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In Memoriam: Professor Joseph J. Beard

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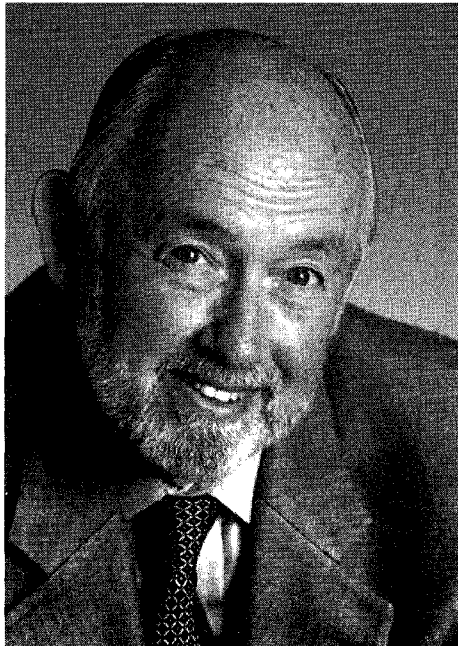
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Recommended Citation

82 St. John's L. Rev 817 (2008)

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**IN MEMORIAM:
PROFESSOR JOSEPH J. BEARD**



(1933–2007)

*The editors of the St. John's Law Review
respectfully dedicate this issue to Professor Beard.*

BIOGRAPHY

Joseph James Beard's diverse, accomplished life encompassed many places, people, and experiences. Soon after his birth in Winthrop, Massachusetts, his family moved to California, where he attended elementary school. When he was a teenager, his family moved back to Boston. Joe attended the Boston Latin School. At age seventeen, while still in high school, he enlisted in the United States Navy's junior ROTC program.

In 1952, Joe Beard graduated from Boston Latin. After he completed basic training that summer, the Navy gave Joe an ROTC scholarship to study electrical engineering at Tufts University. At Tufts, he became a member of Tau Beta Pi. After his graduation in 1956, he was commissioned an Ensign in the U.S. Navy. He served on active duty for five years, first on destroyers and then as an officer on diesel submarines.

In 1961, Joe Beard completed active duty and entered the Naval Reserve. He began to work as an engineer at the Boeing Corporation on the west coast and in Hawaii, specializing in electronics and computers.

In 1965, Joe was married and the father of two young children when he returned to New England to work at the Portsmouth Naval Yard. He decided then to attend law school while continuing to work days, including later as an engineer at Honeywell.

In fall 1965, he enrolled in the evening division at Suffolk University Law School in Boston. He excelled, becoming Cases and Comments Editor on the *Suffolk Law Review*. He earned his J.D. degree, graduating first in his class, in 1969. (He also, during this period, took college courses on weekends and during summer sessions in Babson College's M.B.A. program, ultimately earning that degree in 1971.)

