

# DEDICATION

## IN MEMORIAM: PETER S. NYCUM

By  
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Though I only twice had the pleasure of speaking with Peter Nycum, I and other members of Animal Law Review (ALR) have long enjoyed the impact of his presence. For many of us, that presence dates back to some of our earliest law school experiences. Law students in the American system share certain common, totemic experiences.<sup>1</sup> Regardless of what legal specialty ignites our passion, or our post-JD tra-

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\* © David B. Rosengard 2016. David is a 2016 Animal Law LL.M. candidate at Lewis & Clark Law School, having previously earned a B.A. from Claremont McKenna College and a J.D. from Lewis & Clark Law School. David considers one of the highlights of his service as an Animal Law Review Editor in Chief to be hearing Peter Nycum's thoughts on the historical position of animals in law and culture. Having been a member of the L&C community since 2001, David is particularly honored to be able to help memorialize Peter's notable contributions to the community's development.

<sup>1</sup> *E.g.*, use of the Socratic method, cold-calling, outlining, study groups (whether joined or avoided), the feeling of taking one's first law school final, etcetera. While each of us, no doubt, has a unique history with these experiences, they nonetheless form a common narrative about what a legal education is, and who undertakes that study. These common reference points extend into popular culture even beyond the legal professions. In deference to Peter's appreciation of popular culture, and particular love of movies, I point to *The Paper Chase* as a useful illustration of the common mythos of law school—if not the reality. See Philip N. Meyer, *100 Years of Law at The Movies*, AM. BAR ASS'N J., (Aug. 2015) (available at [http://www.abajournal.com/magazine/article/100\\_years\\_of\\_law\\_at\\_the\\_movies](http://www.abajournal.com/magazine/article/100_years_of_law_at_the_movies) (accessed Jan. 12, 2016)) ("*The Paper Chase*, for my money, has the most lawyer clout and influence. It embodies a lawyer's mythology of what law school is about and how a law school (Harvard Law School) works. It captured what a law school class looked like—and sounded like too—in the late 1960s—and how a traditional law school clashed with the cultural values of that much different time. *The Paper Chase* also provides a pop-cultural baseline for our current crop of aging law professors and, perhaps, for our law students too. Kingsfield is still Kingsfield; John Houseman's performance remains alive today, and law professors are still compared with and contrasted to him."). Doug Newell, *A Great Librarian—An Even Better Guy*, THE ADVOCATE, Fall 2015, at 15 (available at <https://law.lclark.edu/live/news/31511-a-great-librarian-an-even-better-guy> (accessed Jan. 20, 2016)) ("Peter loved movies.").

jectories, these are reference points we can look to, not only to create a shared culture of legal education, but to undergird the substance of that educational experience. Amongst these shared icons of a legal educational is the law library: study space, cross-roads for students going to and fro on campus, repository for the documents upon which our self-directed research and precedent-based arguments rely. Staffed by attorney-librarians capable of navigating the tangle of databases and filing systems where legal documents are found, these libraries are lined with tomes which embody the legal history and struggles on behalf of justice to which we are heirs. For Lewis & Clark (L&C) law students, visiting the library is one of the first things we do as we start our 1L year—and begin the process of discovering who we will be as lawyers. For those of us who become members of ALR, the law library is particularly familiar: over late nights and early mornings in the library, sources must be checked, facts confirmed, original documents scanned, and articles edited.

L&C's Boley Law Library, then, is an apt place to begin remembering Peter's impact upon us as students generally, and as members of ALR in particular. Peter joined the L&C law community as Director of the Boley Law Library in 1978.<sup>2</sup> During the course of his thirty-three-year leadership, Peter saw the library's collection grow from 120,000 volumes to over 500,000 and library staff more than double.<sup>3</sup> Peter's library stewardship went beyond quantitative measurements—he also brought a qualitative, forward-looking vision to the law library. When Peter arrived at L&C, technology at the law library “meant a new IBM Selectric typewriter. There were no computers.”<sup>4</sup> Peter, however, had a passion for both the law and information systems.<sup>5</sup> As a

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<sup>2</sup> Newell, *supra* note 1; *Obituary: Peter Stivanson Nycum*, THE OREGONIAN, <http://obits.oregonlive.com/obituaries/oregon/obituary.aspx?pid=176079150> (Oct. 11, 2015) (accessed Jan. 20, 2016). Peter, with characteristic levity, noted that the first day of his “Lewis & Clark career . . . [and] love affair that continues today” was “April 1 (yes, April Fools Day)[.]” Peter Nycum, *Peter Nycum—Associate Dean of Boley Law Library*, THE CHRONICLE MAG., Fall 2011 (available at <https://www.lclark.edu/live/news/13175-peter-nycum-associate-dean-of-boley-law-library> (accessed Jan. 29, 2016)).

