Tribute to Dean Timothy J. Heinsz, A

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A Tribute to Dean Timothy J. Heinsz

Robert G. Bailey*

I. INTRODUCTION

I am deeply grateful to the Journal of Dispute Resolution for inviting me to express my profound respect, love, and admiration for my best friend and the law school’s esteemed colleague, Dean Timothy J. Heinsz.

Teaching, scholarship and service—the cornerstones of the University of Missouri’s mission—were also the cornerstones of Tim’s academic career. A strong law faculty is the sum total of its many parts. Strong faculties have gifted teachers, gifted scholars and gifted administrators. Together the faculty’s achievements give the institution life, but only a few of us enjoy the versatility to achieve in all three roles. Tim was one of the select few.

A. Teaching

Tim relished teaching. He reveled in the give-and-take of classroom discussion. He was a thoughtful, demanding, rigorous teacher, but his rapport with the students enabled them to digest difficult concepts. Tim’s students remembered him fondly and often called him after graduation with legal questions or just to say

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hello. It was not uncommon for former students to ask Tim to meet them at Booches for a burger and a beer.

The students' actions speak louder than my words. Before he assumed the deanship, Tim's teaching prowess earned him three "Outstanding Professor" awards, voted by the students. Tim never lost the knack.

**B. Service**

Tim dedicated his academic career to service. In an era when most law school deans last no more than a few years, Tim thrived as our dean for thirteen. In 1993, after five years as Dean, he announced his retirement so he could return to the classroom and pursue other academic endeavors. When faculty chose a new dean, Tim's return to the full-time faculty seemed assured until the dean-designate accepted another offer at the last minute and left us in the lurch. True to form, Tim sacrificed his own ambitions for the good of the law school, stepped up to the plate, and continued as dean for another seven years during often financially troublesome times for the law school. He never regretted the decision, which was driven by his deep and abiding loyalty and respect for the institution, and by his sense of honor and commitment to his colleagues. For a faculty that never really wanted Tim to step down so soon, the 1993 dean search had a happy ending.

Tim's deanship was marked by more than longevity. Tim earned our respect for his work ethic, for his close relations with alumni, faculty and staff—and for his success. On his watch, the law school nearly doubled the size of the faculty, enhanced the breadth and depth of its course offerings, and fashioned a dispute resolution program that wins frequent recognition as the finest in the nation.

But Tim's energies extended beyond the entrance of Hulston Hall to the noble cause of law reform. He was a recognized leader in the National Conference of Commissioners on Uniform State Laws (NCCUSL), and in the National Academy of Arbitrators (NAA). He served as reporter for NCCUSL's Revised Uniform Arbitration Act (RUAA); he devoted every Saturday from 1996-2000 to working on this project. He also served as chair of NCCUSL's Public Information Committee. He served on the NAA's Committee on Professional Responsibility and Grievances, Committee on Research and Education, Nominating Committee, and the Legal Representation Committee. He also served as Vice President of the NAA and as a member of the NAA's Board of Governors.

Tim's public service did not stop him from answering the University's calls, which came frequently. He served as Chair of the University's Vice Chancellor for Development search, as a member of the Provost Search Committee, and a member of the Athletic Department's Professional Sports Counseling Panel. People knew Tim was a team player who left every endeavor better than he had found it.

**C. Scholarship**

As busy and involved as Tim was with teaching, the deanship and service, he always found time to conduct research and to stay current with labor law and arbitration law. He co-authored one of the nation's leading labor law casebooks. He also wrote eleven law review articles, three book reviews and six bar journal arti-
cles during his law school tenure. Tim truly enjoyed the intellectual challenge of research and writing. He delighted in tackling complex legal issues and rendering them understandable through painstaking research and analysis and clear, cogent, and persuasive writing.

D. The Man

Tim’s three professional cornerstones—teacher, scholar and servant—do not tell the whole story. Tim’s personal warmth and character endeared him to everyone he met and simply made people feel good about themselves. Because I am hopelessly partisan, I will speak through others about his profound influence.

Administrative Assistant Cheryl Poelling, for example, describes Tim as follows:

[A man with] twinkling eyes, a mischievous smile and a heart of gold. Tim lived his life as a shining example of harmony, of family, faith and fellowship. He was an optimist, mentor, leader, and an intellectual with a gift for creating life long friendship with everyone he met. He was the kindest person I have ever known.

