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In Memoriam: David P. Leonard

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Professor Richard D. Friedman[17]

More than two decades ago, I joined the American Bar Association's Committee on the Rules of Criminal Procedure and Evidence. The Committee usually meets a couple of times a year to discuss and sometimes comment on developments within its jurisdiction. Some of the members have personal axes to grind; some take undue enjoyment in the sound of their own voices. Before long, I noticed that neither of these descriptions fit a fellow law professor, of just about my age, named David Leonard, then of Indiana. When he spoke, he did so modestly, quietly, and to the point. His comments were always thoughtful, insightful, fair-minded, and well-informed. Ultimately, he became chair of the committee, bringing into play all those same qualities, plus remarkable—but what I came to recognize as very characteristic—efficiency. In committee business apart from it, he always revealed an endearing sweetness of temper, mixed with a wry sense of humor. Once, complaining in an e-mail message about how useless Supreme Court confirmation hearings had become except as far as they provide politicians with the opportunity to grandstand, he wrote: "Those who know me might be a little surprised at how cynical I sound. Well, every once in a while I do get my back up, and this is one of those times!"

Shortly before I met David, I had become general editor of *The New Wigmore*. This is a successor to John Henry Wigmore's great work, which had dominated the field for the first three quarters of the century. My principal job was to recruit an excellent team of authors—no one in the modern day could hope to replicate Wigmore's one-man show. David was one of the first people I asked, and to my delight he joined the project. He tackled the project with great ability and broad vision, and a degree of efficiency and industry that can perhaps best be described in this context as Wigmorean. Taking my editorial duties seriously, I sent him copious notes. If I were on the other end of those, I would have regarded them as enormously burdensome. But David received them unflinchingly and graciously as always, and he took them seriously in producing the

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final volume.[18] Regularly as clockwork, there followed high-quality, thorough and meticulous supplements, and then a second edition.[19] The work has proven of immense value to bench and bar.

I assumed David and I would be friends and colleagues for decades to come, until we were both very old men. But then he told me about his devastating illness. He did so, as I would expect, frankly and directly laying out the facts for me, without fanfare but without any attempt to minimize or evade the situation. He conducted himself with the tenacity I had come to expect of him and with a degree of bravery that I hope never to be called on to demonstrate. He relished every bit of meaningful time he had, and without complaint endured miserable ordeals to buy it. I believe he found it therapeutic to keep on working. And work he did. He kept churning out annual supplements to his treatise volume. And then, remarkably, he produced another volume, on a very distinct topic.[20] And to top it off, he took on a new job, as Loyola's inaugural Associate Dean for Research. He was a wonder to me; I wish I were as productive in full health.

In all significant respects but longevity, David Leonard was—and I am confident that he believed himself to be—a lucky man. Saddened as I am that our association was cut so terribly short, I feel lucky that we had it for as long as we did. And I am sure that his family, his students, his colleagues, and those in the wider legal world who were graced not only by his wisdom but also by his essential goodness, feel the same way.

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18. DAVID P. LEONARD, THE NEW WIGMORE: A TREATISE ON EVIDENCE: SELECTED RULES OF LIMITED ADMISSIBILITY (1996).

19. DAVID P. LEONARD, THE NEW WIGMORE: A TREATISE ON EVIDENCE: SELECTED RULES OF LIMITED ADMISSIBILITY: REGULATION OF EVIDENCE TO PROMOTE EXTRINSIC POLICIES AND VALUES (rev. ed. 2002).

20. DAVID P. LEONARD, THE NEW WIGMORE: A TREATISE ON EVIDENCE: EVIDENCE OF OTHER MISCONDUCT AND SIMILAR EVENTS (2009).

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