

REMEMBERING DEAN RICHARD GERSHON

*David W. Case**

I am honored to write this remembrance as one of Dean Richard Gershon's former colleagues at the University of Mississippi School of Law. Richard served our law school with distinction as dean for five years (2010-15) and a member of the law school faculty for fifteen years (2010-25). Regretfully, Richard's untimely death precludes celebrating a life well-lived and career well-performed at the best possible time—when the honoree is present to enjoy those memories with us. Belated as they are, these celebratory words are tinged with a sense of sadness and loss for a dear friend who is enormously missed. Even so, it is fitting that the *Mississippi Law Journal* dedicates this volume to Dean Richard Gershon—a beloved teacher, colleague, and friend—for his many years of dedicated and distinguished service to the law school, the university, and the state of Mississippi as an administrator and professor.

I met Ira Richard Gershon¹ for the first time at the 2001 Association of American Law Schools (“AALS”) faculty recruitment conference in Washington, D.C. At that time, Richard was the dean of the Texas Wesleyan University School of Law

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¹ Upon introducing himself as Ira, Richard would immediately ask that you call him Richard rather than Ira. He would explain that he was a tax professor and Ira sounded like I.R.S., and he did not want people to make that association and think he had become a tax professor because his parents had named him after the federal tax agency. That association would not have entered my mind and would not be there now had Richard not put it there himself. I suspect this was just Richard's humorous way of letting people know that he was a tax professor and that he really, *really* did not want to be called Ira.

(now the Texas A&M University School of Law). I was then a visiting professor at the University of Memphis law school, attending the conference for the third time in pursuit of a job as a full-time, tenure-track law professor.² I had interviews scheduled with several law schools at the conference that year—including Texas Wesleyan—in what was, and still is, an extraordinarily competitive and thus extremely stressful national job market.³

As they occurred twenty-five years ago, I remember little about my interviews at that year's AALS faculty recruitment conference. However, my interview with Texas Wesleyan stands out in my memory to this day. Richard headed a twelve-person delegation from Texas Wesleyan's law school that year, easily more than twice the size of a typical committee attending the conference to interview faculty candidates. Over the course of my three separate trips to the annual AALS faculty recruitment conference as a job candidate, I interviewed with a score and more different law schools and never did I encounter a committee of more (and usually fewer) than six members except for on this single occasion.⁴

Richard was visibly uncomfortable in shepherding a process in which all the interviewers barely fit into the small hotel room in which the interview was happening. He was not nearly as uncomfortable as me given I was outnumbered twelve to one. The phrase “star chamber” echoed in my mind as I sat facing twelve individuals sitting next to each other in folding chairs arranged in a semi-circle with Richard at the center. I constantly swiveled my head from side to side in a futile effort to make eye contact with the entire group. Each of the twelve individuals, including Richard, took a separate turn to ask me a different predetermined question. Given that the interview itself was only twenty-five minutes long, the asking of questions collectively absorbed the great majority of the interview time.

I tried my best to answer the questions coming at me from literally all sides, but typically my answer to any question was

² See generally David W. Case, *The Pedagogical Don Quixote de la Mississippi*, 33 U. MEM. L. REV. 529 (2003) (discussing the author's decade-plus journey in navigating the national law professor hiring market as a graduate of Ole Miss Law).

³ See *id.* at 529.

⁴ See *id.* at 530.

stepped on and interrupted by another committee member anxious to get their own question out before the interview was over. I ended up speaking for perhaps five minutes during the entire interview. I found the entire experience disconcerting and weird. I do not know if my paucity of words during the interview affected their decision, but I do know I never heard from Texas Wesleyan again following the interview.

The second time I met Richard was almost ten years later when he came to Oxford in the spring of 2010 to interview for the position of dean of the University of Mississippi School of Law. I was now a member of the Ole Miss Law faculty and a member of the university search committee facilitating the process to hire a new law school dean. At some point during the two days of Richard's interview for the deanship, I found an opportunity to bring up my previous interview with Texas Wesleyan and him in 2001. My own success in the legal academy in the decade that had passed since that interview had evolved my perception of it to the point where I only remembered it as absurdly hilarious. I was extremely curious, however, as to whether Richard remembered it at all and, if so, his perspective of it.