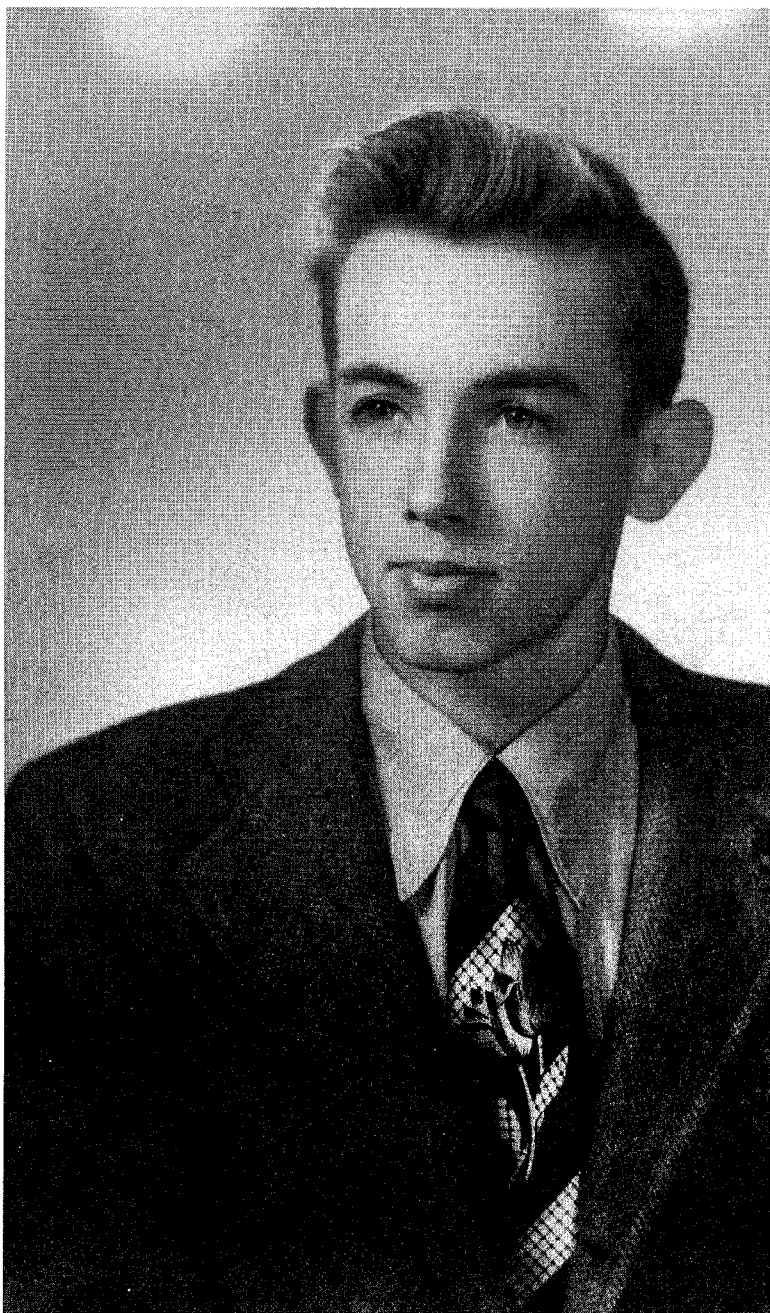
In 1971, Joseph J. Beard became an Assistant Professor at the New England School of Law in Boston. Professor Beard taught courses in Torts, Criminal Law, and Tax Law and earned promotion and tenure. He also, during these years, earned graduate law degrees at Boston University (LL.M., 1974) and Harvard University (S.J.D., 1981), served as the Governor's representative on the Task Force on Legal Research by Computer, and was Directing Editor of West's *McKinney's Forms, Uniform Commercial Code*.

During 1982–1983, Professor Beard came to St. John's University School of Law as a Visiting Professor. In Fall 1983, he joined the St. John's faculty as Professor of Law. In his early years at St. John's, his courses included Commercial Law. His teaching came to focus over time on what came to be called "Intellectual Property" courses: Copyright Law, Trademark Law, and Entertainment Law. At St. John's, Joe was a beloved colleague and professor, a student selectee as "Professor of the Year," and an active scholar. He also was an energetic member of The Copyright Society of the U.S.A., served as one of its Trustees, and edited its *Journal*.

In 1993, Professor Beard published the first scholarly study of legal issues raised by digital replicas of deceased celebrities. He lectured extensively and was quoted regularly, in newspapers in the United States and abroad, on such "digital actors" and other copyright issues. He also offered expert and entertaining television and radio commentary. Professor Beard became a pro bono consultant to the Screen Actors Guild on digital issues, and to the National Commission on New Technological Uses of Copyrighted Works.

Professor Beard also continued to serve in the Navy, retiring in 1982 as Captain, United States Naval Reserve. His service on the board of directors of the Battleship Cove naval ship exhibit in Fall River, Massachusetts, and his involvement in the development of its exhibit of the submarine U.S.S. *Lionfish*, on which Joe Beard once served, were two of his many Navy-related interests.

Professor Beard also was a devoted Dickensian. He was a member of the Philadelphia Pickwick Club's executive committee. At the time of his death last December 31st, he was writing a book about Charles Dickens and copyright.



TRIBUTES*

CHRISTOPHER J. BEARD

On behalf of the entire Beard family, I wish to welcome all of you and thank you for coming today as we remember, reflect, and hopefully smile upon our recollections of Joseph Beard.

When I first sat down and tried to compose some remarks, I did not know where to begin. I wondered, how does one talk adequately about a man's life, the impact he had on people, and the legacies he leaves behind. I wondered how in the world could I convey, in so short a period, the achievements of a lifetime. It was then that I realized I could not.

