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Fred Zacharias:
Scholar, Colleague, Friend

LARRY ALEXANDER*

I may be the person on the University of San Diego School of Law (USD) faculty who had the longest relationship with Fred. I recall interviewing him when he first went on the market for law professors, an interview that took place at the then “meat market” venue of the Hyatt Hotel at O’Hare airport. I do not recall the particulars of that interview, only my bottom line, which was that we should pursue Fred. Unfortunately for us at the time, schools higher in the food chain saw what I saw in Fred, and he received and accepted an offer from Cornell. Yet, as fate would have it, Fred became interested in USD a few years later, and I brought him and our then dean, Kristine Strachan, together for a “meet and greet,” which ultimately led to Fred’s joining our faculty. Fred’s many years thereafter at USD surely benefited the law school. I sincerely hope USD benefited Fred.

What impressed me about Fred initially—and what led me twice to push for his appointment to our faculty—were his qualities as a thinker and a scholar. Much will be written in these pages about those qualities, so I will say little about them. Fred was a major figure nationally in the field of professional ethics. His work was sophisticated and deep, and there was lots of it. A new Fred Zacharias reprint would appear in my mailbox about every two or three months.

Fred also spent enormous amounts of time on his teaching. Whatever he expected from his students—and he expected a lot—he expected

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double from himself. On an old record album I possess, James Brown, with his Fabulous Flames, is introduced at the Apollo Theater as “the hardest working man in show business.” It would not be a stretch to have called Fred the hardest working man on the USD faculty.

I could go on at some length about Fred as a teacher and scholar. But that will be well-trodden ground. Let me comment on Fred as a colleague and friend.

If there were one set of character traits that was emblematic of Fred, it would be the traits of honesty and integrity. Fred may have been the most principled person I have ever known. Fred did not waver, did not fudge, did not compromise. He stuck to his core values with fierce tenacity. That sometimes annoyed those of us who were more willing to compromise for immediate gains. But Fred would remain steadfast.

Part and parcel of Fred’s integrity was his honesty. He could be brutally honest—not just about others but about himself as well. The truth was never varnished, not even when the varnish was attractive and the truth much less so. Fred did not wear glasses, but if he had, they would not have been tinted and surely not tinted rose colored. Fred’s honesty also was combined with a certain pessimistic outlook, not unlike the Jewish pessimism one finds in humorists like Woody Allen. If you saw a silver lining, Fred would remind you that it came with a cloud. His style, in an inversion of the title of a popular upbeat pop psychology book of a few decades ago, was “I’m not okay, you’re not okay.” Fred would never let you—or himself—get away with gilding the lily, overstating the case, minimizing the negatives, and so on. With Fred, you always knew where you and everyone else stood.

Fred’s honesty and natural pessimism allowed him to face his final fatal illness straightforwardly, with almost serene calm and dignity. Few of us are as honest about ourselves and our own mortality as Fred was.

As was his nature, Fred would, along with self-deprecation, complain about his family. But he was as loving and immensely proud of them as a husband and parent could be. He just did not express it verbally. But he showed it in other ways. When his sons were bar mitzvahed even he could not hide the pride he felt.

Fred was extremely generous. He gave time and expertise to help Jewish congregations beyond his own and advise the local bench and bar on legal ethics matters. He commented copiously on others’ scholarship. He helped his friends when they needed his help. And he and his wife, Sharon, hosted lavish Super Bowl parties for friends and colleagues.

On a more personal note, Fred was a good friend to me. As was his nature, he kept me honest and castigated me for any deviation from
principles to which I claimed allegiance. But he was also very generous
to me and very concerned with my well-being.

A final point: Fred and I had several things in common, aside from the
possibility that we were distant cousins through the Weil family. We were
both interested in legal scholarship. We were both intensely interested in
building the USD faculty in a scholarly direction. We were both interested
in politics, though in an odd reversal of roles Fred was optimistic about
our current President while I am anything but.

Finally, we were both interested in sports. We would frequently discuss
the plights of the Padres and the Chargers. And like me, Fred followed
closely the ups and downs of the USD men’s basketball team.

As was typical, Fred was a pessimist about all these teams while I
tended towards optimism. And with respect to the basketball team, whose
games Fred and I attended whenever we could, Fred seemed always to
expect the worse. And yet—and here is the point—Fred kept coming.
And that tells you a lot about the man.

It is trite that each of us is a unique individual. That said, and with
apologies for the solecism, Fred Zacharias was more unique than anyone
I have known. He will be greatly missed.