Richard vividly remembered the faculty recruitment conference of 2001, if perhaps not specifically my individual interview. I asked him to explain the thought process behind Texas Wesleyan's decision to mobilize an entire battalion to conduct interviews that year. With very appreciated humor, especially given that it was now he who was the job candidate undergoing the stress of an interview (far more successfully than I did as it would eventually turn out), Richard explained that his faculty that year had prioritized broad representation on their hiring committee and had gotten exactly what they had asked for. No one apparently considered whether having a dozen people conduct an interview would be a particularly efficient or effective (or enjoyable) process. Richard confirmed that his visible discomfort during my interview had been very real. I let him know that my discomfort at the time, visible or not, had exceeded his by orders of magnitude.

Richard and I laughed together about that 2001 interview then and many times afterwards, including a couple of years later when he asked me to chair the Ole Miss Law faculty recruitment

committee for the 2012-13 academic year. As committee chair, I advised Richard that Ole Miss Law should *not* take twelve people to conduct interviews at the 2012 AALS faculty recruitment conference. Richard did, however, eventually accompany the *four* out of the five members of our committee who attended the 2012 conference to assist with the interviews. We all fit comfortably in the interview room, we did not overwhelm the interviewees with more questions than they could answer, and occasionally during the two days of interviewing job candidates, Richard and I would laugh about the spectacle of my 2001 conference interview with him all over again.

When Richard was hired as dean of Ole Miss Law in 2010, the faculty was extremely excited to gain a dean with Richard's already extensive experience in legal education and administration. Richard started his teaching career at Ohio Northern University College of Law in 1983, before moving to Stetson University College of Law the next year and subsequently serving as associate dean for academic affairs for several years. In 1998, Richard moved to Texas Wesleyan, initially serving as vice dean, and later interim dean, before becoming the law school's dean in 2000. In 2003, Richard became the founding dean of the Charleston School of Law and led the new law school to provisional accreditation by the American Bar Association in 2006.

Richard's third and final tenure as a law school dean was exceedingly successful. In January 2011, Richard oversaw Ole Miss Law's logistically challenging move from the Lamar Law Center (which had housed the law school from 1978 to 2010)⁵ to its current home in the Robert C. Khayat Law Center.⁶ A few months later, Dean Gershon welcomed attendees to the first major event held in the brand new law school facility, the American Bar Association Section of Environment, Energy, and Resources ("ABA-SEER") Symposium on U.S. Environmental Justice and the

⁵ See MICHAEL DE L. LANDON, THE UNIVERSITY OF MISSISSIPPI SCHOOL OF LAW: A SESQUICENTENNIAL HISTORY 134-36 (2006).

⁶ See I. Richard Gershon, Dean, Univ. of Miss. Sch. of L., Speech at the Dedication Ceremony for the Robert C. Khayat Law Center (Apr. 15, 2011), *in* 81 MISS. L.J. 1, 12-13 (2011).

Law.⁷ As a member of the planning committee for this national symposium, I had begun to communicate with Richard about the planning and logistical concerns for this important event for the law school well before he even arrived on campus to assume his duties as dean. I will always be grateful for how enthusiastically Richard supported this national symposium taking place at the law school, as well as the connected opportunity for the law school to host the 2011 Spring Council Meeting of ABA-SEER.⁸

During his tenure as dean, Richard was a champion for strengthening and expanding experiential education opportunities at Ole Miss Law. The law school's very successful pro bono program, the Pro Bono Initiative, was created early in Richard's deanship.⁹ In 2013, Richard appointed Professor Debbie Bell, who oversaw the reorganization of all the law school's clinics into a single operation, the first Associate Dean for Clinical Programs at the law school.¹⁰ The Roderick and Solange MacArthur Justice Center opened at the law school in the fall semester of 2014, adding the MacArthur Justice Clinic to the law school's many existing clinic programs. Under Richard's leadership, the law school also implemented the January Skill Session, a two-week professional skills training program, into the law school curriculum with a required course for all first-year students and elective courses for upper-class students.

As dean, Richard similarly enthusiastically supported the advocacy programs at the law school, including the Moot Court

⁷ Richard Gershon, Dean, Univ. of Miss. Sch. of L., Opening Remarks at the A.B.A.-SEER Symposium: U.S. Environmental Justice and the Law (Apr. 1, 2011), in 81 MISS. L.J. 645, 645-46 (2012); see also David W. Case, Assoc. Professor of L., Univ. of Miss. Sch. of L., Foreword at the A.B.A.-SEER Symposium: U.S. Environmental Justice and the Law (Apr. 1, 2011), in 81 MISS. L.J. 641, 641-44 (2012) (discussing national A.B.A.-SEER symposium co-hosted by the University of Mississippi School of Law and the William Winter Institute for Racial Reconciliation at the University of Mississippi).