Professor Jim Westbrook, a former dean, speaks of his lifelong colleague this way:

One of the reasons I admired Tim was because he achieved a balance between qualities that are very difficult to balance. He was highly efficient but seemed relaxed and unhurried; he saw people’s weaknesses but was invariably kind; he took his responsibilities seriously but proceeded with humor and even a sense of mischief; he took care of details but he saw the big picture. The more you learned about Tim, the more you admired him.

Tim’s long time Executive Staff Assistant, Mary Kempf, remembers him this way:

When I think of Tim I first see his twinkling clear blue eyes and sweet grin. His eyes take me on a journey through kindness, thoughtfulness, honesty, and most of all I feel so good about myself because he is sharing all his priceless gifts with me. I feel Tim around me all the time. I only wish he was still here with all who loved him.

Professor Jim Devine and Tim both began teaching at Mizzou in 1981. Jim writes that “for the first seven years I knew him, Tim and I were colleagues teaching Trial Practice. For the next 13 years, Tim was my boss. For the last years, Tim was again a colleague. But, from the day I met him, mostly Tim was just my friend.”

Professor Wilson Freyermuth, whom Tim hired in 1992, recalls “three things I most loved and valued about Tim, as a friend, colleague, and role model”:
(1) How very modest he was. Although Tim was incredible accomplished, he always tried to draw attention to other people’s accomplishments; (2) How much joy Tim took in ordinary things—playing tennis or cards, sneaking off to Booches for lunch, playing practical jokes—and how much fun this made it to be around him; and (3) How thoughtful Tim was of others. I was always grateful for the encouragement he gave me as a young teacher, and how unselfishly he gave of his time in reading my work.

Ken Dean, Associate Dean during Tim’s entire deanship, says that:

It is simply not possible to overstate the quality of Tim’s character and the richness of his life. He was first an acquaintance, then a colleague, then a boss, then a mentor, and finally a good close friend. Every day, Tim taught me how to become a better person both professionally and personally. He constantly modeled behaviors that I hoped to emulate. He was smart, fair, scholarly, practical, confident, self-evaluative, compassionate, firm, funny, thoughtful, content, hard working, a careful listener, a doer, and generous with his time, money and spirit. In short, Tim had balance and harmony in his life and exuded an inner peace and marvelous good humor.

Professor Doug Abrams, Tim’s colleague since 1989, says that:

Even as dean, Tim never stopped teaching. The faculty learned from the example he set. He taught us how to inspire students in the classroom. He taught us how to write about law and its place in society. He taught us how to devote our professional talents to the public good. Most important, he taught us how to live.

Tim died too soon, and we miss his leadership, teaching, service, and scholarship. He guided the law school for thirteen years with skill, dedication, thoughtfulness, and care that made it a much better place for the generations of alumni who will serve our profession. Tim’s personality brought an unparalleled joy to the law school he cherished because he exuded goodness, kindness, loyalty, and love of life.

II. Expressions From Alumni and Friends

Dean Heinsz was a dear friend throughout my many years in Columbia and beyond. He was the reason I ended up at Mizzou for law school. After getting accepted to Mizzou, I called Leslie Marklin in the Admissions Office and while I was talking to her about the benefits of going to Mizzou, Dean Heinsz, who just happened to be in her office, grabbed the phone and we had a couple of minutes of discussion regarding the friendliness of the school and community. He made me promise there and then that Mizzou would be at the top of my consideration list.

1. This section has been reprinted with permission from The Transcript with minor modifications.
While I was at Mizzou, Dean Heinz was always accessible for anything from academic advice to just shooting the breeze. I cannot count the number of times I visited him in his office just to talk sports. He also touched my family. At graduation, he took a few minutes on an otherwise extremely busy day to meet my parents and other relatives who came in from California and share some memories of my law school achievements with them.

Dean Heinz will be truly missed by myself and the many, many other alumni and current students who have had the fortune to encounter him.

IAN S. TOPF, '95

In April 1993, our firm started. We started with three lawyers and two excellent legal secretaries. Our original location was across the street from the Governor's Mansion, in the basement of a very old building. We had no windows. Our office walls were the original stone foundation of the building. It was damp. We were excited, eager and wide-eyed to start a law practice.

