TRIBUTE TO DEAN CHARLES W. GAMBLE

The Editors of the Alabama Law Review respectfully dedicate this issue to
Dean Charles W. Gamble.

REPUTATION IN THE STATE OF ALABAMA

Champ Lyons, Jr.*

Because Charles Gamble entered The University of Alabama School of Law just as I was exiting, we did not have that special relationship that I have come to cherish with my fellow classmates. Nevertheless, after he completed his legal education and began teaching at Cumberland, his reputation as an excellent teacher spread rapidly across Alabama. As Charles began to appear regularly on the CLE circuit, the Alabama Bar was elated to realize that there could indeed be an outstanding successor to Judge J. Russell McElroy as the reigning guru of Alabama evidence law.

Charles Gamble’s treatise is the indispensable tool of every practitioner and judge in this state. Canon 3(A)(4) of the Alabama Canons of Judicial Ethics recognizes an exception to the rule forbidding ex parte communications, stating:

A judge, however, may obtain the advice of a disinterested and impartial expert on the law applicable to a proceeding before him; provided however, a judge should use discretion in such cases and, if the judge considers that justice would require it, and should give notice to the parties of the person consulted and the substance of the advice, and afford the parties reasonable opportunity to respond.1

* Associate Justice, Supreme Court of Alabama.
Having Charles as near as my telephone, ready to set my thinking straight (often with good humor and patience) has been a tremendous aid. I am sure that many other judges could say the same thing.

If Charles had gone to seminary instead of to law school, he probably would have ended up as either a nationally known Professor of Homiletics or perhaps an evangelist with a worldwide reputation. If Dr. Billy Graham had gone to law school instead of seminary in his native North Carolina, he probably would have been known as the Charles Gamble of his state. Over the years I have enjoyed every opportunity to attend seminars featuring Charles Gamble. I would come just to hear him read the telephone book.

I suppose a football player can have the greatest admiration for his coach and yet be permitted to wonder, without any disrespect, what it would have been like to play for Coach Bryant. While I do not mean to disparage in any way my law school evidence professors, M. Clinton McGee and Judge McElroy, I must admit that, from time to time, I have wondered what it would have been like to be Charles's student for an entire course of lectures. That's a privilege that my son had, and of which I forever will be jealous. But, my greatest regret is that I never had the opportunity to sit with Charles on the Supreme Court of Alabama.

**CHAPTERS IN THE HISTORY OF THE DEANSHIP, UNIVERSITY OF ALABAMA SCHOOL OF LAW**

*Tony A. Freyer*

Leaders view crisis as a problem or an opportunity. When Charles Gamble became dean of The University of Alabama School of Law in 1982, he confronted such a choice. Over the next five years, his response paved the way for the school to attain a new level of excellence and national recognition. Gamble graduated from the law school in 1968; at that point, the state of Alabama remained one of the leading battle grounds in the nation's civil rights struggle. Under Dean Daniel Meador (1966-1970) the law school established the Farrah Law Society, recognizing that, in addition to state funding, public law schools need substantial private support to compete with better-funded, private schools. Although the state's civil rights image persisted through the 1970s, under Dean Thomas W. Christopher the law school experienced a decade of stability (1971-81) marked by expanded private support and culminating in the construction of a new building. A loyal alumnus during this period, Gamble took heart in Dean Christopher's ability to further the law school's development, despite the continuing ten-

* University Research Professor of History and Law, The University of Alabama School of Law.
sion engulfing the state. Gamble practiced law briefly, before entering the teaching profession, which in time led to a position at Cumberland Law School, where he was recognized as a superb teacher. Christopher’s successor was Allen E. Smith, a Texas native, who had been dean of The University of Missouri School of Law. Within nine months, Smith resigned. The sequence of events leading to Gamble’s acceptance of the deanship clearly demonstrated the difficulties to be overcome, while any hopeful possibilities were hardly apparent.

Gamble assessed the demands of his new position both in terms of immediate crisis and the need for long-term reconstruction. As a former student, Gamble understood how the reputation of the State’s only public law school could benefit Alabama and what an impact it could have nationwide. He also appreciated the impact of the law school’s reputation on a graduate’s employment opportunities within and outside the state. Reputation was also vital to recruiting new faculty, whose teaching and research would enhance the School’s recognition among the state’s lawyers and judges, as well as project a positive impression across the nation. A favorable reputation also encouraged private development in order to support enriched curriculum and clinical programs for students, funding for faculty research and publication, and library acquisitions; all of which, in turn, were essential if the law school was to compete successfully among the nation’s law schools. The negative impact of Smith’s precipitous departure on the law school’s reputation was clear. Students, faculty, and alumni confronted a crisis of confidence that resonated with the state’s image during the civil rights struggle. Gamble knew that Christopher’s careful work had achieved the impressive, state-of-the art building; the new dean confronted the stark reality that a positive reputation was hard to win but easy to lose.

