

## “FIRST CASEBOOK EDITIONS ARE FOR PRACTICE” AND THE HONESTY OF PETER HENNING

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Peter Henning was hilarious, particularly if you appreciated the clever and sarcastic. After his passing, many colleagues agreed that a coveted seat during faculty meetings was one near Peter, where you could hear his whispered commentary (although it is not as though he refrained from public comment during those meetings as well). If you were sitting next to him, he did not make it easy to stifle your laughter, but being near Peter made you feel part of a special club, and his comments were made with good humor and a lack of venom.

It seems to me that Peter somehow managed to stay above the fray of petty politics and worn nerves that can infect longstanding faculty members. He was blessed with relentlessness and yet, somehow, patience for others. With his academic reputation and standing in the general media as an expert on all things related to white collar crime and other corporate law issues, he might have retreated to an insular world to focus on himself and his work. Instead, everyone agrees that Peter was one of the most generous colleagues, mentors, and professors that they encountered. His ability to focus on and be present with you when you interrupted his work with a question or a matter to discuss is something that is difficult to emulate but to which we all can aspire.

Peter really pulled for junior faculty members. When he visited one of the first Corporations classes I taught, he composed a flattering review for my file that nevertheless highlighted one or two particular areas where an alternative presentation approach might have been a bit more effective. He explained that while it might seem counterintuitive to include any criticism in a junior faculty member's review, the file always looked better if you could demonstrate improvement, which he expected to document the next time. Peter saw the whole picture.

Our worlds of scholarship did not substantially overlap even though we taught some of the same subjects. Yet Peter's work on white collar crime—and in particular insider trading law—was instructive to how I approached the topic in the classroom. His writing was enviously incisive and thoughtful and never pedantic. In his article *Lawyers, Truth, and Honesty in Representing Clients*,<sup>1</sup> he argued that the standard for defense attorney conduct should be measured by honesty, not truth, and he

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1. Peter J. Henning, *Lawyers, Truth, and Honesty in Representing Clients*, 20 NOTRE DAME J. L., ETHICS & PUB. POL'Y 209 (2014).

carefully teased out the differences between the two. In defining honesty, he could have held himself up as an example, both personally and professionally:

Honesty is more a personal characteristic, referring to the nature of the person's expressions and actions that reflect integrity and trustworthiness. While it is fair to say that an honest person speaks the truth, honesty is not limited to descriptions of past or present fact. It incorporates the quality of an individual's personal interactions and the perceptions created by that person's words and conduct.<sup>2</sup>

I think Peter would have laughed at being called an "honest" man. I know for certain, though, that he would have had a quip ready in reply—perhaps self-deprecating, certainly humorous, and delivered with the twinkle and smile upon which we all came to rely.

We are never completely prepared for losing someone. My relationship with Peter cannot compare in length and substance to many, and yet I feel a deep sense of loss. In particular, I feel regret for the lost years of wisdom and laughter with him as a colleague and friend.

You could always sense when Peter was teaching in a classroom. The booming voice, the wry questions, and the feel of a classroom that was alive. Now the murmurings from classrooms seem muted, a reminder to us of what we have lost and the void at Wayne Law we are left to try to fill.

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2. *Id.* at 220–21 (citations omitted).