

My Gifts from Professor Lon L. Fuller at HLS

Harry Strachan, July 2014

Lon L. Fuller was my first year contract professor. He was tall, lanky, an elder statesman on the faculty nearing retirement, who had come to HLS from being the Dean at the University of Texas Law School. All of our professors were brilliant, capable of skewering us in the mano-a-mano duels that was the heart of case method teaching. Since most of us considered ourselves smart, we imagined that with training and work we might someday be able to play in the same league with many of them. None in my section, though, felt we would ever match the brilliance of Professor Fuller.

He was not a flashy personality. He was not a snazzy dresser. He didn't seem to have a big ego or care much about what we thought of him. He had assembled the case book we read. Rarely was there a class where he didn't invent a situation that exposed flaws in our statement of the case derived law. His exams were legendary for their imaginative facts. I lived in awe of him but would never have considered visiting him in his office or trying to get to know him personally.

Grades at HLS, as I suspect at most law school of that time, were based on one four hour exam for each course given at the end of the first year. 70, I recall, as being about the median grade in most classes and about the highest grade was 80. The grades from our various courses were averaged out to about 3 decimals and we were put on a curve that went #1 to #520. The top 2.5% of the class were invited to join the Law Review. My own grades were amazingly average and consistent; they put me near the bottom of the top half of the class, around 71 as I recall.

The facts (which I recall only vaguely) of Fuller's Contract exam involved a dispute between two brothers that also involved their father. The dispute raised issues of implied contracts, oral contracts all in conflict with written contracts, and about five or six other complications we had studied. In the exam I was attorney for one of the brothers.

I wrote rapidly and diligently and at the three hour mark felt I had spotted most of the issues, done a decent job applying the case law and principles to the facts, built a decent argument for my client. I didn't feel I had done a better or worse job on this exam than the others.

But I was bothered by the family dimension of the case. So even though I assumed it was not what Professor Fuller wanted and might even be "unprofessional" I took the last hour of the exam to tell my client that although his legal rights would permit him to achieve in court a victory, I would strongly advise him not to take the legal route. The law suit would likely lead to a permanent rupture in the family. Instead, I urged him to follow a non-legal strategy to resolve the dispute, one that would save family relations even if it got him less "than he deserved."

This must have pleased Professor Fuller, though I don't recall ever getting comments on the exam from him, for he gave me a grade of 79, a grade several standard deviations above any of my other grades. This among other things encouraged me the next year in taking his seminar course on Sociology and Jurisprudence.

It was in this course that I read the article on "The Role of a Stranger in Society" which I describe in the *Finding a Path* story "Stranger in a Strange Land" (p.139 in the .pdf version). It made me see that though I'd always be an "outsider" from both Latin America and the United States, this need not be a disadvantage, it would permit me to play an important role as a bridge between both.

My law school paper on "Patterns in the LAM," was also written for this course. It was based on materials I had collected in Costa Rica in the summer of 1965 for my father's biography. It described decision making and organizational structures in the Mission, the supraordinate roles of the missionaries to the subordinate roles of the nationals and how these changed from my grandparent's to my parent's generation. Though my paper was basically admiring of what my grandparents had built, it was a very secular look at God's work. One section stripped a lot of spiritual talk ("God has told us to") down to the very human activities of data collection, discussion, and even negotiations going on below the talk and praying.

Finished the paper, I recall being surprised in two ways.

First, Professor Fuller accepted it and even gave me a decent grade even though I don't think there was one legal or jurisprudential reference in it. How it got accepted as a "law thesis" I'll never know.

Second, the leadership of the mission which somehow got a copy of the paper was not offended as I feared. Instead they asked permission to make copies of it and for many years used it as a mandatory part of orientation for missionaries.