

PETER JON HENNING

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The faculty hired my dear colleague Peter Henning in 1994.¹ Wayne State University Law School's senior corporations professor, Stephen Schulman, was retiring, and Joshua Dressler, one of Wayne's criminal law professors, was leaving for a position on the West Coast. In one appointment, the faculty hired a person who bridged both areas of law. Peter's scholarly and teaching interests were in criminal law, especially white collar crime,² and corporate law.

On February 4, 2019, I interviewed (videotaped) Peter as background for my upcoming book on the history of Wayne Law. True to form, Peter was the witty, engaged colleague that I got to appreciate over his twenty-eight years at Wayne. This dedication is based in part on that interview.

Peter was a born teacher. When I asked him why he chose a career in teaching, he said, "Teaching was one thing that I was good at." His pre-law education prepared him to teach philosophy in a high school or college. After receiving a B.A. in Philosophy from Loyola Marymount University and an M.A. in Philosophy from Fordham University, Peter taught for two years at the Jesuit all-boys Bellarmine College Preparatory in San Jose, California.³ While waiting a year for his post-law school judicial clerkship to begin, Peter also taught at his college alma mater, Loyola Marymount University.⁴

Peter Henning was self-deprecating, giving others credit for his accomplishments. According to Peter, his brother Ed "got me into Georgetown." Three of the Henning siblings attended Georgetown University Law Center. When he applied and anxiously awaited Georgetown's admission decision, Ed, already in his first year at Georgetown, went to the school's admissions office to ask about Peter's application. The admissions officer asked Ed if Peter would come to

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1. See *Passing of Professor Peter Henning*, WAYNE ST. UNIV. L. SCH. (Jan. 18, 2022), <https://law.wayne.edu/news/passing-of-professor-peter-henning-46784> [<https://perma.cc/97Z6-45P7>].

2. James K. Robinson, the Dean and supporter of the appointment, practiced law as a white collar criminal defense lawyer before he became Wayne Law's Dean in 1993. *Event Honors Former Wayne Law Dean James K. Robinson, Raises Money for Scholarships*, WAYNE ST. UNIV. L. SCH. (Sept. 10, 2013), <https://law.wayne.edu/news/event-honors-former-wayne-law-dean-james-k-robinson-raises-money-for-scholarships-33304> [<https://perma.cc/3CCL-KF7L>].

3. See *Wayne Law Professor Peter Henning Dies, 65*, LEGAL NEWS (Jan. 21, 2022), <http://legalnews.com/detroit/1507619> [<https://perma.cc/GT3W-ZCB2>].

4. *Id.*

Georgetown if he were admitted. When Ed said that he would, the officer told Ed to call Peter and tell him that he was admitted.

Peter entered Georgetown with an interest in constitutional law, but after taking one course in this area, he decided to consider other fields. He loved corporation law and then found securities regulation even more exciting. He liked the idea that the law in this area was not devoted to the choices between right and wrong. Rather, an advisor practicing in this field identified the clients' goals and then identified the series of choices available for the clients to achieve their goals. Peter earned his Georgetown J.D., magna cum laude in 1985.

After his law school graduation, Peter started amassing the credentials commonly expected for lawyers interested in a career in legal education: a federal court clerkship and experience in a large law firm or government service. During his clerkship for Judge Murray Schwartz at the United States District Court for the District of Delaware, he met and "married up" to Karen McDonald Henning. As Peter put it, he clerked for a federal district court judge. Karen clerked for a judge on the more prestigious United States Court of Appeals for the Third Circuit. He received his legal education at Georgetown, and Karen graduated from the prestigious University of Pennsylvania.