⁸ See Case, *supra* note 7, at 642; see also Steven G. McKinney, Chair, A.B.A. Section of Env't, Energy & Res., Opening Remarks at the A.B.A.-SEER Symposium: U.S. Environmental Justice and the Law (Apr. 1, 2011), in 81 MISS. L.J. 645, 647 (2012) ("Dean [Richard] Gershon of the University of Mississippi School of Law, who came to Ole Miss after we began the project, joined in this adventure with enthusiasm and has provided the full support of this great law school.").

⁹ I. Richard Gershon, Tribute, *Tribute to Professor Debbie Bell*, 93 MISS. L.J. 575, 575 (2024).

¹⁰ Frederick G. Slabach, Tribute, *The Legend of Debbie Bell: A Skinny on Service and Impact*, 93 MISS. L.J. 569, 570 (2024).

Board, the Trial Advocacy Board, and the Negotiation Board. I have firsthand knowledge of the depth of his support for faculty engaged in the teaching and professional training of students through coaching advocacy teams from my time coaching moot court teams in the National Environmental Law Moot Court Competition (“NELMCC”).¹¹ Many deans may have balked at a tenure-track faculty member devoting several hundred hours in an academic year to moot court coaching, thus utilizing substantial time and energy that otherwise could have been devoted to academic research and publishing. But Richard made it clear to me time and time again over the years that he understood the immense educational value received by students through such use of a law professor’s time. He also repeatedly expressed his view that the positive attention received by the law school through success in national interscholastic advocacy competitions had just as much value as attention received from academic publications, if not more. As a faculty member, that level of understanding, encouragement, and support from a dean is a marvelous thing and something not to be taken for granted. I am forever grateful to Richard in that regard.

Following my first moot court team from Ole Miss Law to win the championship at the NELMCC in 2011, I asked Richard to join us for the taking of a formal team photograph with the championship trophy. He questioned why he should be in the picture given that the achievement was that of the law students themselves, to which he had not, in his view, made any contribution. I told Richard that he needed to be in the picture because as the dean he symbolized the law school itself and the law school community’s collective acknowledgment that these students had achieved something extraordinary. With that, Richard acquiesced in appearing in the team championship photo, an action he had to repeat in 2012, 2014, and 2015 when we won additional NELMCC championships during his deanship.¹² As I write this remembrance of Richard, it very much pleases me to be

¹¹ See generally David W. Case, *A Pedagogical Rationale for the Law Professor as Moot Court Coach*, 89 MISS. L.J. 367 (2020).

¹² Ole Miss Law won another NELMCC championship in 2016, and then Dean Debbie Bell, after considerable encouragement, agreed to continue the tradition that Richard had started in 2011 by appearing in our team championship photograph.

able to look at the four pictures currently hanging on the walls of my office in which Richard is smiling back at me in eternal support of the tremendous accomplishments of my moot court students on behalf of the law school.¹³

My greatest appreciation for Richard during his fifteen-year tenure at Ole Miss Law, however, was how enthusiastically, energetically, and collegially he performed his responsibilities after returning to full-time duties as a member of the faculty when his deanship ended. In my twenty-five years as a law professor at two different law schools, I have seen former deans take on a part-time or semi-retired mentality following a return to a full-time faculty role. Richard's approach in returning to such a role on our faculty was exactly the opposite. He willingly and cheerfully took on extremely burdensome tasks in both teaching and faculty service. He more than shared the load of serving on or chairing important and time-consuming faculty committees with a generous spirit and collegial attitude.

Richard's contributions to the law school curriculum through teaching multiple courses in taxation were always extremely valuable, but Richard also generously volunteered to take on additional heavily-prescribed, mission-critical courses such as Wills and Estates, Family Law, and Professional Responsibility. As a classroom teacher, Richard was beloved by the students, and enrollment in his courses was always high. With respect to his teaching and service after his lengthy career as a dean ended, Richard epitomized the dream of every law school dean regarding the willingness of individual faculty members to shoulder more than their individual share of both teaching and service work.

Importantly, after returning to a full-time faculty role, Richard also continued to make substantial contributions to the law as a scholar. When he joined Ole Miss Law as dean in 2010, Richard was already an accomplished scholar in the field of income taxation.¹⁴ He continued publishing taxation scholarship

¹³ See Case, *supra* note 11, at 370-71.

