



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.

—Richard Nagareda

These were the last words Richard spoke to the students in his spring 2006 Complex Litigation class. These were also the last words I spoke to my first-year class in the spring of 2011—six months after Richard Nagareda passed away. In that moment, at the conclusion of teaching my very first law-school course, and as I stood looking out at my students, I was overcome with gratitude for the precious moments I spent with the man who inspired me to stand in that very spot. Richard was right: such moments are irreplaceable. For me, the moments I spent with Richard—as my professor, as my mentor, and as my friend—were some of the most important of my life.

Richard Nagareda, the Professor.

As a professor, Richard was challenging, and his standards for student performance were unyieldingly high. Indeed, I will never forget the first time he called on me in Evidence class during the fall of my second year. I arrived to class having accidentally read the wrong assignment. The class was discussing hearsay; I, however, had read the assignment on the many hearsay exceptions. Predictably, he

called on me to answer a straightforward question: “Is this statement hearsay, Ms. Glover?” I replied, “No, it’s likely an excited utterance.” “Wrong!” was the excited utterance I got in response, which was followed by a short, exasperated explanation that one must determine whether something is, in fact, hearsay before one can determine whether an exception applies. “Next,” he said, and moved on.

Those of us who had the privilege of studying with him know, however, that the person Richard held to the highest of all standards was himself. Richard was, without fail, thoroughly prepared—and impeccably dressed—for every lecture. Indeed, Richard articulated the point as only he could when he quipped, “Students are paying \$36,000 a year to listen to me; the least I can do is wear a nice suit.” But Richard’s sartorial sophistication was only one of many indications of his serious approach to teaching. After I graduated law school, and once I started to transition into legal academia, Richard began to show me all the work he did to prepare for lectures. I learned that he spent hours designing lectures, and in so doing, he tried to both anticipate all possible questions and to imagine any potential dead-end roads down which students might wander. He worked tirelessly to prepare his responses to each inquiry, to remedy each point of confusion. This was in addition to the time he spent developing, from scratch, a year-long, upper-level litigation seminar.

Richard also poured his personality into his lectures, often in the form of favorite pop-culture references or of stories about the mishaps of even the smartest litigators. To this day, I cannot think about a Rule 23(b)(3) class action without hearing Richard’s colorful description of the opt-out process, “Opt-outs are the Eric Cartman view of litigation; that is to say, a class member who opts out of a class says to the others: ‘Screw you guys; I’m going home.’” Nor will I ever think about questionable litigation strategies without recalling his animated descriptions of the misadventures of Milberg Weiss.¹ And each time a large recovery fund is created with little attention to the details of its dispersal, I hear Richard’s voice in my head, warning: “If you build it, they will come.”

1. The law firm of Milberg Weiss came under federal investigation for providing illegal kickbacks to serial plaintiffs in securities class actions. It had done so in order to position itself to receive the lion’s share of work in the highly profitable field of securities litigation for approximately twenty-five years. Several partners at the firm pleaded guilty to federal charges and have paid millions of dollars in fines as well as served jail time. See Peter Elkind, *The Fall of America’s Meanest Law Firm*, FORTUNE Nov. 11, 2006, http://money.cnn.com/magazines/fortune/fortune_archive/2006/11/13/8393127/index.htm; Edvard Pettersson, *Weiss Sentenced to 2 1/2 Years for Kickback Scheme*, BLOOMBERG (June 2, 2008), <http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aGqfpC4ZjoAw&refer=home>.

I believe that Richard devoted such incalculable time and energy to teaching not just because he held himself to exacting standards of excellence—which he did—but also because he sincerely believed—and expected—that we, his students, could achieve far more than we thought possible. So Richard pushed us, and at times he pushed us beyond where we thought our own limits were. And we, his students, are better for it.