Accordingly, Gamble developed a reputation reconstruction program. He prepared a message of good news focusing on the law school’s “traditions” which he delivered with the zeal and fervor of a Baptist preacher to students, alumni, members of Alabama’s bar and bench, and anyone else who would listen. The heart of the message rekindled among members of the bar memories of teaching excellence reaching back to Dean Albert Farrar (1913-1944), who had brought to Alabama from Michigan Law School the case-study method of instruction. He aroused further associations with great teachers such as John C. “Jack” Payne, Martin Leigh Harrison (Dean, 1944-1950), Guy Thomas Huthnance, Harry Cohen, Wythe Holt, Sam Beatty, and Jay Murphy. Like any great preacher, he built upon memories to educate. Appealing to hope and pride, he introduced the audience to what was needed in order to achieve the law school’s potential greatness. Students would be competitive in the job market and provide new insights as advocates at the bar only if they had the best teachers. He explained how important research was to teaching, pointing out the contribution professors Clinton McGee and Jerome Hoffman had made to the reformation of Alabama’s code under Chief Justice Howell Heflin during the 1970s. Gamble
propounded much of the same message at faculty meetings, fostering an expectation to hire the best faculty from the nation’s leading law schools.

He also grasped the value of continuous fund raising. At one point he asked the present writer to plan and run the commemoration of the centennial of U.S. Supreme Court Justice Hugo L. Black’s birth. Gamble offered the law school’s clerical assistance, while I raised the money to fund a three-year program of events which included presentations by Justice William J. Brennan, Jr., retired-justice Arthur J. Goldberg, journalist Anthony Lewis, Congressman Claude Pepper, federal circuit judge Harry T. Edwards, and many others. Meanwhile, he referred to this series of events as he delivered a message of the law school’s growing national reputation; at the same time he offered alumni and others increased opportunities to support enhanced resources for students and faculty. Among other vital opportunities, this private funding provided student scholarships and summer grants for faculty research to promote publication. When Charles Gamble returned to full time teaching in 1987, he left in place a comprehensive program ensuring the law school’s continuing progress toward national prominence. Finally, I recall many mornings, well before eight o’clock, when I’d meet him entering the law school. Often he would smile and exclaim, “Coming through that door makes you want to do something great!” That certainly was his achievement.

A RIDE IN A FERRARI

Harold See*

I recall, in the early days of Charles Gamble’s tenure at The University of Alabama, visiting him in his library hideaway. He needed the hideaway because otherwise he would have spent all of his time helping students one-on-one, and not have been able to complete his writing. Charles’s hideaway was behind a door in the back corner of the basement floor of the library. Heat pipes hung overhead and there were two old desks and three old chairs taking up virtually all of the floor space. He had in front of him an 11 x 16 inch cardboard-backed sheet of paper. On the paper was a diagram of the lecture hall, with a student name in each of the seats and a picture of that student above it, that Charles Gamble studied so that he would know their names.

Charles is a great teacher. If he is not the best teacher of law to have graced the halls of academe, he is clearly among the elite of Alabama. I must confess that although Charles is much older than I—having been born early in the year prior to my birth—I never was a student in one of his

---

* Senior Associate Justice of the Supreme Court of Alabama. Justice See formerly served as the Herbert D. Warner Professor of Law at The University of Alabama School of Law.
classes. Nevertheless, I will talk about it. I feel I can do that because, first, the volume at which he taught frequently made it unnecessary to actually be in the room. Second, I taught on the same faculty with Charles for thirteen years.

Jack Payne, another legendary law professor, said that it is an unpardonable sin for a law professor to be boring. Charles Gamble was never boring. He knew and was excited about his subject, worked hard at his teaching, and loved his students. He loved them enough to do a good job and to demand the very best of them. As a result, whenever you go to the law school at Alabama, you will meet some friend of Charles Gamble.

Either he is the leading expert on the law of Alabama evidence, or he shares that honor with Judge McElroy. He describes himself with characteristic modesty as a “pedestrian” scholar, but to those of us who have talked with him in depth about a complex evidentiary issue, it feels more like a ride in a Ferrari than like a walk in the park. His contributions serve the law by sorting it out and rationalizing it, and serve the profession by helping us to understand the structure, purpose, and application of evidentiary rules. All of this serves the public by improving the legal system.

Charles is one of Alabama’s great deans. We have been blessed at Alabama with outstanding law faculty and exceptional deans. Charles Gamble graduated from The University of Alabama School of Law in 1968. He taught on the business law faculty at Jacksonville State University, and he then joined the faculty of the Cumberland School of Law, where he educated a generation of lawyers.

