sex in employment, housing, and public accommodation. This was the first civil rights law in Oregon that protected women against discrimination. Eugene was subsequently designated an All-

¹ The students were Robert Richmond, Phillip Hansen, and Marco Magnano.

² Michael Kohlhoff worked with Professor Vetri on the legal memorandum.

³ In developing the Civil Clinic, he worked closely with Merv Loya, the then-Director of Lane County Legal Aid Services, and attorney and alumnus, Bruce Smith.

⁴ The students who assisted were Michael Kohlhoff and Wade Gano.

American City by *Look* magazine, and the civil rights ordinance was cited in support of the designation.

In 1997, Professor Vetri's interest in law reform and the processes of law reform led to a project with law student Linda Ziskin, an intern with the state legislature, to craft an Oregon law reform commission. The project resulted in a legislative proposal for a commission created through a partnership among the three branches of government that would review existing legislation for improvements, examine areas of the common law in need of reform, and take on special projects in order to make recommendations to the state legislature. The Oregon Law Commission Bill was enacted by the legislature and has been an important part of state law reform over the past eleven years. Professor Vetri has served as the Oregon School of Law's representative on the Oregon Law Commission since its inception.

Students at the Oregon School of Law have always been heavily involved in extensive public service and pro bono activities. In fact, Professor Vetri likes to refer to the school as "The Public Interest Law School." In order to better educate and energize students about public interest work and to provide a public profile for the work being done by our faculty and students, Professor Vetri, with the significant creative efforts of a number of law students and other individuals,⁵ developed the Public Interest Public Service (PIPS) program in 2002. He served as a director of PIPS for a number of years and was recently awarded the program's first Champion of the Public Interest Award, which is now named the "Dominick Vetri Public Interest Champion Award" in his honor. In accepting the award, Professor Vetri stressed that it had to be shared with the many students who were instrumental in helping to create the PIPS program. In his remarks, he stated: "The Oregon Law School has always recognized and maintained the tradition that becoming a lawyer carries with it a higher purpose—the responsibility to try to make the world better tomorrow for each of us and for all of us."

After moving to the beautiful new law school building, the William W. Knight Law Center, Professor Vetri recognized that the architects had done a marvelous job in designing an open building full of natural light, but it was missing something important—art to beautify its many broad, barren walls. As Dean Margie Paris details above, he set

⁵ Professor Vetri worked with Jane Steckbeck, the Assistant Director of Career Services, and the following students in developing the PIPS program: Celia Howes, Kristy Cox-Ratner, Kristen Parcher, Cheri Brooks, Martha Pellegrino, Jona Maukonen, and Shannon Green.

about to develop a program for showcasing photography exhibits and art displays at the law school with his usual zeal to make the school a more welcoming and wonderful environment for students, faculty, alumnae, and the community.

Dom Vetri has worked hard over the years for the improvement of the rights of all minorities and for equality under the law. He served and provided counsel to many university, law school, city, and state committees and task forces focused on minority concerns. He introduces minority concerns where they are relevant in all the courses he teaches, while encouraging other professors to do so as well. In the mid-seventies, the law school's Women's Law Forum began to give an annual award to the person who contributed the most to creating an understanding of equality for women. The first person to be honored by the award was Dom Vetri. From 1996–98, he served as a member of a workgroup for the Oregon Supreme Court's Gender Fairness Task Force.

As an openly gay man, Professor Vetri has always taken a keen interest in lesbian and gay rights issues. His torts casebook was the first to discuss legal issues related to gay men and lesbians in areas such as claims for the wrongful death of a loved one and consortium losses where a partner is seriously injured. Professor Vetri worked with a small group of faculty from other law schools around the country to successfully persuade the American Association of Law Schools to permit legal teachers to create a gay and lesbian law section, which would meet annually to discuss legal and policy issues of concern to the group.

In 1973, he began to speak out publicly in favor of amendments to Eugene's civil rights law that would prohibit discrimination on the basis of sexual orientation. He drafted the proposed amendments, which were subsequently adopted by the Eugene City Council. In his public presentation to the city, Professor Vetri, in responding to arguments that gays and lesbians were not natural, declared: "We are as natural as Oregon sunshine." But initiative petitions were circulated to put the repeal of the sexual orientation amendments on the statewide ballot, which eventually happened. Professor Vetri became the co-chair of Eugene's first public gay and lesbian group and one of the prominent public spokespersons in opposition to the repeal of the ordinance amendments. The amendments were unfortunately repealed, but the ballot-measure campaign sparked an educational process and energized the lesbian and gay community, as well as allies in communities throughout the state. It was a long,

difficult educational and political process that took years, but eventually Portland, in 2001, Eugene, in 2003, and the entire state of Oregon, in 2007, adopted civil rights protection for lesbian, gay, and transgender people. In 2002–03, Professor Vetri worked with others in drafting both a domestic partner registration proposal and civil rights amendments covering transgender persons for the Eugene Human Rights Commission. The registration proposal was later adopted by the city council.