I believe that it was in the summer of that first year that I received a phone call from Dean Heinz. He wanted to stop by, visit and congratulate us on our new venture. So he came to Jefferson City during the course of the business day and visited with us for approximately an hour. We met in our one and only conference room around a compressed particle board and inexpensive oblong table. My two law partners and I were honored that the dean of the law school would come to our small new firm and grace us with his presence. It was not a solicitation call for funds for the law school, but of encouragement and celebration. The visit as I remember fondly was like a family meeting where we shared stories and many laughs. My partners and I were on “cloud nine” immediately after he left. I can still see in my mind Dean Heinz on that occasion as he showed a sincere interest in how we were doing and he wanted us to know that he and the law school stood ready to help in any meaningful way. I will never forget that visit.

STEPHEN G. NEWMAN, '80

I will never forget something Dean Heinz did for me while I was a law student. I think it speaks volumes for who he was. At 5:00 a.m. during finals week, our first son was born. I had a final that morning at 8:00 a.m. I contacted the professor about rescheduling the final; he said no. I contacted Dean Heinz. Later that morning, he called me and said congratulations first. He then said that I did not need to worry about the final exam. He would let me take it in a couple of days by coming to his office. In the next couple of days, I contacted Dean Heinz and made an appointment to go to his office to take the exam. Again, when I got to his office, he said congratulations on the birth of our first child. He gave me the exam and let me take it in the conference room outside his office. I have never forgotten his kindness and concern during that time. His actions spoke loudly about who he was as a person.
Dean Heinsz also gave me some very sound and wise advice about my legal career. Heeding his advice was one of the best career decisions I ever made.

THOMAS D. RODENBERG, '89

When I became the dean at UMKC in 1995, I benefited more than I had any right to expect from Tim’s open and collegial approach to dealing with the dean at the University of Missouri system’s other law school and, more importantly, to life. He understood that we were not rival deans, but two human beings engaged in a common struggle to continue to move the legal profession forward and to educate the next generation of lawyers. Whether the matter involved admissions policies, sexual orientation, bar passage, tuition raises, or any of a dozen or so tumultuous items that were most appropriately wrestled with behind closed doors in tandem with another dean, I came quickly to appreciate that what made him effective as dean was what also made him commendable as a person: he tried to deal with issues in relation, first, to the people that they affected, and then only in terms of the politics of the matter. It was one of the traits that made me an admirer and is one of the reasons why he will surely be missed by us all.

BURNELLE V. POWELL
Dean and Miles & Ann Loadholt Professor of Law
University of South Carolina School of Law

Recently I got to see and hear Tim just the day before his passing in bar review. I was having a problem understanding one of his examples, so I went up afterwards for an explanation. Tim was so approachable, down-to-earth and humble. He understood why I was confused, looked at it from my point of view and agreed that the question could be read my way. He took the time to re-explain the issue, wrote out another problem and made sure I understood it. Not many other lecturers would have taken this amount of time or effort just to make sure that one student understood. I am disappointed I never had Tim as a professor. From my short session with him after bar review, I can say Tim was not just a scholar, but a true teacher in every sense of the word.

NEVADA M. SMITH, '04

I consider myself fortunate to be among those who knew and loved Tim. He touched my life and I will always feel his influence and support, even if his physical presence is now missing. Clearly, my life is richer and fuller because of my
deals with Tim. From time to time I would simply pick up the phone or send Tim an e-mail. I'll miss not being able to do that and I'll miss his counsel. When I think of persons I know who serve as models for how I strive to live my life, Tim is right at the top of the list. I never saw Tim being flamboyant or boastful. He simply led everyone by example with his solid, quiet, self-assured, calm, yet powerful, presence which I saw as his fundamental true nature. It was my observation that he never felt any need to impress others, yet the paradox was that because of his fundamental nature people recognized and honored him as a gifted and powerful person in their lives. Simply put, Tim was an extraordinary person.

