What matters . . . is not the raising of common 'questions' . . . but, rather, the capacity of a class-wide proceeding to generate common answers . . . .

—Richard Nagareda[1]

Richard Nagareda was both my colleague and my friend. As a colleague, I saw his public side. He was a brilliant and prolific scholar, a careful and insightful thinker, a fabulous teacher, and an extraordinary citizen of the law school. His work earned him praise from the bench and bar as well as from academia and will continue to influence the course of the law. Both the majority and the dissent in *Wal-Mart Stores, Inc. v. Dukes*—probably the most important class-action case in decades—relied on Richard's work, and his thoughtful analysis has therefore become enshrined in the law.

In the passage quoted by the *Wal-Mart* majority, Richard described the "commonality" requirement of Federal Rule of Civil Procedure 23(a). "What matters," he wrote, "is not the raising of common 'questions' . . . but, rather, the capacity of a class-wide proceeding to generate common *answers*." Generating answers was Richard's passion, in both his teaching and his scholarship. Countless Vanderbilt law students are better lawyers because they learned from Richard.

Richard's knowledge was broad and deep. He was equally at home discussing sophisticated class-action settlements, Wagner's Ring Cycle, or Homer Simpson. He brought popular culture into the heart of the law school, entertaining faculty and students with impressions of Arnold Schwarzenegger, calling one of his mentors his Sith Lord, and referring to the law school's program directors as the Dons of the Five Families.

The public Richard held himself and everyone else to the highest standards. He shared his opinions on everything from scholarship to hiring to movies. He even gave advice to senior colleagues like me: he told me not to "waste time" on particular projects. (I pursued them anyway.) Students have told me that they

1. Richard A. Nagareda, *Class Certification in the Age of Aggregate Proof*, 84 N.Y.U. L. REV. 97, 132 (2009) (emphasis omitted). It is quoted in *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541, 2551 (2011).

prepared so thoroughly for his classes because they were afraid to disappoint him.

As a friend, though, I also saw Richard's private side. His high standards led him to be generous rather than judgmental: he took tremendous time and care to help others do their best work. No matter how busy he was, he would read and comment extensively on every draft article a colleague shared with him. While he was commuting back and forth to NYU, he took the time to help me prepare a new course. He spent hours mentoring junior colleagues. He never missed an opportunity to praise a colleague or send a note of congratulations on some accomplishment.

He was as generous with his students as he was with his colleagues. His comments on students' papers were longer than the papers themselves, and his letters of recommendation ran ten pages—I think judges hired his students because they figured that any student who could spark that kind of response from a professor must be brilliant.

And he did all this while still writing his own books and articles, teaching a full course load, running the Branstetter Litigation and Dispute Resolution Program, sitting on important University committees . . . and leaving every day at 3:30 p.m. to pick his son up from school and spend time with him. He even cooked dinner every night for his wife and son. I don't think he slept!

Richard's generosity with his time sprang from a central aspect of his personality: he always put the interests of others before his own. When he first fell ill and I took over teaching his seminar, I asked him to come speak to the students about his situation in order to reassure them. In the course of our pre-class discussion of what he would say, it became clear that he was intending to reassure them that his own illness would not have a detrimental effect on the seminar or on their education. He had no clue that they wanted to hear from him because they were worried about *him*, not about themselves.

As a teacher, Richard tried to convey to his students the importance of that generosity of spirit. On the last day of his Spring 2010 Complex Litigation class—which turned out to be the last class he taught—he gave his students a speech about lawyering and life, tearing up when he came to these concluding thoughts:

> There are some things about narrowing your life down to six-minute increments that you will never regret. You'll never regret hopping on a plane to go settle one more multimillion-dollar lawsuit. You'll never regret sticking around the office for one more six-minute conference call to tell your clients you won. You'll never regret flying across the pond on a transcontinental flight to settle a piece of litigation and then

> taking the afternoon to walk through Paris munching on a Royale with Cheese. When you retire, you'll never regret having spent an additional six-minute increment of your life doing any one of those things. But, I dare say that what you may regret is the fact that in all of that there will come a time when you wish you would have had one more six-minute increment with a lifelong friend, a spouse, a child, or an elderly parent. It's easy to not think about those things now, but those are the six-minute increments that later in life you would give anything to get back. Those are the most important six minutes of your life.

It felt like we had only six minutes with Richard, and we should have had more. He was my friend and my colleague, and I miss him terribly.

Suzanna Sherry[*]

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