<sup>3</sup> *Spotlight—Professor and Associate Dean Peter S. Nycum Retires After 33 Years*, LEWIS & CLARK L. SCHOOL, <https://lawlib.lclark.edu/spotlights/nycum-retires> (accessed Jan. 20, 2016).

<sup>4</sup> *Bittersweet: Four Long-Term Members of the Law Faculty Retire*, THE ADVOCATE, Fall 2011, 37, 38 (available at <http://law.lclark.edu/live/news/14032> (accessed Jan. 20, 2016)) (The words here are Peter's, as he reflected on his tenure at his 2011 retirement.).

<sup>5</sup> See Richard A. Danner, *Supporting Scholarship: Thoughts on the Role of the Academic Law Librarian*, 39 J.L. & EDUC. 365, 381–83 (July 2010) (describing Peter's presentation at the American Bar Association's Second National Conference on Automated Law Research, in which he called for a hybridization of traditional legal scholarship and information science). Peter's initial professional efforts in the legal information field of the early 1960s involved creation of the University of Pittsburgh Health Law Center's legal information retrieval project—an effort in using systems to facilitate legal searches which predated Westlaw and LexisNexis, to say nothing of Google Scholar or Bloomberg Law. THE OREGONIAN, *supra* note 2. See also Ryan Singel, *April 2, 1973: Lexis Launches Computerized Legal Searching*, WIRED, <http://www.wired.com/2010/04/>

result of Peter's efforts to integrate technology into legal research, within two years of his arrival, the law library became one of only five law libraries to have computers hooked into both Westlaw and Lexis-Nexis databases.<sup>6</sup> Three years later, in 1983, Peter authored *From Law Library to Legal Information Center*, outlining his vision for the future of the law library and demonstrating his enthusiasm for popular culture.<sup>7</sup> Peter noted that technology had previously enhanced the functioning of law libraries in ways that were largely invisible to the attorneys and students who used the libraries. In contrast, he predicted the accelerating pace of technological advancement would "significantly reshape . . . virtually every operation and service" offered at a law library, with "highly visible" results.<sup>8</sup> Peter foresaw—and worked to bring about—a law library with "individual work centers" where students and attorneys would use "a variety of hardware" to watch "intermingled curricul[ar] and lecture series" streamed through cable systems, conduct complex legal database searches using "everyday language," and access digitally archived reference material and primary source documents.<sup>9</sup> In 1983—when Microsoft Windows was being derided as vaporware,<sup>10</sup> and the first domain name was years from being registered<sup>11</sup>—Peter called on L&C to plan for a future that

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0402lexis-nexis-launches/ (April 1, 2010, 8:00 PM) (accessed Jan. 21, 2016) (noting Lexis's initial 1973 launch as a search database limited to Ohio and New York cases); Martha Neil, *Dwight Opperman, Key Figure in Westlaw's Launch in 1970s, Dies at Age 89*, AM. BAR ASS'N J., [http://www.abajournal.com/news/article/dwight\\_opperman\\_key\\_figure\\_in\\_westlaws\\_launch\\_in\\_1970s\\_dies\\_at\\_age\\_89/](http://www.abajournal.com/news/article/dwight_opperman_key_figure_in_westlaws_launch_in_1970s_dies_at_age_89/) (June 14, 2013, 6:57 PM) (accessed Jan. 21, 2016) (describing Westlaw's development during the 1970s); *Our History in Depth*, GOOGLE, <https://www.google.com/about/company/history/> (accessed Jan. 21, 2016) (noting Google's 1998 founding and Google Scholar's 2005 launch); Elie Mystal, *Bloomberg to Compete with Lexis and Westlaw*, ABOVE THE LAW, <http://abovethelaw.com/2009/10/bloomberg-to-compete-with-lexis-and-westlaw> (Oct. 6, 2009) (accessed Jan. 21, 2016) (dating Bloomberg Law's launch to 2009).

<sup>6</sup> *Bittersweet: Four Long-Term Members of the Law Faculty Retire*, *supra* note 4.