¹⁴ See, e.g., I. RICHARD GERSHON & JEFFREY A. MAINE, A STUDENT'S GUIDE TO THE INTERNAL REVENUE CODE (5th ed. 2007); I. Richard Gershon, *Teaching Federal Income Taxation Using Socioeconomics*, 41 S.D. L. REV. 201 (2004); I. Richard Gershon, *Tax-Exempt Entities: Achieving and Maintaining Special Status Under the Watchful Eye of the Internal Revenue Service*, 16 CUMB. L. REV. 301 (1986); I. Richard Gershon, A

after returning to a full-time faculty role,¹⁵ including the sixth and seventh editions of his well-regarded book, *A Student's Guide to the Internal Revenue Code*.¹⁶ He also contributed annual updates to chapters he authored in the multi-volume legal treatise, *Attorney-Client Privilege in the United States*.¹⁷ And, as his final academic work published shortly after his death, Richard co-authored a Mississippi law treatise, *Mississippi Estate Planning, Will Drafting and Estate Administration with Forms*.¹⁸

During his final years, Richard and I were simultaneously working on researching and writing separate subject-specific treatises on Mississippi law for the same publishing company, his on wills and estates and mine on real property law.¹⁹ As our offices were next to one another in the law school building, we routinely compared notes or caught each other up on our respective progress in working on our respective treatises. I enjoyed our many conversations about our research and writing on these similar projects immensely, and only in hindsight do I appreciate what a precious opportunity it was for me to bond with such a wonderful colleague.

Because we were next-door office neighbors in the Khayat Law Center building for years after his return to the faculty, I had more opportunity than most to benefit from Richard's kindness, generous spirit, and exceedingly collegial nature. Richard and I bonded over matters far more important than academic writing projects over the years. He became an enthusiastic Ole Miss sports fan during his tenure at the law school, which—as a lifetime Ole Miss fanatic myself—allowed me, eventually, to expressly forgive Richard his matriculation at multiple Ole Miss SEC rivals (Georgia, B.A.; Tennessee, J.D.; Florida, LL.M.). It also

Proposed Charitable Contributions Credit: It Is Best To Give and To Receive, 11 OHIO N.U. L. REV. 75 (1984).

¹⁵ See I. Richard Gershon, *The Socio-Economics of the Federal Estate Tax: Why Do So Many People Hate (or Love) This Centenarian?* 49 AKRON L. REV. 329 (2016).

¹⁶ I. RICHARD GERSHON & JEFFREY A. MAINE, A STUDENT'S GUIDE TO THE INTERNAL REVENUE CODE (6th ed. 2015); I. RICHARD GERSHON & JEFFREY A. MAINE, A STUDENT'S GUIDE TO THE INTERNAL REVENUE CODE (7th ed. 2018).

¹⁷ I. Richard Gershon, *Attorney* (ch. 3), *Confidentiality* (ch. 6), and *Legal Advice or Assistance* (ch. 7), in ATTORNEY-CLIENT PRIVILEGE IN THE UNITED STATES (2024).

¹⁸ I. RICHARD GERSHON & RICHARD A. COURTNEY, MISSISSIPPI ESTATE PLANNING, WILL DRAFTING AND ESTATE ADMINISTRATION WITH FORMS (2023).

¹⁹ See DAVID W. CASE, MISSISSIPPI REAL PROPERTY LAW AND PRACTICE (2025).

somewhat helped me overcome Richard's eternal love for Atlanta professional sports teams, in particular the Falcons and the Hawks, which I struggled with mightily as a fan of the New Orleans Saints and Memphis Grizzlies. In all honesty, I now realize I brought up Super Bowl LI with him far more often than a true friend should have.²⁰ Richard and I also shared a mutual love of the Marvel Cinematic Universe and, in particular, MCU television series such as *Daredevil* and *Jessica Jones*. I will forever miss being able to regularly discuss these truly important matters with Richard at the law school.

It is an honor and privilege to have been Richard Gershon's faculty colleague at Ole Miss Law. I thank him for his incredible service and many valuable contributions to the law school during his fifteen-year tenure and further for his extremely appreciated support and encouragement as dean for my work as a member of the law school faculty. Most importantly, Richard was a uniquely warm and beautiful soul, and I thank him for his kindness and generosity of spirit and for his friendship.

²⁰ Super Bowl LI was the one in which the Atlanta Falcons blew a 28-3 lead in the third quarter to eventually lose to the New England Patriots in overtime by a score of 34-28. It is wrong of me to mention this with such specificity in a tribute to Richard's memory, but Richard was such an exceedingly kind and generous soul that not only would he forgive me for it, but he would also think it was hilarious.