Richard's voice remains in our heads, calling us to task when we take a shortcut, develop an approach that is insufficiently nuanced, or fail to see the bigger theoretical implications of our thoughts. And his voice on these matters is often memorable. I will never forget the day he emailed me, at the start of my third year of law school, telling me to stay focused on the upcoming clerkship process. He had learned from some of my more "loose-lipped cohorts," as he called them, that I had recently begun dating my now-husband. He wrote: "Love and infatuation literally cause chemical changes within the brain," and he cautioned that I must not let those changes divert my attention from the important clerkship challenge ahead.

Even more, Richard believed in the abilities of those who welcomed his challenges, those who let him make them better. Richard was our champion. It is no exaggeration to say that many of us, certainly including myself, would not be where we are today without him.

In the end, though, Richard cared about more than what his students learned or what they accomplished. At bottom, Richard cared about us—and he cared long after we left law school. We could always count on him to update us on each other's postgraduation activities, whereabouts, and adventures. Richard was, for us, the hub and the heart of Vanderbilt Law School. I remember asking him, prior to my wedding, whether he wished to be seated with "law-firm adults"—whom he knew well—or "Vanderbilt kids." His response: "Definitely Vanderbilt kids."

After Richard passed away, a friend of mine from a different graduating class contacted me, and she told me a story that I believe captures how Richard saw himself in relation to his students. In 2007, a tragic shooting occurred at Virginia Tech. Speaking with his current Complex Litigation class, Richard mentioned the tragedy. Instead of focusing on the students' deaths, however, he spoke of the acts of the professors at Virginia Tech. He recounted how they had run—not away from the gunfire, but toward it—in an effort to protect the students. He finished: "That is precisely what I would have done."

Richard Nagareda, the Mentor.

In addition to his devotion to teaching, Richard made substantial and often groundbreaking contributions to the scholarly community. As just one of countless examples, and as the other contributors to this memorial issue will set forth in greater detail, Richard's insights on the class-action mechanism provided the cornerstone of the Supreme Court's analysis in *Wal-Mart Stores, Inc. v. Dukes*²—arguably the most significant class-action decision in nearly a decade. Indeed, Richard fit so much life into each six-minute increment that even though he had fewer increments than many, he achieved what only a few could aspire to.

He also devoted scores of six-minute increments to students and young legal scholars; he was always willing to provide thorough comments on drafts and to discuss ideas. In the weeks following his death, I was astonished to learn just how many scholars had benefited, to no insignificant degree, from his immense generosity. I found it surprising—and yet completely unsurprising—that he had such an impact. Surprising in the sense that, when Richard helped you with a project, he did so in such a focused and individualized way that it seemed incomprehensible that he could have had the time or energy to spare on anything else. But neither his generosity nor his intellectual gifts knew normal bounds.

Some of the best, and certainly irreplaceable, increments of my life are those I was lucky enough to spend with Richard as my mentor. In my former, and to some degree current, life, I studied and performed opera. Indeed, opera was one of Richard's and my shared passions. As any opera singer will tell you, the most valuable asset she possesses is her voice. But she will also tell you that having a gifted voice teacher is critical; it is the talented voice teacher who helps you strengthen your voice, who teases out the depths of your tone and the clarity of your sound, who nurtures your voice as it reaches higher notes and seeks to master more difficult and exposed passages. More than that, though, the voice teacher is the *caretaker* of your voice: pushing you hard, sometimes to the brink, but stopping short of pushing you to take on more than your voice can physically handle. And if you are truly lucky, your teacher does all of this in a tireless effort to help you find *your* best voice. Not someone else's, and certainly not his, but *your* best voice.

And so I believe it goes with legal scholarship. I am grateful and proud that I had Richard as my “voice teacher.” He pushed me

2. 131 S. Ct. 2541 (2011).

very hard—in fact, he once said that his purpose in my life was to “beat me over the head” until the larger theoretical implications of my ideas emerged more focused and fully developed. He never hesitated to tell me when I was headed down a wrong path. More than this, he did not shy from telling me precisely *why* I was heading down a dead-end road, a talent I sometimes believed betrayed his ability to enter my brain. Perhaps he would not have found this shocking—he might have considered this talent evidence that “the force” was strong in him, proof that he could perform Jedi mind tricks. But he had this ability, I think, not just because he was brilliant (and certainly equipped with the force), but because he had generously invested so much time speaking with me about my work.