<sup>7</sup> Peter Nycum, *From Law Library to Legal Information Center*, THE ADVOCATE, Sept. 1983, at 10. *See also* THE OREGONIAN, *supra* note 2 ("Teaching ethics, the history of law and computer law, Peter wove contemporary concepts with ancient texts into his classroom lectures. He utilized modern cultural references in relating ancient law to illustrate points."). Years later, Peter would be instrumental in establishing a special collection at the library focusing on the law in popular culture, in honor of class-of-1981 alum Doreen Margolin. *Spotlight—Professor and Associate Dean Peter S. Nycum Retires After 33 Years*, *supra* note 3; *Spotlight—The Doreen Margolin Law in Popular Culture Collection*, LEWIS & CLARK L. SCHOOL, <https://lawlib.lclark.edu/spotlights/popular-culture-law-collection> (accessed Jan. 29, 2016).

<sup>8</sup> Nycum, *supra* note 7, at 10.

<sup>9</sup> *Id.* at 12.

<sup>10</sup> *A History of Windows 1982–1985: Introducing Windows 1.0*, MICROSOFT, <http://windows.microsoft.com/en-us/windows/history#T1=era1> (Oct. 2015) (accessed Jan. 23, 2015).

<sup>11</sup> *About Symbolics*, SYMBOLICS.COM, <http://symbolics.com/about-symbolics/> (accessed Jan. 23, 2015) ("Symbolics.com was registered on March 15, 1985. . . . Symbolics.com remains the first, and oldest, registered domain name . . .").

could realize the informational promise of science-fiction depicted in such pop culture touchstones as “*Star Wars* [and] Buck Rogers.”<sup>12</sup>

Some of the details Peter predicted are, understandably, slightly off. While Peter accurately saw the storage revolution promised by CD technology, it has now been superseded by the digital cloud.<sup>13</sup> If the warm polished wood and earth tones that now comprise “the library’s physical look . . . closely resemble [the] Starship Enterprise’s command bridge,”<sup>14</sup> it is the bridge of an Enterprise set in a sci-fi future nearly a century later than the gunmetal grey bridge of the *Star Trek* vessel Peter was familiar with in 1983.<sup>15</sup> Nonetheless, as I write today from the Boley Law Library, Peter’s prescience is clear, and his presence palpable. Alongside the comforting solidity of the stacks—the rows of shelving bearing up hardcopy treatises, legal reporters, and bound periodicals—are tables and study-carrels, many glowing with the gentle back-light of computer screens. In the quiet of the library’s ‘silent zone,’ the sound of turning pages mingles with the clicking of keyboards as library patrons do indeed search databases “using any word as an entry . . . being able to add or subtract additional language at will. . . . as rapidly as [they] can type,” access online inter-library catalogs, read documents digitally, and watch recorded lectures.<sup>16</sup> The law library then—this space that has such a foundational (and, certainly for those of us who have done law review work, constant) presence for students—holds a memory of Peter that goes deeper than many of its patrons are likely to be conscious of. The 1Ls searching for precedents to shore up their moot appellate briefs or the ALR editor discussing a thorny research problem with library staff may never have met Peter, but his legacy supports them all.

Pervasive as Peter’s presence is within the library, his legacy is yet stronger for ALR and the animal law community at L&C Law School. Upon walking into the suite shared by ALR and L&C’s Student Animal Legal Defense Fund chapter, many ALR members, myself included, find our eyes drawn to a wall plaque featuring what appears to be the ferrotype of a small white dog, thoughtfully surveying a path on

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<sup>12</sup> Nycum, *supra* note 7, at 12.

<sup>13</sup> *Id.* at 10.

<sup>14</sup> *Id.* at 12.

<sup>15</sup> Compare *Enterprise, U.S.S.*, STAR TREK, [http://www.startrek.com/database\\_article/enterprise](http://www.startrek.com/database_article/enterprise) (accessed Jan. 26, 2016) (“Launched in 2245, the original and illustrious starship U.S.S. Enterprise NCC-1701 . . . [came] under the command of Captain James T. Kirk.”) with *Enterprise-D, U.S.S.*, STAR TREK, [http://www.startrek.com/database\\_article/enterprise-d](http://www.startrek.com/database_article/enterprise-d) (accessed Jan. 26, 2016) (“The fifth starship to be named Enterprise, she was commanded by Captain Jean-Luc Picard [circa the 2360s].”).