Many of the trite phrases that one hears at a time like this came to mind. I discarded each as inadequate to the task—except for one: “Sometimes you can't see the forest through the trees.” My problem was that I saw before me only the tree of Joe Beard as my father. I could not see the forest of his life. Then as the days passed, the letters began to arrive. The phone calls came, and emails—so many people from so many different places, from all the different trees that had made up Joe Beard's forest, each one wishing to share some story about how they knew him, what he meant to them, and some little anecdote or funny story. As I read each letter, responded to the emails, and talked on the phone, for the first time I began to see the forest of his life and I was amazed at how truly wonderful it really was.

In the legal community he was known as Professor Joseph J. Beard of St. John's University School of Law, a man who earned more degrees and titles than I could count. He was a respected teacher, colleague, writer, editor, and expert in the field of Intellectual Property.

To others he was Captain Joseph Beard, United States Navy Reserve (retired), a man who proudly served his country for over thirty years, first as an active duty line officer aboard submarines and destroyers, and then in the Reserves, keeping himself and his men ready should they ever be called upon. His interest in preserving our nation's proud naval history led him to become a board member of the Battleship *Massachusetts* Memorial Museum.

* The following tributes are based on remarks that were delivered at St. John's University School of Law on January 26, 2008, during a celebration of Professor Beard's life.

He also was a lover of all things Dickensian, known to many on both sides of the Atlantic Ocean as Mr. Pickwick of the Philadelphia Pickwick Society. He thoroughly enjoyed donning his period costume and holding court wherever he was.

To some people he was simply Joe, the guy you grew up with, who would call you up to share some off-color joke or bawdy story, political correctness be damned.

To his three children he was simply Dad, with all the meaning that such a small word actually carries.

And, finally, to his five grandchildren, he was known as "Papa Joe," the role I suspected he enjoyed the most. "Papa Joe": the man who celebrated Second Christmas every April simply because he felt like it; the man who celebrated his birthday whenever he chose, whether it be in September, October, or, occasionally, when his birthday actually fell, in August. This is the man I suspect will be missed the most.

On behalf of our family, I thank all of you for coming today, as we get a small glimpse of the forest of Joe Beard's life.

ALAN LYONS[†]

When I first spoke to Chris and said I would like to say a few words, he said, "Well, we are going to celebrate his life. So you're really going to have to be nice." That was difficult—as hard as I thought, I've got everything on a 3x5 card. I didn't call him "My dear friend," I called him a "miserable old sod." And you, knowing Joe, know that he would nod his head, "yeah."

There are a couple of things I would like to bring up. They may seem very small, but they had a large impact.

One is memories of Locke Ober's restaurant in Boston. I recall the first time Joe and I ever went to lunch at Locke Ober's—it was my wife's birthday and we were sitting out in the back. Joe of course had his favorite meal, Lobster Thermador. After that we had many family occasions at Locke Ober's, including birthdays and when our daughter graduated from college.

Joe loved lobster so much. I recall once that the Beards were coming over for the Fourth of July, so we decided to cook lobsters.

[†] Mr. Lyons, a resident of Framingham, Massachusetts, knew Professor Beard for more than forty years.

We got them home, but then what?—I'm a Brit, and what do I know about lobsters? We asked Joe, the New Englander. "Put them in the bath with water," he said. The next morning we had half a dozen dead lobsters.

I also recall when my wife Mary was going back to work. Dorothy Beard said, "I think there are some openings at Wellesley College." But Mary needed a résumé. So Joe wrote the most beautiful one I have ever seen—I thought she was going to get to be the Dean or something like that. Mary worked there for twenty-five years.

I recall Joe talking to me about a guy he had met who was a member of the Philadelphia Pickwick Club. Joe went down there, had a wonderful time and became a member. Then he took me along and I also became a member—I have been for over twenty years. (I am Tracy Tupman, by the way.) In going to Philadelphia, we got to see wonderful things and made very good friends there. In many ways, Philadelphia became a second city to us, from the Boston area.

If you look at these things, each one is quite small. But as Chris said, you have to see the woods through the trees—you have to look at what these things created. They changed our lives. They changed the ways that we do things.

