

## **A TRIBUTE TO PROFESSOR MICHAEL G. FENNER**

JUSTICE CLARENCE THOMAS

I first met Professor Mike Fenner in the spring of 1986. A family friend of my wife to be, Virginia Lamp, and her family had a small reception in Omaha to celebrate our upcoming marriage. Among the attendees were several of Virginia's favorite professors from Creighton Law School. Professor Fenner was one of them. Somehow, we gravitated toward each other, and eventually spent much of the reception talking on the porch.

After that first meeting, we routinely saw each other over the following years. In those days, we visited Omaha regularly, and more often than not visited him and his wife, Anne, at their home, or with him at the law school. As one of the faculty recruiters for the law school, Professor Fenner usually traveled annually to Washington, D.C. We invariably had dinner with him on those visits.

When I became a judge on the D.C. Circuit I gave my first talk at Creighton Law School in 1991, at the behest of Professor Fenner. When I was nominated to the Supreme Court in 1991, he wrote me encouraging notes on a regular basis. Though barely legible, they were invariably uplifting. They always seemed to arrive during some of the most challenging times, written on random letterheads, napkins, or postcards. They usually managed to lift our spirits. Though I had been told that his views were quite different from mine, ours was a friendship that, as fraternal bonds should, transcended personal opinions and views. We enjoyed each other's company and respected each other's independent thoughts and views.

Sometime in 2000, Professor Fenner broached the idea of jointly teaching a weeklong course at Creighton. I agreed. I was not an experienced teacher, but, mercifully, he was an outstanding one. Thus began almost two decades of teaching together. From 2001 to 2019, we taught biannually.

My wife, who had been one of his students, often said that he was a fair, evenhanded, and thoughtful man who went beyond the call of duty to help his students. Because of this, he was one of her favorite professors in law school. That was the explanation for his attendance at the reception celebrating our impending wedding in 1986. Now, I saw those attributes on full display in the classroom. Whether we were eating sandwiches in the office, having breakfast at his favorite diner, enjoying a potluck dinner with students at his home, or working

together in the classroom, he was consistently warm, engaging, intellectually honest, and insightful.

Though I was led to believe that we might be very different in our approach to Constitutional law, no such differences were on display as we simply tried to be honest and help students gain knowledge and confidence. It was, as it should always be in school, about the students, not us. His honesty, decency, and total dedication to students was always at the heart of his work. It was certainly on display when he asked me to consider, then hire, one of the students in our class as a law clerk. Of course, his judgment was once again accurate. The student was an outstanding law clerk.

I have known Professor Fenner for more than three decades, and I certainly count him a friend. I count our two decades co-teaching the short Constitutional Law seminar a joy. It was made all the more joyful because of this good man and outstanding professor. I will always treasure the time we spent together. Selfishly, I will truly miss teaching our class and interacting with Professor Fenner. And, though I completely understand his well-deserved retirement, Creighton Law School will lose one of its finest professors who is truly a gentleman and scholar. The students will lose a teacher of the first order. I will lose the special opportunity to teach with him.

I extend my heartfelt gratitude to Professor Fenner for his friendship and all he has done to make us all better people and better students of the law. And, though I appreciate his decision to retire, I regret that more students will not have the benefit of his teaching and that I will not be able to stand in the classroom with him. I wish him all the best as he spends more time with his wonderful family.