

June 1997

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Recommended Citation

Philip M. Coffin, III, *A Celebration of the Life of Professor Merle Loper*, 49 Me. L. Rev. 269 (1997).
Available at: <https://digitalcommons.mainerlaw.maine.edu/mlr/vol49/iss2/3>

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A CELEBRATION OF THE LIFE OF PROFESSOR MERLE LOPER

*Philip M. Coffin III**

We are gathered here today in memory of Professor Merle Loper. I like to think of this gathering, however, not as a memorial service, but as a celebration. A celebration of the life of Professor Merle Loper and the impact he had on the many students he taught over the years at the University of Maine School of Law. And, perhaps, as a chance to recognize and appreciate the affection we had for him and he had for us, his students.

I first met Merle Loper in first-year property class in September 1978, when I arrived at the University of Maine School of Law fresh out of college and enthusiastic to begin my study of law. Prior to coming to law school, I had read Scott Turow's book *One L* on his first year at Harvard Law School and seen the television program *The Paper Chase*. I recall expecting all my first-year professors to be arrogant, frightening individuals who would question us sadistically utilizing the Socratic method. Fortunately, this did not prove to be the case.

As Professor David Gregory pointed out in his eulogy earlier this year, Merle Loper was *not* a stereotypical first-year law professor who challenged or humiliated students with blistering questions about the cases we were assigned to study. Instead, Merle's style was more refined and more respectful. Merle possessed an understated brilliance and quiet wisdom. He challenged first-year students to appreciate and explore the subtleties of the law of property, but he did so in an even, gentle tone, often with references to poetry and with a large dose of his dry sense of humor. I will be forever grateful to Merle Loper for the respect he gave each of us students and for his self-deprecating style.

I would like to tell you a couple of stories about my relationship with Merle that I think demonstrate just how unique he was as an individual.

Early in the first semester of property class, which was usually in the late afternoon, I fell asleep in Merle's class. Admittedly, falling asleep in class is bad enough, but to make matters worse, my seat was dead center in the first row of the classroom directly in front of the lectern on which Merle placed his notes. I know at least some of you have nodded off in a lecture, and as we all know, when we wake up, we hope no one will have noticed our momentary lapse of attention. If one is going to take a nap in class, one needs to be discrete.

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My nap, however, was readily apparent to Merle. He couldn't help but see my head fall forward and strike the top of the desk. This, of course, occurred in the middle of a particularly important discussion on the law of nuisance.

Merle never said anything to me during class about my nap, but after class was over, when I woke up, Merle asked me to stop by his office and see him. I assumed that Merle was going to chastise me for falling asleep in his class. Frankly, I would not have blamed him for doing so; it was not particularly politic of me. When I arrived in Merle's office, he did not to my surprise admonish me to stay awake in his class. Instead, he wanted to know what he could do as a teacher to ensure that I would remain awake in his class. He actually apologized for being so sonorous.

Merle then took this opportunity to get to know me. He asked me where I grew up, how I was enjoying law school, what I liked to do outside of school, and so on. As a result of that conversation, and many subsequent ones I had with him, I began to appreciate Merle Loper as a man who was genuinely interested in the legal profession, teaching, and his students. As I came to know Merle even better over the course of the year, his humaneness, his interest in and dedication to his family, his nurturing style, and his tremendous work ethic really impressed me.

A week or so after my initial one-on-one encounter with Merle in his office, he asked me to come by his office again. He had apparently noticed that I had stayed awake in his class for the previous two or three lectures. When I arrived in his office, he asked me, with a wry smile, whether his classroom delivery or lecture style had improved. I told him, of course, that it had indeed; at the time I was still worried about my early gaff in class and did not want to offend him. Merle then asked me if I was busy that evening, and if not, whether I could help him carry a new woodstove he had purchased into his house in Yarmouth. He offered to drive me to and from his house in Yarmouth and serve me dinner in exchange for my assistance. It was an offer I obviously could not refuse to accept. I felt that I owed him at least that much, after having fallen asleep in his class, and at that time I would have accepted nearly any offer for a free meal—anything was preferable to another night of my roommate's fried spam dinner. So, that evening I went home with Merle after school and helped him lug a new cast iron stove into his kitchen and install it.

Dinner was great. I don't remember what we ate, but I do recall the food was better than anything I either could have cooked or afforded.

That was also the night I met Jean Loper, Merle's wife, and Kelley, his daughter. Kelley was quite young at the time. She seemed very bright and precocious and Merle obviously loved her very

much. I was completely charmed by the Loper family and they made me feel very much at home.