<sup>16</sup> These are all library features Peter predicted thirty-three years ago. Nycum, *supra* note 7, at 10. Though Boley did not at the time have an online library catalog, under Peter’s direction “the library [had] already converted its catalog information to a machine readable format” in anticipation of the day when such a system would be available. *Id.* Peter was able to wind down the library’s card catalog system in the early 1990s. *Spotlight—Professor and Associate Dean Peter S. Nycum Retires After 33 Years*, *supra* note 3.

the L&C Law campus. The dog—one of Peter’s beloved canine companions—is Noodles, and the plaque commemorates the annual winner of the Noodles Award from its inauguration in 1999 to the present. By Peter’s design, the Noodles Award is given each year to a graduating member of the ALR Board who exemplifies Noodles’ “characteristics of loyalty, devotion, and unselfish love.”<sup>17</sup> The Noodles Award is ALR’s highest internal honor, and being able to give Peter news of which member of the 2014–2015 ALR Board had been selected is a particularly fond law school memory of mine.<sup>18</sup> Though Peter was at that point four-and-a-half-years retired, he not only made a point of having me pass on his congratulations to the Award winner, but took the time to share with me some very kind thoughts on ALR and the importance of being able to use the law on behalf of animals.<sup>19</sup>

Indeed, Peter’s historical support for ALR goes beyond the Noodles Award. From early on, Peter was extremely supportive of the animal law program, and the core group of students who were determined to see the first law journal dedicated to that field come into being.<sup>20</sup> Peter was integral to the foundation and continuing success of ALR: he came to serve as one of the journal’s key faculty advisors,<sup>21</sup> established the Peter Nycum Animal Law Scholarship Fund,<sup>22</sup> and opened the doors of his office—a veritable warren of books relating to the law, history, and religion—to generations of ALR members.<sup>23</sup> While current ALR members will, sadly, be unable to have these interactions with Peter, at the journal—as in the library—his legacy continues to exert a real and felt presence.<sup>24</sup>

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<sup>17</sup> Peter Nycum (writing as Noodles Nycum), *My Life at The Law School* 6 (2008–2009) (unpublished manuscript) (on file with *Animal Law Review*).

<sup>18</sup> The 2015 Noodles Award was awarded to Stefanie Mastic, one of ALR’s Form & Style Editors.

<sup>19</sup> Conversation with Peter Nycum, Emeritus Professor, Lewis & Clark and Emeritus Advisor, *Animal Law Review*, in Portland, Or. (Apr. 16, 2015).

<sup>20</sup> Interview with Dan Rohlf, Professor of Law, Lewis & Clark, in Portland, Or. (Jan. 28, 2016) (“It was not really a surprise to me that Peter was really, really supportive of the *Animal Law* journal . . . Peter was there from the beginning.”); *Spotlight—Professor and Associate Dean Peter S. Nycum Retires After 33 Years*, *supra* note 3 (“He was an early and keen supporter of the *Animal Law* program from its inception at Lewis & Clark . . .”).

<sup>21</sup> See 6 *ANIMAL L.* masthead (2000) (listing Peter S. Nycum as one of ALR’s faculty advisors).

<sup>22</sup> Holly Anne Gibbons, *Origins of Animal Law: Three Perspectives*, 10 *ANIMAL L.* 9 (2004) (“Three advisors deserve special accolades. . . . Professor Peter Nycum supports the journal beyond advisory duties by sponsoring an academic scholarship for each Editor in Chief, as well as an annual award to one exceptional student board member.”).

<sup>23</sup> *E.g.*, Nycum, *supra* note 17, at 5 (photograph of Rob Roy Smith, 1999–2000 ALR Editor in Chief, visiting Peter and Noodles in Peter’s office).

<sup>24</sup> A further example: while the books and reference materials kept in the ALR offices change as citation manuals publish new editions and the like, at least one item has remained constant—*My Life at The Law School*. Penned by Peter as a first-person (first-canine?) narrative, this booklet chronicles Noodles’ time with Peter at Lewis & Clark Law—offering along the way a brief window into Peter’s support for the law journal. ALR maintains copies in both hardcopy and digital form.

For Peter, these efforts on behalf of ALR were grounded in his own deep affection for animals.<sup>25</sup> When Peter was on campus, he frequently brought along Noodles or other companion dogs. Peter's colleagues consistently remember Peter and his canine companions as a package: where Peter went at L&C, so too went "a little dog flotilla behind him."<sup>26</sup> Indeed, L&C's culture of allowing dogs on the law school campus is often attributed to Peter and his canine friends.<sup>27</sup> Peter's friendship and joy was not limited to nonhuman animals, however. "He had a deep love and appreciation for the law school, the faculty, and the staff, but especially for the many law students who crossed his path."<sup>28</sup> Peter related to members of the law school community—old and new—with warmth, stories, jokes, generosity, class, and friendship.<sup>29</sup> The affection Peter bore for members of the L&C community was clear in his own words, at his 2011 retirement:

I consider myself the luckiest person on the face of this earth. I have been in the Library for thirty-three years and have never received anything but kindness, encouragement, and support from the students, staff, faculty, and deans. . . . To call [my colleagues at the library] staff is a misnomer. They are my family, and I will greatly miss being around them on a daily basis. . . . A part of me will always remain here—although not as Jim Huffman has suggested from time to time, stuffed and stood in a corner of the Rare Book Room."<sup>30</sup>