In 1984, Charles’s alma mater was going through what may have been its most difficult time. The faculty was deeply divided. The conflict had spilled out of faculty conferences and offices, and students had been caught up in the tempest. It had forced itself to the attention of the administration and leading alumni, and had reached the newspapers. The causes and issues have faded, but not without a master’s touch.

What was needed was someone who could heal the wounds and the divisions. Charles Gamble was the one person we believed could be that peacemaker and healer. He did not want to be thrust into that heated and contentious environment, but he reluctantly responded to “Mama’s call,” and answered the plea of his alma mater to be dean. I saw Charles daily during those difficult days. To say that he did not enjoy the task is to underestimate. Yet, his alma mater had called, and he had responded. More than that, he endured. And, he left the solid foundation upon which today’s outstanding law school stands.

There are a few things I can say about our friend Charles Gamble. He is a person of immense talent and character, and a truly decent man. He cares deeply about others, and especially about those who are just now embarking on the adventure to which he has devoted his career—the profession of law. He is a servant who recognizes his duty and takes his commitments seriously, regardless of the personal cost. He is someone we are proud to call friend.
BUT FOR CHARLES

Peter A. Alces

Charles Gamble was my first law school dean, the first dean to hire me. Charles was also the finest law school dean I have ever known for two reasons: First, Charles never wanted to be a dean, really. He did it because "Mama called," out of a sense of responsibility, of duty. Second, Charles is a man of fine character. It might seem that those two characteristics are not necessarily crucial to being a successful dean, but they are. In fact, from the perspective of the nascent law professor, they are the only two characteristics that matter. Let me explain.

As a new law professor you want in a dean someone who measures his success by your success. Many good careers have gotten off to the right start because the dean found the funds, made the phone call, or shared an idea or advice. Charles did those things, of course. But he did more. He never said "no," when he could say "yes" just because he had the discretion, the power, to say "no." Indeed, I recall that he said "yes" on occasions when (I later learned) he did not quite know for sure how he would make it happen. But he made it happen, at least often enough that I do not remember his ever failing. What distinguished Charles was that he made it happen even when he would expose himself to criticism by doing so, when he could have made more people with more power to do things for him happy by just saying "no" to me.

No wonder Charles did not really want to be dean. As dean, Charles was a law professor who knew that I had a better job than he had, who knew that being a law professor is the best job you can have. I always had the feeling that Charles envied me and my colleagues who were law professors while he spent his time making the world safe for us. Charles wasn’t reluctant to be a dean because he thought being a dean was a bad job, it just wasn’t a very good job compared to being a law professor, and Charles, even as dean, was first and foremost a law professor. So he knew what made the life of a law professor so special and he understood that it was his responsibility to nurture junior faculty so that they too would love their jobs as much as he loved being a law professor.

He agreed to be dean at Alabama, I think, because he knew that no one else, at that time in the school’s history, could do what he could for the constituencies he served. While I know he served each of those constituencies well, and favored none at the expense of the other, when I was a brand new law professor—fresh out of the box—I believed that I was in the constituency that mattered most to him. But, to be honest, and this I am convinced

* Rita Anne Rollins Professor of Law, The College of William and Mary School of Law, in appreciation of Dean Charles W. Gamble, mentor.
was part of his genius, I am sure that every constituency—faculty, alumni, students, and the central administration—felt the same way. I am equally convinced that no one thought Charles cared specially for them because of how that would inure to Charles’s benefit; instead, I suspect we wondered how he ever hoped to get ahead if he spent so much of his time making life better for us without regard to what he would get out of it. So Charles did not want to be a dean, he wanted to help; he just wanted to help.

Charles, though, is first and foremost a fine person. That was crucially important to his being a terrific dean because, at least so far as a new law professor is concerned, you want your dean to be willing to do the right thing just because it is the right thing to do. You can live with the fact that he’ll make a bad call, but it is hard to live with the fear that he’ll make a bad call in his heart. I bet it’s difficult being a good person if you’re going to be a dean: The job presents many opportunities to do the wrong thing, to treat people as means rather than as ends in themselves. It is often easier to make the popular choice. The good person, the person with integrity, will upset people, and the dean’s job is a lot tougher when people are upset with you. From what I could tell, Charles was never particularly interested in making his job easier. He did not care what would make the greatest number happy or even comfortable with him. So he made difficult choices, he made unpopular choices from time to time, just because, for Charles, there really was no choice. There was only one thing he could do: the right thing.