As hard as he pushed, and as hard as he could be to please, he nonetheless provided me with immense strength. Every time I hear his voice in my head telling me to “focus” an idea or to avoid an approach that would be “asinine and undifferentiated,” I also hear his voice saying that he believed in me. As I have come to understand more fully in the past year, through working with students of my own, Richard pushed me *because* he believed in me. His was the voice that said I *could* come up with ideas worth writing—or, more scarily—worth presenting to others. On my hardest days, when ideas will not flow and papers will not write, when everything in my head seems “asinine and undifferentiated,” I remember that Richard—one of the toughest critics—would have told me to keep going; he would have believed in me.

What is more, Richard never pushed me to develop a voice other than my own. He did not equate “good ideas” with “Richard’s ideas.” In fact, he and I disagreed frequently—and he seemed to delight in this. For him, this principle of acceptance was personal: he cherished Vanderbilt as a place where he could “proudly wear [his] Reagan cufflinks”; a place where all political and philosophical viewpoints were challenged, but also respected. And he extended that acceptance of both ideas and ideology—which he so valued in his own life—to others. One of the last things he said to me in September of 2010, a month before he passed away, was this: “Ultimately, Maria, you have to write about what makes you want to get up in the morning. You should think on things about which you are passionate.” “My role,” he said, “is to help you develop *your* voice.”

In short, Richard was an ever-elusive form of mentor: the one who provides a challenging, but *always* safe, space in which to grow. I have found that in scholarship, as in opera, the most valuable thing a teacher can provide is a safe space to try newer and more challenging tasks. That space is precious: if you are afraid to show anyone a new

part of your voice, even if it has yet to be perfected, or even refined beyond little more than a promising squawk, you will never sing. If you are afraid to share with someone further along in his or her career your ideas, even those that are undertheorized and far short of their ultimate potential, you will never write. To truly grow as a young scholar, you need someone who pushes you and who challenges you, but you also need someone to listen to your ideas—even when some of them are nonstarters—without writing you off. You need someone generous enough to help you refine those ideas into something new and interesting, but something that is still uniquely yours. Such space is rare, and I was lucky enough to have it in Richard. The six-minute increments I spent in that space—those are ones I would give anything to have back.

Richard Nagareda, the Friend.

Finally, for many of his students, Richard became a dear friend. He was one of the first people we thought of, and contacted, when we read an opinion or article that would stun him (for better or worse), when we attended an opera or a play that he might like (or not), when we saw a movie clip he would find humorous. If you sent Richard a particularly funny email, you would receive one of his all-caps responses, and you could hear his voice speaking the words: “HILARIOUS!” “STUNNING.” “OUTSTANDING.” As just one of many examples, one of my classmates, an Assistant U.S. Attorney, told me that she immediately contacted Richard when she found herself prosecuting a defendant named Ricky Marcellus Wallace (“Marsellus Wallace” is a character from the movie *Pulp Fiction*), knowing that he would get such a kick out of the Quentin Tarantino reference. And of course he did. In his response to her, he mentioned one of his recent articles, in which he had managed to work in a reference to a “Royale with Cheese.”

As a friend, he was still very much “Richard”—always sharing his precise opinions on anything from the conducting style of James Levine to the proper way to start a meal. As to the latter, the answer is, of course, a glass of crisp, brut champagne. My husband, Derek, and I had the privilege of dining with Richard a fair number of times in the years after I graduated law school; Richard made frequent trips to Washington, DC, where my husband and I currently live, and during Richard’s time at New York University Law School, we would often join him for dinner and an opera. Invariably, the dinner would start something like this: “Derek, I don’t know what you’re having, but Glover and I are having champagne.”

