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Wisdom on Wheels

In my first week as a faculty member at the University of Oregon School of Law, I met Judge David Schuman (henceforth referred to as “The Judge”) in the faculty kitchen. The first thing he showed me was how to use the Keurig machine, while grumbling about its mediocrity. We discovered that we were both cyclists and that each of us had just returned from a summer cycling trip in Italy. The Judge began planning our first bike ride. After considering whether the goal would be speed work, hill climbs, or endurance training, he settled on the perfect route. A few days later, as we rounded a corner down Lorraine Highway, I knew without doubt that I made the right choice by coming to Oregon. The Judge concurred in the opinion.

We continued riding together regularly. After one autumn ride, we discussed a topic that I never thought I’d discuss with a seventy-five-year-old law professor and appellate judge: gymnastics. I did gymnastics for fourteen years, and, leaving aside my former teammates who remain close friends, I can count on one hand the number of people who can discuss gymnastics intelligently for more than five minutes. And here was The Judge, rattling on about the current rising stars, the evolution of the sport, and the increasing difficulty of particular skills. (He dutifully attributed all knowledge to his daughter, who used to do gymnastics and currently writes about gymnastics.¹)

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¹ The Judge later went on to win the NCAA gymnastics pool that I organized among friends. His unmitigated joy in victory was expressed as follows:

I’m the Stable Genius of Gymnastics! I know more about Gymnastics than the Gymnasts! And to those Crazy Conflicted Angry Participants who imply that I cooperated with my Daughter Rebecca, the gymnastics columnist for Fake News Slate and other publications (Sad!), I have only two words: NO COLLUSION! (In actual fact, there was no collusion. My contribution to her bracket was zero. I was actually rooting for UCLA!) David “Perfect 10” Schuman.

As our rides and conversations continued, we learned that we were both alumni of the same college, had each completed a PhD in the humanities before coming to the law, and were writing on the same topic: parole-release decisions. The Judge had just finished writing an opinion on the issue in Oregon, and I was writing a research article on the issue in California.

He asked me to send him my article; I felt apprehensive. My confidence in my writing is roughly comparable to my teenage self's confidence in doing a balance beam routine. Beam was my favorite event to practice, but I was hopeless in competition; my record for falling off beam was five times in one routine. Confidence would crumble with each fall. Back at practice, I'd fixate on working even harder. At least with writing, the falls occur in the privacy of my own office and the hours of concentration don't take a toll on my ankle ligaments. And this judge was different; he wanted to help build ideas, not deduct points for their imperfections. I sent him my paper, and his comments built up my confidence like the steadily increasing miles on his cycling odometer.

One night, I was at the office working late on revisions to said article. The Judge came by on his way out and thankfully broke my fixated stare at the monitor. We talked, as usual, about the most pressing issue first: the weather and route for our next ride. He then observed that one good thing about the sport of gymnastics is that it teaches discipline. I agreed but added that it unfortunately also ingrains an obsession with perfection. I don't remember how he responded to that. But I do remember how he ended the conversation: "Remember, finishing a paper is not a state of affairs. It is a decision."

That was The Judge—a walking, cycling, wisdom-bomb-dropping mentor. And friend.

At breaks during bike rides (typically at Dari Marts), I asked for suggestions on cases to teach. One of The Judge's best recommendations was a case about statutory interpretation in which the court was asked to decide whether "depositing" refuse included the act of public urination. He decided it did not; the English language is replete with expressions that describe going to the bathroom, and yet he'd never heard anyone say, "I'm going to make a deposit." I began using the expression from that point forward, and we wondered whether we could start a movement. We did not, but my first-year criminal law class loved the case.

He was the same person, whether in a cycling jersey or in a suit. The Judge encouraged me to come to all kinds of community events where

he introduced me to friends, fellow judges, alumni, and retired faculty. He also helped me canvas the various event venues for the best food and drink. On a more serious note, he came to a panel discussion that I organized with students about the death penalty in Oregon. The Judge and I talked about the death penalty a few times on our bike rides; we were both opposed for a variety of reasons. I remember him remarking that nearly every religion holds out hope for a kind of redemption; he held out hope, too.

A frequent topic of our cycling conversations was a person whom The Judge called his “mentee.” This particular mentee was a man who was returning home from prison through the Sponsors program in Eugene. True to character, The Judge went the extra mile in all aspects of his mentorship. He said it was the least he could do after presiding over so many cases in which long sentences were imposed.

A few months before he passed away, he explained to me that he had declined to take on a death penalty case as a senior judge. Not, of course, because it would be a mountain of work. The man ate mountains of work for breakfast. When he said this, we were en route to Bend to ride the seventy-five-mile *Tour des Chutes*. He objected not because of the mountains, but on principle.

I think back to that conversation when I visit his grave in the Masonic Cemetery, where his headstone reads: “Loved family, friends, community, and justice. Loved for his humanity, integrity, intellect, and wit.” Each word is meaningful; each is true. “Community” and “integrity” are those that resound most deeply for me. I am forever indebted to his friendship.