Peter wanted experience in economic regulation. He followed his judicial clerkship with almost four years practicing in Washington, D.C. with the U.S. Securities and Exchange Commission's (SEC's) Division of Enforcement.⁵ He arrived at the SEC just before the 1987 stock market crash and particularly enjoyed investigating insider trading cases involving individuals who had access to non-public information and profited by unlawfully trading on that information.⁶ At the SEC, Peter issued subpoenas to obtain evidence of wrongdoing. He then wanted the experience of bringing cases before a grand jury. He moved over to the Fraud Section of the Justice Department's Criminal Division where he investigated and prosecuted bank fraud, including the fraud stemming from the Savings and Loan Crisis of the 1980s and 1990s.⁷

Peter Henning joined the Wayne Law faculty in the summer of 1994.⁸ Peter was an exceptionally gifted teacher. In his words, "Teaching is fun, but tiring." Over the years, he taught quite an array of criminal law courses and a few others. According to Peter, in 1994, white collar crime courses were offered at only 10 U.S. law schools. His course was the eleventh. He

5. See Peter Henning, LINKEDIN, <https://www.linkedin.com/in/peter-henning-7600574/> [<https://perma.cc/9M6L-SM9S>] (last visited Oct. 30, 2022).

6. *Id.*

7. *Id.*

8. See *Passing of Professor Peter Henning*, *supra* note 1.

also taught the basic criminal law course, Criminal Procedure Adjudication (bail to jail), Criminal Pretrial Advocacy (using the book co-authored with Karen Henning), Securities Litigation, Corporation Law, Securities Regulation, and Professional Responsibility.⁹ Peter told students in his Professional Responsibility course that once they started practicing law, they could call him anytime to discuss professional ethics issues that arose in their legal practices. Many took him up on his offer.

Peter taught abroad twice as a Fulbright Scholar and visited at another American school.¹⁰ He taught Economic Criminal Law (White Collar Crime in U.S. schools) at the University of Zagreb, Croatia.¹¹ He also taught in the Judge's Academy in Taipei, Taiwan.¹² He visited at Indiana University's Robert H. McKinney School of Law in Indianapolis.

The Wayne Law students who had the pleasure of learning from Peter appreciated his approach to teaching, his humor, and his enthusiasm and passion for the law. Justin Zayid, class of 2016, remarked that Peter "made me want to be the best version of myself."¹³ Jennifer Johnsen, class of 2003, wrote that Professor Henning taught her some of the most important lessons learned at Wayne, including "You can't change the facts," and when "your client goes to jail, you go to lunch."¹⁴

Peter fine-tuned his droll sense of humor to an art form. It is not surprising that the Wayne Law students voted him the best teacher for several years.¹⁵ He also received the most prestigious university and law school teaching awards: The President's Award for Excellence in Teaching and the law school's Donald H. Gordon Excellence in Teaching Award.¹⁶ The State Bar of Michigan also honored him with The John W.

9. See Mark Hicks, *Peter Henning, Longtime Lawyer Turned Scholar Who Focused on White Collar Crime, Dies at 65*, DETROIT NEWS (Jan. 18, 2022, 8:01 PM), <https://www.detroitnews.com/story/news/local/wayne-county/2022/01/18/peter-henning-longtime-lawyer-turned-scholar-who-focused-white-collar-crime-dies-65/6560488001/> [<https://perma.cc/6JLK-R3DF>].

10. See *Wayne Law Professor to Teach in Taiwan as Fulbright Specialist*, WAYNE ST. UNIV. L. SCH. (May 20, 2016), <https://law.wayne.edu/news/wayne-law-professor-to-teach-in-taiwan-as-fulbright-specialist-33654> [<https://perma.cc/BTE9-UJ2B>].

11. *Id.*

12. *Id.*

13. Justin Zayid, *Wayne Law Community Reflects on Peter Henning's Passing*, WAYNE ST. UNIV. L. SCH. (Jan. 25, 2022), <https://law.wayne.edu/news/wayne-law-remembers-peter-henning-46826> [<https://perma.cc/Q92P-RDCR>].

14. Jennifer Johnsen-Sarber, *Wayne Law Community Reflects on Peter Henning's Passing*, WAYNE ST. UNIV. L. SCH. (Jan. 25, 2022), <https://law.wayne.edu/news/wayne-law-remembers-peter-henning-46826> [<https://perma.cc/Q92P-RDCR>].

15. See *Wayne Law Professor Has New Book Published*, WAYNE ST. UNIV. L. SCH. (June 24, 2013), <https://law.wayne.edu/news/wayne-law-professor-has-new-book-published-33284> [<https://perma.cc/WC39-CZKP>].