Richard also had particular views on love. For instance, women, he believed, faced a choice between two types of men: Luke Skywalker (or slightly wimpy, whiny) men and Han Solo (or stronger, but more difficult) men. He was even particular about weddings. Shortly after my own, in fact, I received a two-paragraph “review” of the entire affair. In it, Richard noted everything from the content of the ceremony remarks (of which he approved, given the focus on the hard work that is marriage), to the selection of the bridesmaids’ dresses (flattering, not like you sometimes see when a bride “stuffs her friends into ill-fitting pastel polyester numbers”), to the cake cutting (“perfectly timed to let us old folks know when it was fine to head home”).

It is hard to measure the impact of a friend on one’s life in minutes, in hours, in days, or even in years. Perhaps numbers seem an even cruder measure, but it turns out that numbers, for me, illuminate just how much of a friend Richard was in my life. As I prepared my remarks for Richard’s memorial, I looked back through some of the emails we had exchanged. I started with my Gmail account, which I signed up for *after* graduating law school. I typed Richard’s email address into the search field and pressed “Enter.” Once the computer finished its search, my cursor rested on the most recent email he had sent, just days before he died. Below the email field, I read Gmail’s numerical description of the search results: “one of hundreds.” The unquantifiable emails, in a strange way, said everything. Those of us who were lucky enough to have those precious minutes with him know that we cannot measure the impact that he had on our lives. Perhaps that is why his passing, which came too suddenly, and far, far too soon, is so very difficult—we feel indebted to him, and we regret deeply that we will never have the chance to repay his generosity. That said, it is assuredly true that, no matter how long he was here, few of us could have ever given as much to him as he gave to us.

Sometimes I feel as if I only got to spend six minutes with Richard. You can have thousands of moments that mean very little, and precious few defining moments that mean everything. In that way, Richard was right, yet again. And those moments I had with Richard, as it turns out, helped define *me*. In those moments, he stoked the fires of my intellectual passions, he inspired and challenged me to be a better scholar, and he instilled in me a deep respect for teaching. On days when, in the wake of his death, I found it most

difficult to teach, I remembered that he always put everything he had into his lectures, and from that I drew strength. The respect he had for his students has now taken hold in me. And on days when I feel most alone with my ideas, I read one of his articles. With each new reading, I learn something more; I see something I did not see before. And on days when I find myself most frustrated with my writing, I ask, “What would Richard think of this idea? What connections would he expect you to draw? What bigger insight, lurking underneath, would Richard push you to unearth?” Richard, it turns out, still teaches me.

There will, of course, come a time when the articles run out, when the reference points grow faint, and when even the most vivid of many memories fade. There will come a time when legal developments and scholarly projects currently unforeseen demand attention, and when his guidance for my voice will manifest as little more than a whisper. But the best voice teachers do more than teach a student how to sing a particular song, or a particular passage, or a particular note. Instead, the best voice teachers guide their students to develop the very core of their sound—the core that will remain no matter what the song to be sung, no matter the complexity of new roles and new arias, no matter even how the tone and timbre of the voice naturally evolve, and change, as the seasons pass. I will carry with me always the core sound that Richard helped and encouraged me to develop, and in that way, I will carry *him* with me always. And when I stand, whether before a classroom of students or before a group of scholars, I stand on his shoulders—I stand on the shoulders of a giant.

And I will carry one thing more: the ears to listen. When I first came to know Richard, I was a young, wide-eyed student who spoke to him with what sounded to me like a squawk; Richard, however, heard somewhere in me a *voice*. Guided by his example, when I devote many of *my* six-minute increments toward mentoring students—students who can hear in themselves a mere squawk—I will listen for a voice. I expect that one of these students may ask me where *my* mentor has been. And to them I will say this: in my core, he never left.

*J. Maria Glover**

* Climenko Fellow and Lecturer on Law, Harvard Law School. Maria was both Richard Nagareda's student and research assistant from 2005–2007. Maria and Richard remained close friends until he passed away in 2010.