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Craig Callen: Tributes from the Evidence Community

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CRAIG CALLEN: TRIBUTES FROM THE EVIDENCE COMMUNITY

*Richard D. Friedman**

2011 MICH. ST. L. REV. 1407

At the wonderful memorial service for Craig Callen held at MSU shortly after his death in April, I had the honor, by reason of proximity, to appear in effect as the representative of a nationwide, and even worldwide, community of scholars that has felt his death very deeply. I am grateful for the opportunity to perform the same function in print.

It is a truth universally acknowledged among legal academics that the smartest, the most interesting, the wittiest law professors are those who teach Evidence. What is less well known is that we are a tight-knit community. Many of us have been plowing these fields for decades. (As a community, we seem to be aging, for reasons of which I am not certain.) We read each other's work, we participate together on e-mail lists, on committees, and at conferences, and over the years we have gotten to know each other quite so well. So when I learned of Craig's death from his colleague Kevin Saunders, I passed word along to a couple of electronic lists of Evidence professors. I said this about Craig:

He was a good and gentle soul, and an excellent scholar, and he faced his terrible disease with great bravery.

That message, and a subsequent one saying that I would be speaking at the memorial service, prompted a flood of responses from Craig's many friends of long standing in the Evidence community, in this country and abroad.

These messages spoke of Craig's ability and commitment as a scholar, one with a deep intellectual curiosity. He was "thoughtful yet humane, rigorous yet open-minded," Dale Nance wrote, "a genuine intellectual"—and anyone familiar with the breadth of learning that Craig brought to bear from outside the law would have to agree. Mimi Wesson wrote that "[h]is was a restless quirky mind, confident enough of its power to approach legal materials with a playfulness we don't often see." Craig was "deeply engaged" in theoretical matters, as Peter Tillers put it, "an impassioned scholar" with "definite theoretical commitments and positions"—"[b]ut he did not do combat. He was a *mensh*."

The messages spoke of Craig's entrepreneurial spirit. Eileen Scallen pointed out that Craig "developed the earliest version of a web page for

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Evidence scholars—years before scholars in other fields did so,” and that (while still in Mississippi) he organized one of the first “on-line” conferences.¹ In addition, among many other distinctions, Craig was the founding editor of the electronic journal *International Commentary on Evidence* (ICE), and a member of the Board of Editors of CALI, the Center for Computer Assisted Legal Instruction. Craig was, as Betsy Marsh said, an energizer, who “engaged all of us in thought-provoking exchanges in person and in print.”

The messages also spoke of Craig’s easy, often self-deprecating, sense of humor. I remember well one particular instance of this quality. In the 1990s, Craig gave a presentation in Oxford, and because I was living there that year, I was asked to offer some commentary after he spoke. I probably over-extended my assigned role; in any event, much of the questioning afterwards was directed at me. When the session was done, Craig simply said, “I’m going to get a T-shirt that says, ‘I opened for Rich Friedman.’”

And above all, repeatedly the messages spoke of Craig’s wonderful spirit of generosity and collegiality as a mentor to young scholars, and as a co-author, collaborator, editor, friend, and advisor of scholars of all ages. Over and over they spoke of how liberal he was with his time, and they used words like “treasured,” “sweet,” and “gentle” to describe him.

Finally, the messages revealed not only profound sadness at Craig’s death but also shock. We all felt dazed; it was well known in the Evidence community that Craig had been ill, but he had soldiered on so well, and remained so active and productive, that it was hard to believe he was gone. Roger Park told us that, having no idea that Craig was in imminent danger, he had been planning to write Craig just that evening. Peter Tillers noted that Craig was to have been a panelist at a workshop Peter had organized for June. Michael Risinger reported that he had spoken to Craig three weeks before, and Craig, characteristically, apologized for being late with edits on a piece for ICE. Craig, as it turned out, was already suffering from the acute problem that killed him, but he was hopeful that he was getting better and would be able to get his work done. As Myrna Raeder noted, Craig “never complained and kept on with [his] work to the end”; indeed, Craig carried on with his teaching until a little more than a week before his death.

And just a month before Craig died, he sent me a couple of hundreds of pages of draft for a volume of a treatise, *The New Wigmore*, he was preparing under my general editorship. This material is of high quality, as one would expect, thoroughly researched and meticulously prepared. Frankly, I was astonished, because Craig had done much of the work under extraordi-

1. This was ultimately published in print. *Symposium on Hearsay and Implied Assertions: How Would (or Should) the Supreme Court Decide the Kearley Case: The Reach and Reason of the Hearsay Rule*, 16 MISS. C. L. REV. 1 (1995).

narily difficult circumstances; I had not realized until then how well he had managed to battle against limitations that I had thought might be debilitating. Unfortunately, these pages were just a fragment of the large treatise volume Craig would have completed if he had lived. But I will do what I can to see that they are published. Any scholar hopes that his work will have impact long after his death, and I believe that this material may serve as a lasting monument to Craig's memory.

Craig always spoke with great warmth about his family, and at the memorial service at MSU, it became apparent how much they all loved him. Another family of Craig's was very well represented at that service—the MSU community itself. From the beginning, Craig made clear how glad he was to move to MSU. Colleagues and administrators spoke with great fondness about him, but most impressive was the long parade of students who, acutely aware of how much Craig cared for them, rose to speak lovingly about him. The service gave me an opportunity to offer condolences to both those families. And at the same time, I was glad to say that Craig had a third family, a broad community of Evidence scholars, that also feels the sharp pain of his loss.