That night turned out to be the beginning of a strong friendship with Merle that developed over the course of my law school experience. During my three years at the Law School, I had dinner with the Lopers on many occasions and even stayed overnight at their house several times. Often, I would go to Yarmouth to help Merle with a project he was working on around the house, we would have dinner, and then I would study for my next day's classes, while Merle prepared for his next day's lectures. Before spending the night at Merle's house, I thought that most law school professors knew their subjects cold, didn't need to engage in much preparation, and probably led a pretty relaxed lifestyle. Merle proved to me just how wrong I was. I was amazed at the time he spent preparing for his next day's lecture, rereading cases he had undoubtedly read many times before, reviewing notes on the subject matter to be discussed, and reading relevant articles from scholarly journals. It was not unusual on the nights that I stayed at the Lopers' house for Merle to be up until one in the morning before retiring to bed. On those nights, we would labor silently at opposite ends of the kitchen table—me over my cases for the next day's class and Merle over his notes for the next day's lecture. Usually, before finally going to bed, Merle would suggest that we have a nightcap. I enjoyed those moments, not just because the nightcap helped me go to sleep, but because it gave us an opportunity to discuss various issues, which usually turned out to be art, poetry, and politics. Merle was very curious about the world and my views on it and enjoyed tremendously sharing with me his love of poetry. As a first-year student, I was flattered by Merle's respect for my thoughts and I'm sure his interest in me allowed me to experience law school in a broader way than I would have without his support.

I also enjoyed my stays at Merle Loper's house because he provided me with an opportunity to observe his relationships with Jean and Kelley. Now with three children of my own, I appreciate even more the way in which Merle interacted with his wife and daughter. As in the classroom, Merle was always respectful of the views of others and gave everyone a chance to participate in conversations, while also encouraging Jean, and especially Kelley, to share with me their views on various topics. It seemed to me then, and seems even clearer to me now, Merle had a real appreciation for what was important in life. He understood the value of hard work, the need to respect and learn from others, and the importance of family and friends.

I would like to tell you one other short story about Merle Loper that I think demonstrates his sense of humor and good-natured personality. This story begins with the infamous Christmas pageant,

which I believe is still held every year at the Law School. As you know, each class puts on a skit during the Christmas pageant in which they poke fun at various members of the law school faculty. The student-actors do their best to mimic the dressing style of the professors and to portray and exaggerate their peculiar mannerisms. It was the responsibility of our first-year class to mock our first semester professors. I was given the role of playing Merle Loper, which I did without any great fanfare. I am not an actor and my portrayal of Merle was only adequate at best. Nevertheless, Merle appeared to genuinely enjoy our performance and those of the second- and third-year students.

After the Christmas pageant was over and we had completed our exams in January, there was a period when the tension, especially for first-year students, was quite high while everyone waited for first semester grades to come out. When I was a student, the Christmas pageant was held just before we went home for a short Christmas break, shortly after which we then returned to school to take our final exams, and then began second semester. It was during this time that Merle Loper showed me and our class again how much he cared about our well being and what a good sense of humor he had.

I think it was the first or second week after we had returned from school. We all came into class and sat down and waited for Merle to arrive. Our class again was scheduled for late in the afternoon, so we were all somewhat lethargic, when Merle walked in through the door at the base of the classroom. The class immediately broke out in laughter. Merle had decided to come to class dressed as me. Somehow, he had convinced my roommate to let him into our apartment and he borrowed some of my clothes. In particular, I was fond at that time of a wool vest from L.L. Bean that was quite distinctive for its ratty but authentic Bean's look. Merle borrowed that, as well as one of my shirts, a pair of my tattered blue jeans, and an old set of my glasses. In addition, he parted his hair in the middle, like I did at the time. All in all, he did an excellent job portraying me. Better, in fact, than I had done portraying him in the Christmas pageant. Most important, Merle accomplished his goal: he broke some of the tension that overshadowed our class.

Merle's willingness to try something unusual and to engage in good-natured humor was one of his greatest strengths. I know that our class truly appreciated his insightful mind, his gentle spirit, his quiet humor, his respectfulness of others and their opinions, and his self-deprecating style. Those are, in my opinion, the attributes of a great teacher and a true friend. Merle Loper will be sorely missed by his friends, family and colleagues, and his former students. More important perhaps, future students at the Law School will miss the opportunity to learn from and get to know this gentle man.