A couple of days before Joe got sick in December, we had a great phone conversation. He sounded wonderful. We arranged to have dinner a couple of days after Christmas, as he made his annual pilgrimage to Longfellow's Wayside Inn in Sudbury. Joe actually could not change when New Year's Eve is celebrated, so he always came to the Wayside Inn for New Year's Eve and would not change that for anybody. During that conversation, Joe thanked me for being his friend.

And you know what? This is hard for me—Joe, thank you for being my friend. [Turning to face the photographs of Professor Beard] Thank you!

DANIEL DEPOMPEI†

I first met Joe Beard in 1972 when he was teaching at the New England School of Law and a Commander in the Naval Reserve. His Navy assignment was Commanding Officer of

† United States Navy (ret.).

Naval Reserve Submarine Division 1-11. The Division trained on board and operated, as so far as they could, a submarine out of Salem, Massachusetts. Joe's responsibility was to maintain his and his crews' qualifications for recall to submarine duty when needed by the Navy.

Just as some men are fascinated with cars, Joe was fascinated with submarines—his fascination fueled his Navy career and became a lifelong passion. Joe's passion was contagious. It strongly motivated a number of men and women to support Joe and Joe's ideas on how best to manage the Submarine Reserve. Like any passion, however, his encountered a few challenges along the way.

In 1972, the Department of Defense and the Navy Department were eliminating submarines from the Navy Reserves and directing the submarine units to report to training centers for administrative and classroom duties. Submarine Division 1-11 was being assigned to a training center in Lawrence, Massachusetts. If ever again called up to serve on active duty, Joe and the Division would report to the training center for further assignment in administrative duties.

Because Joe's full-time job was teaching, he had no intentions of spending his Navy Reserve time in the classroom. He was not going to allow a new Navy bureaucracy or administrative requirements to keep him and his crew away from submarines. Joe had a better idea.

I was a submariner, recently released from active duty and moving to Massachusetts. Joe had obtained my name from the Navy Training Center and asked me to meet him for an interview at his home in Framingham, Massachusetts. When Joe escorted me into his family room, I thought I had stepped into the control room of a post-World War II submarine. Joe had ventilation control panels, steering and diving control wheels, whole valve lighting Decatur panels (we use to call them Christmas trees), all crowded into the family room. (I was told recently that he also had a hatch that he was going to install so visitors would climb through the hatch on the way from the living room to the family room.) There were deck plates on the floor, fancy rope work on hand rails and columns, and submarine poster art on the walls. I knew that if the diving alarm sounded twice, the family room would take a down angle and proceed to periscope depth.

Joe offered me a position as his training officer. The condition of the offer was that I would travel to the submarine base in Groton, Connecticut, with Joe and convince the base command staff that Submarine Division 1-11 was an underutilized asset drilling in Lawrence, Massachusetts. We offered to drill at the Groton submarine base, to qualify for weekend operational duties on the base and thus free up active duty personnel for well-deserved weekends at home with their families. These services would be provided at no cost to the submarine base—we of course were getting paid by the Naval Submarine Reserves. We were simply ignoring the fact that we were suppose to drill in Lawrence.

The term for Joe's idea was "remote drilling." The submarine base command staff was interested but doubtful that a group of reserves would, at their own expense and at their own risk, travel to Groton, provide their own living and meals, and work in shifts to support the twenty-four hour per day submarine workload.

They just didn't understand Joe's passion. Joe explained "remote drilling" to the crew members and the response was unbelievable. They carpooled to Groton from remote locations as far away as Maine. They restored abandon buildings on the base for living and working spaces and qualified for the weekend duties. We all performed emergency work and supported the operating submarines. And to keep our members engaged and busy, we acquired and restored antique submarines for display on the base.

The Reserve unit became a model for submarine support and repair units across the country. "Remote drilling" became an accepted, authorized concept of operations. Several new units were formed to provide additional support in Groton, and in South Carolina, California, and the State of Washington. Joe had pioneered the increased utilization of Navy personnel through remote drilling.

In subsequent years, the historical submarines and equipment restored by the unit were moved. They were consolidated into the Submarine Force Museum and Nautilus memorial in Groton, a museum that is open to the public—the submarine silent service had finally engaged the general public and communicated its historical accomplishments. Joe pioneered

much of the submarine base and the Navy's renewed appreciation for public relations.

