

*Floyd F. Feeney**

It seems only yesterday, but it was over 25 years ago when I first met Fritz. I had the good fortune to have the office across the hall when he first came to Davis, and we quickly became good friends. I think it was our mutual passion for a clean desk and a tidy office that first brought us together.¹ And we had many weighty discussions over the years about how a good book placement plan could reduce clutter.

Fritz would no doubt be touched that so many of his friends are here today and to know how much we miss him. But he did not want this to be a sad day. And so, dear friend, although we weren't ready for you to go and we miss you more than we can say, we gather here today to celebrate your life and what you meant to us all.

Born in Frankfurt, Germany in the depression, Fritz grew up in dark times and war. His parents died in a bombing raid when he was 14. He survived himself only by the barest thread of great good fortune—taking refuge in the water of an open fountain in the middle of winter to escape the flames. He knew all about how hard life can be. The theme of his life, however, was not sadness. It was joy. As much as anyone I have ever met, he loved life. He lived it to the fullest. And he squeezed about as much out of it as anyone possibly could.

Fritz did not have a pastel view of life. He painted in rich, full colors. His early experiences led to a laser-like focus on the things that were really important to him. From difficult beginnings, he climbed to the highest pinnacles that the law has to offer. He was known and loved around the world, but at heart he remained a man of relatively simple tastes.

He loved teaching, he loved students, he loved traveling, he loved meeting and talking with people, and he loved learning new things. He reveled in good food, good drink, and good conversation. He was a fine skier, a mean ping pong player, and an ardent bicyclist.

He was upbeat, bouncy, and funny. Who can ever forget his puns? Truly awful, but wickedly funny. Forcing you to laugh even when you didn't want to. And who else would have made a story about some dumb traveler's forgotten underwear the centerpiece of a serious lecture about when a court has jurisdiction. One weekend two students

* Professor of Law, University of California, Davis. These remarks were delivered at a memorial service for Professor Juenger on February 17, 2001.

¹ Professor Juenger was well-known for the many books and papers in his office—on the shelves, on his desk, and on the floor.

demanded that he let them into the dean's office. One threatened that if Fritz did not let them in, he would burn the door down. "I'd very much enjoy seeing that," Fritz said, pulling out his cigarette lighter and offering it to the student.

Fritz also loved language. His obituary says that he was fluent in four languages. He was. I don't know whether they came easily to him or not. I do know that he was fascinated with them, worked on them all the time, and thought everyone else should do the same. Barbara, his wife, says that he corrected her English every day. I understand that. He corrected mine nearly every day. A long time ago, he complained that his French really wasn't up to par. The next thing I knew, he had arranged a semester in France. While there, he was drafted on short notice to teach a course in French. It was a challenge that he couldn't refuse. He was willing to put himself under huge pressure in order to master the language in the way he wanted. He did it. He did it well. And when he came back, he was enormously pleased that he had.

The bulletin board outside his office was always filled with funny cartoons. Many concerned language. One said:

I read the papers every day
In hopes before I quit
I'll find just one infinitive
That someone hasn't split.

Even more pure Fritz was the one that said: "When all other means of communication fail, try words."

No less than language or life, Fritz also loved the law. I don't think he ever met a law professor or a law student that he didn't like. He loved the Davis students and often commented on the great things that they had done. In recent years, he frequently sang the praises of Jason Powers and Matthew George, his last research assistants. He was especially proud of Pat Borchers,² plying one and all with a never-ending stream of compliments concerning Pat's latest accomplishments.

But law to Fritz was not just about people. It was at least as much about ideas. He thought deeply and he wrote passionately. You might agree or disagree, but you were never likely to be bored. He was a fantastic writer and a great teacher and lecturer. There was no mystery about why he was so good. He was a natural born teacher, but the secret, he thought, was preparation. If you came to King Hall any evening before 8 o'clock, weekend, holiday or whenever, you were likely to find

² Patrick Borchers is a former student of Professor Juenger who is now the Dean of the School of Law at Creighton University.

Fritz. On the Sunday before he went into the hospital he was in his office until nearly 7 o'clock, successfully finishing his fifth book.

He was deeply read and he knew his stuff. When I first met him, I was mildly annoyed. Although I was an honors history graduate, this guy from Germany could run circles around me in many areas of American legal history. But he wasn't trying to show off. Because of his interests, he had simply mastered the territory, and he knew how to use the knowledge in fresh and effective ways.

He thought big and he had a knack for identifying critical issues. Several years ago he asked me to look over a letter. The letter urged the American Law Institute to pay more attention to comparative law in its deliberations. He had a good point and the letter was superbly written. I thought, however, that he was writing to Santa Claus and that very little would come from the effort.

I was right. But I underestimated Fritz's skill and persistence. Only a month before he died, he chaired a panel at the meeting of the American Association of Law Schools. The title for this panel was "The Role of Comparative Law in the Conflict of Laws." One of the panelists will speak later this afternoon. Another was the new president of the American Law Institute. Fritz's letter hadn't done much, but it was just his opening salvo. He knew that if he was to have an impact, he had to find practical ways to inject his ideas into the everyday fabric of discussion.

One of the things that pleased Fritz most in the last months was a series of contacts with a very distinguished federal judge. Judge Jack Weinstein had been a Columbia professor during Fritz's days as a Columbia student, and Fritz had enormous respect for him. Fritz knew that Judge Weinstein was working on a case, but I do not know whether Fritz ever saw Judge Weinstein's opinion in the case. The print version came out only after his death.³ But that opinion—in a multibillion dollar tobacco case—draws extensively on Fritz's work. It would have pleased Fritz immensely to know that Judge Weinstein had cited him 9 times in a single opinion, and even more to know that one of his favorite judges had drawn heavily on his idea of using comparative law to find the appropriate conflicts rule for a major American case.

We all have our own memories of Fritz. One of the images that I will carry the longest comes out of a meeting of the American Society of Comparative Law. The year was 1994, during a big international conference not far from Athens, a dinner meeting in the open air

³ *Simon v. Philip Morris Inc.*, 124 F.Supp.2d 46 (E.D.N.Y. 2000).

overlooking the sea on a warm, beautiful summer evening. Fritz was truly in his element. As the then-president of the society, Fritz was presiding. He was funny, he was gracious, he was efficient in attending to business, and he made the evening a delight for all who were there. He was doing what he loved, and the respect and affection that all who were there had for him and his work was simply a part of the magic of the evening.

A month or so ago, Fritz told a colleague that he had made two good decisions in his life. The first, and for him by far the most important, was the decision to marry Barbara. She truly was the love of his life and he loved being with her. The second was the decision to come to this law school.

Fritz was extremely proud of his two sons, Tom and John. He wasn't the type to stop you in the hall and show pictures. But he did not need to. When he talked about his sons, he simply beamed. His feelings and his pride were written all over his face.

Tomorrow would have been his 71st birthday. Although he will not be here to eat birthday cake with us, in our hearts the candles of his life will always be lit.
