Dedication to Professor Charles M. Thatcher

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For a school that takes pride in its great teachers, Professor Charles M. Thatcher is, by any measure, one of them. He has won the annual Jackson Award for outstanding professor three times, as well as the prestigious University-wide Belbas-Larson teaching award. His essential mark upon generations of law students is evident as one talks with alumni across the state. I have witnessed firsthand his passion, knowledge, humor, and mastery in his Conflict of Laws course. He ranks with his mentor, Professor and Dean Mike Driscoll, as one of the most influential professors in the history of the University of South Dakota School of Law. If the law school community can be described in a metaphor, Charles Thatcher is deeply embedded in the DNA of the institution.

Charles has been a great colleague. Our free-ranging discussions have involved many shared interests (though often not shared opinions) on politics, history, music, writing, humor, and the all too frequent absurdities of academic life. We have had deep conversations over the years, counseling even, although he never took my advice concerning matters of the heart. We both also sought out the wisdom of our mutual mentor, Mike Driscoll, whose own contribution to the DNA of the law school is incalculable.3

What makes Charles a great teacher? In a word, insecurity. Productive, relentless energy, driven by a desire to teach every student in the class. His preparation for a class that he has taught perhaps thirty or more times never cuts corners. He teaches as if his reputation is hanging on each class. I have told him many times that he should not give students that much control over his own sense of self-worth. To his credit, he has ignored this advice as well. The effort he spends on exams borders on obsessive. I grade exams, he corrects them. I give feedback when asked, he makes appointments to go over the many red marks on each page. Charles extends his teaching to the courts, where his writings conquer the mysteries of UCC 2-207 and the Restatement (Second) of Conflict of Laws. His conflict of laws scholarship has changed the law in South Dakota.

Charles and I have long kidded each other about our differences. He talks fast, is obsessive/compulsive, possibly anal retentive, politically liberal, energetic, and extroverted. I am none of these. His sense of humor he describes as “wet,” whereas mine runs definitely to “dry.” He had a long-standing practice of greeting with a “sick joke of the day,” of which I’ll spare you. I couldn’t help but laugh (or groan). I usually felt bad that I did, however. I was an enabler. Always present, with whatever form his humor would take, was a sense of joy and appreciation of the foibles of life.

Above all, Charles is my friend. We have grown up together. We are very different, but we are brothers. As Aristotle has said, friendship is grounded on equality. Not necessarily equality of condition, or wealth, or class, or education,

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3. See Dedication to the Memory of Robert E. “Mike” Driscoll, 57 S.D.L.Rev. i-xii (2012).
or talent, or skill, or even looks. The essential equality is one of fair exchange—that each contributes to the relationship in one’s own way. If we were the same, the exchange would be dull. Life with Charles has never been dull.

Diversity is highly valued in today’s university. Charles brings true diversity to our legal community in so many ways. And we are all enriched for it.

BARRY R. VICKREY†

The most important thing a law school does is teach. Scholarly research and professional and public service are essential parts of a law school’s mission. But nothing is more important than teaching the students who will ultimately serve their clients and society as lawyers. During my quarter century at the University of South Dakota School of Law, no one fulfilled the teaching mission of the Law School better than Professor Charles Thatcher.

I had the remarkably good fortune of inheriting Professor Thatcher when I became dean. He had joined the faculty sixteen years earlier. When I arrived, I learned almost immediately that Chuck had a reputation as a great classroom teacher. Every year, as I observed him in the classroom and talked privately with him about teaching, my admiration of his talent and dedication as a teacher of the law grew greater. Most years of my deanship, Chuck’s colleagues showed their respect for him by selecting him to observe them in their classes as part of our faculty evaluation process.

In order to write this dedication, I spent some time thinking about what makes Chuck Thatcher such a great teacher. I could make a long list of the qualities that contributed to Chuck’s success in the classroom, but I will focus on just a few because of space limitations: intelligence, talent, humor, dedication, and integrity.

We often use the phrase “the smartest guys in the room” ironically, as in the title of the documentary about Enron. We use it to describe people who aren’t nearly as smart as they think they are, who succumb to their own hubris. But sometimes there is a person who actually is the smartest one in the room, and Chuck Thatcher is one of those people. His knowledge of the law, and not just those subjects he teaches, is encyclopedic. Some of my most enjoyable times at USD involved discussions—and sometimes debates with Chuck about the most arcane aspects of the law of estates in land and future interests. Even though this was a subject I taught and Chuck didn’t, I held no advantage in these debates.

As for talent, Chuck is a performer. One does not have to be a performer to be a great teacher, but it helps. When trying to engage students in a discussion of UCC 2-207, it doesn’t hurt to have the talent to channel Wilson Pickett singing “Mustang Sally.” For decades, Chuck relieved for at least an hour the anxiety of 1Ls facing their fall semester exams and enlivened the entire Law School.

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