After the Eugene anti-repeal campaign, Professor Vetri began working with other university faculty and staff⁶ for the adoption and implementation of sexual orientation equal-opportunity and nondiscrimination policies at the law school and university. In 1978, the University of Oregon adopted an express policy of nondiscrimination on the basis of sexual orientation. Professor Vetri co-chaired and served on the university president's Task Force on Lesbian & Gay Concerns in 1991–92. In 2003, he assisted in persuading the university to adopt a transgender nondiscrimination policy.

Professor Vetri has received a number of awards and honors over the years. He was elected a member of the prestigious American Law Institute in 2003. In 1998, he received the Award of Merit from the Oregon Gay & Lesbian Law Association for his efforts toward equality for the gay and lesbian community in Oregon. He received the University of Oregon's Charles E. Johnson Memorial Award in 1999. This honor is given to a university faculty member who demonstrates exceptional service to the university and its community.

After forty-one years, Professor Vetri retired from the faculty of the University of Oregon School of Law. But retirement hardly means he will stop teaching or discontinue his involvement with the law school. Professor Vetri has reduced his teaching load to half-time. He will continue to teach an advanced torts seminar and art law, and, at the behest of interested students, he has added his class on gay and lesbian legal issues to his course-load again this year.

In his parting speech in his last torts class, Professor Vetri summed up:

A good law school has two important components: a good faculty and good students. My colleagues are wonderful, talented, brilliant, creative people who give their all to your educational

⁶ The other university members that were principally involved were Harriet Merrick and Michael Shellenbarger.

development. I want to thank each and every one for allowing me to be a part of the crew. And you, my friends, are the other component of a good law school—the students. Bright, talented, energetic and idealistic; never lose those attributes.

I realize that giving advice is usually a thankless business and I shall not venture too far in that direction. I always keep in mind the profound thoughts on Socrates written by a twelve-year-old for a school report.

“Socrates,” she wrote, “was a Greek philosopher who went about giving people good advice. They poisoned him.”

What words I can offer can be summed up by the three letters of the word LAW itself, L-A-W. L for love; A for art; and W for work. Love, art, and work.

Work needs little elaboration. You already have much of it and will soon have more. Be diligent, competent, fair, civil, and ethical in all that you do. Best of all, enjoy your work if you can, as I have. As you have learned by now, and as Justice Holmes told us long ago, the law is not a fixed compass. As lawyers, we help to determine true north. Law is a dynamic, changing, progressive instrument in constant need of renewal. Your work in law must be much broader than your daily work, much grander, more noble. Build a better world for each of us and for all of us and for your children by working for the constant improvement of the law and equal dignity under law for each of us.

L-A-W. Love, art, work. By love, I mean the importance of nourishing the personal side of your life. Our spouses, partners, children, relatives, and friends are essential parts of our lives, and they deserve time, attention, and all the love we can give. Law is a demanding profession and we must take care that our work does not impair our personal lives. Remember that we may love our work, but only people can love us back.

L-A-W. Love, art, work. Art, what in the world do I mean by art? I had to get art law in here someplace. By art, I mean that you should be sure to add a little poetry to your life. There is beauty all around us—in good literature, painting, poetry, music, and in the environment. See it, cherish it, and enjoy its enlightenment and comforts.

As I wish each of you well in the years ahead, I also wish that your lives be free of torts, either committed by you or against you.

And finally remember, old torts teachers never die, they just get less reasonable.

PUBLICATIONS

Books

OREGON MINOR COURT JUDGES' MANUAL (An Operations Manual Prepared for Justices of the Peace and Municipal Court Judges) (1972) (with Frank R. Lacy).

TORT LAW & PRACTICE (3d ed. 2006) (with Lawrence C. Levine, Lucinda M. Finley & Joan E. Vogel). The fourth edition is forthcoming.