While the L&C community will no longer find the man himself, and his flotilla of canine companions, on campus, you will, however, find Peter—his legacy and his energy—all around us at L&C Law School. You will find him in the happy gambol of dogs following their humans along the law school's paths. You will find him in the library

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<sup>25</sup> Interview with Edward Burnet, Professor of Law, Lewis & Clark, in Portland, Or. (Jan. 27, 2016) (using Peter as an example of how "love of animals has been a common theme" for ALR's supporters); Interview with Dan Rohlf, *supra* note 20 (describing the evident bond between Peter and his canine companion animals—memory, energy, and devotion which Peter passed on to the journal).

<sup>26</sup> Newell, *supra* note 2 ("Peter loved animals. One could often find him walking on campus with his dogs. You never needed a doorbell at his home, as the canine sentries alerted everyone to your arrival."); Interview with Dan Rohlf, *supra* note 20.

<sup>27</sup> Interview with Edward Burnet, *supra* note 25 (tracing the culture of Lewis & Clark faculty and staff having dogs on campus to Peter); Interview with Dan Rohlf, *supra* note 20 (crediting Peter and his canine entourage as building a culture of comfort with dogs being on campus); Interview with Diana Wiener, undergraduate alum and law alum, Lewis & Clark, in Portland, Or. (Jan. 27, 2016) (relating apocryphal campus tales that earlier, less well-behaved dogs had resulted in a campus culture less accepting of a canine presence).

<sup>28</sup> Newell, *supra* note 2.

<sup>29</sup> Newell, *supra* note 2; Interview with Edward Burnet, *supra* note 25; Interview with Dan Rohlf, *supra* note 20.

<sup>30</sup> *Bittersweet: Four Long-Term Members of the Law Faculty Retire*, *supra* note 4. Wood Hall's Peter S. Nycum Rare Book Room was dedicated in Peter's name in April 2003. *Spotlight—Professor and Associate Dean Peter S. Nycum Retires After 33 Years*, *supra* note 3. From 1999 to 2002 Peter chaired the committee responsible for building Wood Hall and remodeling the law library. Newell, *supra* note 2.

of the future he predicted, which we enjoy today. You will find him in L&C Law School celebrations<sup>31</sup> and special collections.<sup>32</sup> You will find him in the fond memories of his long-time colleagues, as well as those of us who only briefly met him. And you will find Peter here, in the pages, history, and future of ALR. We remember him, and hold as guides his spirit of self-determinative and reliable creativity,<sup>33</sup> kind collegiality, sense of fun,<sup>34</sup> dedication to the study of law, and love for animals. ALR has been grateful to share more than two decades with Peter, and we are honored to carry his memory, and that of Noodles, with us as we continue into the future.

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<sup>31</sup> Newell, *supra* note 2 (“Peter loved a party—any kind of party. He loved to plan a party; cook for a party; or mix drinks at a party. The library’s Halloween Party started with Peter. He loved to wear his Ronald Reagan mask at the party and do his impression of the former president.”).

<sup>32</sup> Two of the law library’s special collections bear Peter’s name: the remarkable works housed in the Nycum Rare Book Room, and the Peter S. Nycum Legal History Collection. *Spotlight—Professor and Associate Dean Peter S. Nycum Retires After 33 Years*, *supra* note 3 (describing how the rare book collection began with Peter donating “his collection of 54 rare books which included first editions of Sir Edward Coke’s *Institutes*; a first printing in English of *Coke’s Reports*; the four principal legal works of Sir Francis Bacon; the writings of Sir Matthew Hale; and a 1770 edition of Sir William Blackstone’s *Commentaries on the Laws of England*.”). The Legal History Collection consists of roughly 3,000 volumes covering a wide swath of law and culture in different historical periods. Many of those volumes previously inhabited Peter’s office. *Collections and Holdings—Paul L. Boley Law Library*, LEWIS & CLARK L. SCHOOL, <https://law.lclark.edu/library/about/collections/> (accessed Jan. 29, 2016).

<sup>33</sup> Interview with Edward Burnet, *supra* note 25 (lauding Peter’s remarkable ability to simultaneously approach issues from creative angles, while consistently reaching successful resolutions; noting that Peter’s institutional priority was doing “what was right,” rather than simply keying decisions off what other institutions were doing).

<sup>34</sup> Nycum, *supra* note 2 (“I feel very spoiled. After all the years, it still has been fun to come to work and dive into whatever the day might bring, whether I would be wearing my administrator’s or professor’s hat.”).