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LYMAN RAY PATTERSON: SCHOLAR AND GENTLE MAN¹

*Paul M. Kurtz**

The University of Georgia Law School community and the legal academy lost a dear friend, an outstanding scholar, and a wonderful colleague and teacher when Ray Patterson died after a long career and a short illness in November 2003. Professor Patterson made his mark in the areas of Intellectual Property and Legal Profession, authoring major books in both areas which will long serve as his legacy. Ray Patterson was an innovative thinker and a masterful writer. He taught generations of students at four leading law schools in the Southeast, serving as Dean at one. During his career, Ray practiced law, was an expert witness in many cases throughout the country, and often testified before Congress. Many honors were bestowed upon Ray in many venues; most recently, he was the first recipient of the American Library Association's L. Ray Patterson Copyright Hero Award. Although Ray's work was central to his life, he had many interests outside of the law. He closely followed politics and was a rabid sports fan. He was a devoted husband, loving father, and doting grandfather. And he was a deeply caring friend.

Ray Patterson entered my life very quietly. Was it not that way with all of us? He was one of my law professors in my first year of school thirty-four years ago, but he was unlike most of them. This white-haired man (yes, even then it was pure white) did not yell; he did not try to embarrass; he did not assume the role of a superior; he did not run around the room; he did not make jokes . . . all he did was patiently ask us questions. Sometimes he shared with us what he thought the answers were, and sometimes he did not. When we did not have the correct response or any response, genuine disappointment came across his face, not glee. Instead, the smile was reserved for the times when we actually had moved the discussion forward. He was the kind of classroom instructor whose self-effacing manner helped his students feel like they were figuring out this "law stuff" more quickly than we really were. Ray was the type of teacher whose impact on his students became clear only as one reflected on his performance . . . at the end of the semester while re-reading and digesting one's notes or at the conclusion of one's law school days when engaging him in a conversation that a former student could imagine was between almost-equals or in the midst of a career when

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¹ Editor's Note: This piece also appears in the Fall 2003/Winter 2004 issue of the *ADVOCATE*, the alumni magazine of the University of Georgia School of Law.

reporting one's progress and being reminded of things discussed in his classroom. Yes, the image evoked by Ray's work as a teacher is the steady tortoise, rather than the flashy hare . . . and you remember who came out on top in that contest.

After my years as a student, our paths crossed only infrequently for most of a decade as he went to Emory to serve as Dean and I joined the faculty at the University of Georgia. When we did see each other at meetings, he always had a kind word and asked after my wife, my law school classmates, and his former Vanderbilt colleagues. Though we worked in very different fields, he always inquired about what exactly it was that I was doing and then once again futilely attempted to interest me in the intricacies of copyright or legal ethics. Of course, he was teaching a lot better than I was learning, but I always enjoyed engaging in the effort.

Offering his time and his thoughts to younger colleagues on his own or other faculties was a hallmark of Ray's career. Perhaps because he had benefited so much during his Vanderbilt tenure from the mentorship of Elliott Cheatham, one of the giants of the prior generation of professional responsibility scholars, he always took special interest in assisting people just making their way in his fields. Among others, Craig Joyce, Tom Metzloff, Kenneth Crews, and Lolly Gasaway, all now leading scholars themselves, were the beneficiaries of his guidance and interest through the years.

For the past seventeen years, Ray Patterson graced the University of Georgia Law Faculty. He taught a large number of students in the basic courses in copyright and legal profession. In addition, he created advanced courses in both fields, served on numerous Law School and University committees and contributed to the profession through his work on the Advisory Opinion Panel Committee of the State Bar of Georgia, which provides ethics opinions for attorneys in the state. During his time here, he was a Founding Father, as it were, of the *Journal of Intellectual Property Law*. As Associate Dean for most of his service on our faculty, I had the opportunity to learn lessons in good law school citizenship from Ray Patterson. Whenever I absolutely had to have one more teacher to undertake a summer school teaching assignment or somebody to handle an 8:30 a.m. time slot, I knew I could count on Ray. Indeed, sometimes it made me feel guilty when I contemplated how I might be taking advantage of a friend. Then again, an Associate Dean has to do what an Associate Dean has to do. . . .

A recurring bright spot in my day would be an unscheduled visit from my friend and colleague who had a wonderful habit of dropping by just to talk about things . . . his latest article, a particularly provocative case or article he had come across, an amicus brief he had recently authored, national or state politics, or the upcoming Georgia football game. (In our final conversation, he assured me this would be the year the Dawgs would solve their Gator problem . . . patience Ray,

patience.) During our conversations, the only “complaint” I ever heard from Ray Patterson was toward the end of every semester when he would assert that I was depriving him of his academic freedom by insisting he could teach no more classes until the next term. That was our little joke, but inside of his dry humor was his devotion to doing what he loved . . . teaching law students. Actually, he would occasionally lodge other “complaints” . . . he always took the time to critique my memoranda to the faculty for grammar and usage. He, after all, had earned a graduate degree in English. How many times he tried to explain to me the mysteries of distinguishing “that” from “which” and the proper use of the word “hopefully.”

I will leave analysis of his scholarly writing to those who are experts in his fields, but I do know one thing about his work without having to consult anybody . . . as soft-spoken and gentle as he was in manner and style, he was something of a radical in both of his major fields. In the area of copyright, he said (and proved) things that the publishers did not care for; he also made careful, cogent arguments that did not square with the received wisdom of the legal ethics establishment. And he did it all without raising his voice or using off-color language. In the thirty-four years I knew Ray Patterson, I never heard him do either of those things. He truly was a gentleman and a gentle man. He also was a very loyal person . . . loyal to his family, to his ideas, and to those of us who were his students.

Ray Patterson made it clear that he wanted to teach forever. Part of that wish was completed this past fall semester when he began his Copyright and Legal Malpractice courses and kept going until poor health overtook him. Now he can turn to the task of teaching posterity through his enduring scholarship and his lessons taught in and out of the classroom. We will miss you, friend. We already do.