FRED A. RICKS JR., '81

Some twenty years ago, I was fortunate enough to have had Professor Heinsz for trial practice, one of the most important classes in law school. Then a thirty-something law professor who had left private practice to enter the academic world, he was the epitome of class and coolness, tempered with the precisely correct dose of humility. And, over the years, as a number of outstanding professors at the law school were lured away by big bucks to places like UCLA and Michigan, Professor Heinsz remained a fixture. He was a source of comfort and pride of area alumni. In fact, just after my graduation, our very outstanding dean was so lured away, something that left myself and others a tad forsaken. Such concerns were obviated, however, when Professor Heinsz became the new dean. And all was right in Columbia again.

KENDALL R. GARTEN, '85

My first encounter with Tim Heinsz was in 1994. He and Jim Salmo interviewed me to be Jim’s assistant in the Development Office. When Jim called me to say that I qualified for the second interview and it would be with the dean and himself, I almost said, “forget it,” but I thought I would just have to make the best of this adventure. When Tim walked into the room and looked at me with his blue, kind and loving eyes, I thought to myself, this man is truly an instrument of our Lord.

Through time, my first impression proved to be so true in so many, many ways. You see, I am not a law student, a lawyer, a faculty member, or judge, I am just a clerical person trying to make my “guy” look good. He always knew how hard all of his staff performed to help make “our” Law School look the best. If you happened to walk past someone’s office and see a vase of fresh-cut flowers, you knew Tim had stopped by to deliver them just to let that staff person know how thankful he was to have her/him at the Law School.

The next time I see Tim, he will be standing there with a brief case in one hand, his dazzling bow tie, big blue eyes, and a bouquet of flowers (with the stems
wrapped in aluminum foil) to greet me and help me feel the gentleness of the Lord around me.

MARY M. KEMPF
Executive Staff Assistant, Office of the Dean,
University of Missouri-Columbia, School of Law

More Than Words

We like to say that words are the tools of our trade
We strategize and synthesize and take pride
In how we parade them, or shade them
Or even (secrets revealed) masquerade them
In the fullness of time
We hope to learn
There is more to this craft
Than words on a page
Some were able to learn on their own
The rest of us needed to be taught
By a great professor and mentor
Who showed us by example
How to be kind but not too soft
How to be wise but not too clever
How to be honest but not too blunt
How to be balanced but not too boring
How to be humble but not too timid
How to be curious but not too skeptical
How to be practical but not too predictable
How to be serious but not take ourselves too seriously
The broad grin, the delight in his eyes
The quick smart step, the strong handshake
The bowties, the gentle wit (delivered sideways, of course)
The assuring nod of the head, giving us confidence to do what is right
His legacy of honesty and honor, humor and humility
Will not be lost or forgotten as long as we pass this simple test:
To carry out the lessons from our teacher and friend
Not only in what we say, but in what we do

LARRY M. SCHUMAKER, '84

III. CONCLUSION

Tim embodied love and possessed a gentle, loving and caring spirit. He loved life and lived it fully and richly. He loved his work and he worked tirelessly on every project he ever undertook. Despite his tremendous capacity and competency for work, he did not seek the spotlight. Tim personified a quiet, calm, effective leadership which endeared him to everyone. He loved the University of Missouri and his many functions with the University. But most of all, he loved his family, playing the role of the doting family patriarch for them. He loved his daughters, Jennifer and Megan, with a depth of love rarely seen. He adored his granddaughter, Camille. And he had the storybook love affair with his childhood sweetheart and wife of thirty six years, Susan.

Tim exemplified kindness and thoughtfulness. He always had a smile on his face and always had time for every person he met or who sought him out for guidance and counsel. Tim’s acts of kindness were daily, but a few memorable ones include his constant bringing of flowers from Susan’s garden to the law school staff or his yearly sending of flowers to his mother on his own birthday. This kindness brightened our lives and made each of us better. People have asked me what made Tim so kind, and I believe it was because of the love and support of his family and his deep, abiding and profound faith in God.

But as exceptionally gifted, wise and talented as Tim was, beneath his professional exterior and numerous achievements and accomplishments laid the impish spirit of Bart Simpson and Dennis the Menace. Tim loved to play practical jokes with his family and friends. Just one such act was that he would switch the cereal from one box to another so that his girls ended up with a breakfast surprise.

Tim was my best friend and I choose to remember him as the friend who always had a smile on his face, an impish act to impart, a kind gesture to give, and a heartfelt love beyond measure for those he encountered.