When I reflect on what Charles did for me, I focus on what he taught me (recall, Charles is a wonderful teacher). He taught me to have the courage to do the right thing (write the book or article the right way, teach the class the right way, read the candidate’s scholarship the right way, vote in a faculty or committee meeting the right way, etc.) when it would be easier (or more career-savvy) to do the popular thing. He taught me to appreciate that I have the best job in the world and to respect my career. He taught me to appreciate that what I do is important, very important, for the people I see every day and for generations I will never meet. He taught me that it is alright to be wrong, sometimes, so long as you have the integrity to admit it. He taught me that, sometimes, trying is even more important than succeeding. Succinctly, he taught me that the best reason to do something is that it is the right thing to do. To this day, over twenty years since he first bounded out from behind his desk in the Dean’s Office at The University of Alabama School of Law to welcome me to my new profession, whenever I’m confronted with a choice between what is right and what is expedient, I hear Charles. Since I first met him, it is Charles I hear when I confront a difficult choice, when the expedient is most alluring. And that voice reminds me that in all I do I am a trustee. But for Charles, I would not appreciate my fiduciary responsibilities. But for Charles, I would not know how fortunate I am to have them.

Thank you Charles.
A BELOVED AND UNFORGETTABLE TEACHER

Jeremy D. Tucker*

It is truly an honor for me to say a few words about a great teacher on the occasion of his retirement. Charles Gamble taught me torts and evidence law, and I was fortunate to serve as one of his research assistants during my second and third years of law school at The University of Alabama. I am proud to call him a fellow alumnus of Jacksonville State University and The University of Alabama School of Law. He is one of a handful of individuals who have made a lasting impression on me.

If you ask any of Professor Gamble's former students, I am confident they will tell you that he was a beloved teacher whom they will never forget. We are extremely fortunate to have learned the law from him. I hope that those former students reading this will recall their own memories of him in the classroom with a smile and a grin (the few who went to his class unprepared may grimace at their memories).

If you had a class with Professor Gamble, forgetting your classroom experiences with him is about as easy as forgetting your drill sergeant in army basic training. I never saw anyone sleeping or daydreaming in his classes, as he was—to put it mildly—quite energetic and lively. Consequently, I vividly remember many of his classroom lectures.

After leaving Professor Gamble's torts class on my first day of law school, I wondered what I had gotten myself into by choosing a new profession. Although it may have been a bit of "shock and awe" for the new law student, his enthusiastic teaching method was quite effective. For example, I know that in every case I work on as a lawyer, I must "marshal the facts... because from out of the facts, the law will arise." I can still see him raising his arms and shaking his head, his voice booming and reverberating down the halls as he emphasized this point again and again. The man never needed a microphone, no matter how large the audience!

Professor Gamble's tort students are not likely to forget his examples of gross—or "heightened" as he often called it—negligence, which he usually gave with a smirk while scanning the room for a "volunteer" to discuss them with him. These examples included colorful defendants, the most infamous of whom were "speeding down Bryant Drive, smoking marijuana, and throwing beer cans out the window," or consuming similarly intoxicating substances while parachuting onto the front steps of the law school during homecoming festivities! His hypothetical fact patterns, presented in a humorous manner that only he can deliver, caused me tearful laughter on several occasions. More importantly, though, I thoroughly learned the legal

* Associate, Alston & Bird LLP.
concepts he artfully wove into his unique stories and became well-prepared to apply them as a lawyer.

Those of us who learned evidence law from Professor Gamble aspire to be “five-column lawyers.” We understand that all proffered evidence must cross the waves in the sea of evidence law in order to reach what he described as the “safe harbor of admissibility.” He tirelessly reminded us to logically consider all the requisites of admissibility and all the potential grounds for objecting to an item of evidence and chastised us when we jumped directly to the most obvious ones. And thanks to a few “friendly” reminders in his pointed dialogue with us, we will never forget certain basic evidentiary principles, including that a witness’s in-court recital of his own out-of-court statement, if offered for its truth, is, in fact, hearsay!

Charles Gamble blazed a trail in legal education. The classroom experiences described above are but a few examples of why he is best thought of as a “teacher” rather than a “professor.” While I had many fine college and law school professors, none was a finer teacher.

Perhaps most importantly, Charles Gamble considered himself a gatekeeper of the law diploma, a role he took very seriously. It became apparent to me in my first semester of law school that he genuinely cared about his students and their ability to carry the torch as the next generation of lawyers. He demanded excellence from all of his students and did not tolerate complacency or apathy from us. While many law school professors have been faulted for putting their publishing duties before their teaching responsibilities, Charles Gamble was not one of them. His genuine, sincere love of his students and his appreciation of his solemn responsibility to ensure they had the tools necessary to be good lawyers are what I admire most about him. He set the bar high for his students and his professional colleagues.

Charles W. Gamble taught countless law students lessons that we will carry with us throughout our careers. Perhaps our greatest tribute to him would be to pass those lessons on to the next generation of lawyers. I join all those who wish him the very best in his well-deserved retirement. Charles Gamble was revered in Alabama’s law school classrooms; suffice it to say that those classrooms will never be the same without him.