16. *Id.*

Reed Michigan Lawyer Legacy Award that is “presented periodically to an educator from a Michigan law school whose influence on lawyers has elevated the quality of legal practice in our state.”¹⁷ In his letter nominating Peter Henning for this award, Dean Richard Bierschbach wrote about Peter’s impact on his colleagues; Peter “carefully mentored junior faculty, encouraging them to fill out the breadth of their potential.”¹⁸ Peter maintained his connection with former students. He invited some of them to share his season tickets to the Detroit Lions’ games.

Peter was a print and television media’s go-to interviewee. He was on a list of usual suspects for five or six local and a few national reporters. They wanted his views about cases involving insider trading and other corporate or public corruption white collar criminal cases. Professor Barbara McQuade, a former U.S. Attorney in Michigan, commented on Peter’s skills: “Through his writing, teaching and public outreach, Peter enhanced public appreciation for the ways sophisticated fraud schemes harm our society.”¹⁹ I asked Peter how he became such a media celebrity. He said, “I answered the phone when the reporters called.” James McGrail, class of 2001, acknowledging Peter’s visibility on television, quipped that “my career will be a success if he’s not asked to comment about me on the five o’clock news.”²⁰

For several years, Peter wrote for the *New York Times: DealBook’s* “White Collar Watch.”²¹ He started by writing a couple of stories about Bernie Madoff. The editor liked them and asked Peter to write more regularly. Peter selected most of his stories, but occasionally, the editor asked him to write about a particular topic or current case.

Peter Henning took a balanced approach to his teaching and scholarly work. Ellen Podgor, a co-author of one of his books, wrote, “On the rules of law he and I seldom disagreed. On whether the prosecution or defense had the better argument, however, we often differed. When that happened,

17. See *John W. Reed Michigan Lawyer Legacy Award*, ST. BAR MICH., <https://www.michbar.org/programs/reedlaward> [<https://perma.cc/6EPK-AGUZ>] (last visited Oct. 30, 2022).

18. Letter from Richard Bierschbach, Dean, Wayne St. Univ. L. Sch., to Anne Smith, St. Bar Mich. (Feb. 9, 2022).

19. Tresa Baldas, *Peter Henning, Ex-Federal Prosecutor and Legal Scholar, Dies at 65: “He Was My Hero,”* DETROIT FREE PRESS (Jan. 18, 2022, 4:45 PM), <https://www.freep.com/story/news/local/michigan/detroit/2022/01/18/peter-henning-dies-prosecutor/6565031001> [<https://perma.cc/6JBH-HJA4>].

20. *Id.*

21. See *White Collar Watch*, N.Y. TIMES: DEALBOOK, <https://archive.nytimes.com/dealbook.nytimes.com/category/white-collar-watch/> [<https://perma.cc/6SG2-85QU>] (last visited October 30, 2022). DealBook is the *New York Times* online supplement to the paper’s business section. *Id.*

our rule was simple—let the reader hear both sides, but always make sure the representations were accurate.”²²

Peter set a high personal standard in his teaching and scholarship. Erin Pawlowski, class of 2010, recalled Peter’s announced standard for his examinations: “You have to know everything, and you have to be right.”²³ He motivated his colleagues and his students to strive for the best in themselves.

I miss Peter’s humor and our friendship.

22. Ellen Pogdor, *Peter Henning RIP*, WHITE COLLAR CRIME PROF BLOG (Jan. 18, 2022), https://web.archive.org/web/20220620234158/https://lawprofessors.typepad.com/whitecollarcrime_blog/2022/01/peter-henning-rip.html. In November 2004, Ellen and Peter established the White Collar Crime Prof Blog. *Id.*

23. Erin Pawlowski, *Wayne Law Community Reflects on Peter Henning’s Passing*, WAYNE ST. UNIV. L. SCH. (Jan. 25, 2022), <https://law.wayne.edu/news/wayne-law-remembers-peter-henning-46826> [<https://perma.cc/Q92P-RDCR>].