PROBLEMS & MATERIALS ON FEDERAL COURTS & CIVIL PROCEDURE (1st 1974, 2d ed. 1984) (with Fredric R. Merrill).

CAREERS IN LAW (April 1985) (law career counseling for law students) (printed for University of Oregon School of Law students).

Chapters

Demystifying Products Liability Design Defect Law, in LIBER AMICORUM GUIDO ALPA: PRIVATE LAW BEYOND THE NATIONAL SYSTEMS (Mads Andenas et al. eds., 2007) (in honor of Professor Guido Alpa).

Domestic Partnerships, in 1 DEFENDING SAME-SEX MARRIAGE (Mark Strasser ed., 2007).

Victim (1961)—No More!, in SCREENING JUSTICE—THE CINEMA OF LAW: SIGNIFICANT FILMS OF LAW, ORDER AND SOCIAL JUSTICE (Rennard Strickland ed., 2006).

Products Liability, in OREGON TORT LAW (Oregon State Bar CLE) (6th ed. 2006) (with Michael L. Williams) (prepared 1st–6th editions).

Abnormally Dangerous Activities, in OREGON TORT LAW (Oregon State Bar CLE) (6th ed. 2006) (with Michael L. Williams, Christopher T. Hill & Richard J. Vangelisti).

The Decline of the Common Law in the Statutory Era in the United States, in ESSAYS ON EUROPEAN LAW AND ISRAEL (Alfredo Mordechai Rabello ed., 1996) (Sacher Institute, Jerusalem); reprinted as *La Morte del Common Law* in 1995 CONTRATTO E IMPRESA 353.

Answers for Commonly Asked Questions: Copyright Law and Textbook Writers, in MATERIAL WRITER'S GUIDE (1995) (with Martha Low).

The Legal Arena—Progress for Gay Civil Rights, in LEGAL RIGHTS OF GAY PEOPLE and in 5 J. OF HOMOSEXUALITY 25 (1979) (later translated into Italian and published in an Italian law journal).

Articles

Order Out of Chaos: Product Liability Design-Defect Law, 43 U. RICH. L. REV. 1373 (2009).

Consumer Expectations in Products Liability, OR. ASS'N DEF. COUNS. J., Summer 2003, at 10.

Almost Everything You Always Wanted to Know About Lesbians and Gay Men, Their Families, and the Law, 26 S.U. L. REV. 1 (1998).

Communicating Between Planets: Law Reform for the Twenty-First Century, 34 WILLAMETTE L. REV. 169 (1998).

American Products Liability Law, 1993 ECON. & L. OF THE THIRD ORD. 229 (Italian law journal).

Reproductive Technologies and United States Law, 37 INT'L & COMP. L.Q. 505 (1988).

The Integration of Tort Law Reforms & Liability Insurance Ratemaking in the New Age, 66 OR. L. REV. 277 (1987), reprinted in 2 INSURANCE LAW ANTHOLOGY (Donald J. Hoyes ed., 1988) (National Law Anthology Series).

All About the Italian Legal System (Tutto Circa il Sistema Legale Italiano), 46 OR. ST. B. BULL. 14 (1986) (with Guido Alpa).

No-Fault Auto Insurance in the U.S., for the World Congress on Insurance Law, Budapest, Hungary, May 1986.

Legislative Codification of Strict Products Liability Law in Oregon, 59 OR. L. REV. 363 (1981).

Products Liability Bibliography: A Comprehensive Subject Categorization of Law Journal Articles from January 1975 through August 1980, 74 L. LIBR. J. 31 (1981) (with Shirley Ann Hoffer).

Tort Markings: Chief Justice O'Connell's Contributions to Tort Law, 56 OR. L. REV. 235 (1977).

Products Liability: The Prima Facie Case, 11 FORUM 1117 (1976).

The Case for Repeal of the Oregon Guest Passenger Legislation, 13 WILLAMETTE L.J. 53 (1976).

Products Liability: The Developing Framework for Analysis, 54 OR. L. REV. 293 (1975) (later translated into Italian and published in a comparative law text on products liability law).

On Teaching Professional Responsibility Through Clinical Legal Education Programs, in CLINICAL EDUCATION FOR THE LAW STUDENT: CLEPR CONFERENCE PROCEEDINGS 70-90 (1973).

Educating the Lawyer: Clinical Experience as an Integral Part of Legal Education, 50 OR. L. REV. 57 (1970), reprinted in SELECTED READINGS IN CLINICAL LEGAL EDUCATION 203 (1973).