After thirty successful years in the Navy's Reserve service, Captain Beard retired, but he continued his submarine adventures by writing submarine histories, and by becoming a director of the Battleship Cove Foundation in Fall River, Massachusetts. When submarine *Lionfish* went on display in Fall River, Joe became a mentor for the *Lionfish* and its veteran crew members. Interestingly, Joe had also served on the *Lionfish*. The foundation and the *Lionfish* benefited significantly from Joe's involvement. Joe donated his extensive collection of submarine artifacts—his family room—to the foundation. He organized and participated in crew reunions and donated a great deal of his own time and money to the continuing restoration of the *Lionfish*.

One of Joe's more interesting challenges was to locate and restore an original five inch deck gun that would complete, accurately, the submarine's topside appearance. Joe accepted this challenge with his typical persistence and passion. He went so far as to petition the Commander Submarine Forces in Norfolk and then the curator of naval history—it turned out that the curator, in Washington, D.C., owned all of the Navy's weapons, but he did not have a clue as to where any of them was. Joe sent emissaries to Washington, D.C., Norfolk, San Diego, San Francisco, and parts of New Hampshire—all to no avail. There was no gun.

One day in 2000, after two years of failed searches, a total stranger overheard a discussion about the desired gun and offered, "I think I saw a gun like that in front of the American Legion in Norwich, Connecticut." In a very short time, Joe was at that Legion post, negotiating a deal for what he had confirmed was an original five inch submarine deck gun. Joe worked with the foundation and local contractors to restore and replace the deck gun on *Lionfish*. He personally financed most of the work and had the restoration completed in time for the *Lionfish* wartime reunion, which he also hosted in 2002.

I know these anecdotes from Joe's life may pale with many of his other accomplishments, but they help us remember what a truly unique individual he was. Joe Beard was a friend, a benefactor, and a patriot. He made a difference. He was a lot of

fun. I wish him fair winds and following seas—Joe, it was an adventure and a pleasure to be your friend.

GUY ARCHAMBAULT†

I'm not quite certain how to address the person memorialized this morning. He's known by so many in so many different ways. I first met Joe in 1991 or 1992 in Fall River, Massachusetts, during the annual meeting of the U.S.S. *Massachusetts* Memorial Committee when he was a member of the corporation. The committee oversees the Commonwealth of Massachusetts official memorial to the more than 13,000 military men and women who, since 1941, lost their lives in our nation's defense. There was immediate affinity between us—we were both retired Navy Captains. Although we met only once or twice annually, our friendship grew through frequent, long telephone conversations. In the process, we learned snippets of each other's life.

Therein lies my dilemma: he is Captain Beard, but he is also Professor Beard, Dr. Beard, and Mr. Beard. He was truly a multi-talented Renaissance man: a member of the Bar in Massachusetts and New York, a registered professional engineer, a law professor, a Master in taxation, an educator, a manager, a lecturer, a consultant, an author, an editor, and a Captain in the Navy. He was also a proud father, a mentor, and a philanthropist. And he had the courage of his convictions. He was, in essence, a man for all seasons.

Because I am uncertain about how to refer to a man with his prodigious talents and achievements, I'll simply talk briefly about my friend Joe Beard.

Although Joe had several vocations—engineering, law, education, and writing among them—he had one enduring avocation: the United States Navy. We learned through our many conversations about the Navy that we were once in the same destroyer squadron in the late 1950s, doing the same miserable North Atlantic Patrol duty. He later qualified in submarines and remained there, in those machines that go under the seas, for the rest of his Navy career. In fact, he was the last real skipper of *Lionfish*, a diesel submarine that was

† Captain, United States Navy (ret.) and President of the Battleship Cove Massachusetts Memorial Museum.

decommissioned and destined for demolition. Joe persuaded Congresswoman Margaret Heckler, from Massachusetts, to convince the Navy that *Lionfish* should be saved from the scrap heap and converted to a museum and historic naval ship. Because of his intercession, his old submarine lives on in Fall River as an exhibit and a memorial to submariners. Ever a perfectionist, he searched for more than ten years to find an authentic five inch deck gun to replace the one that had been removed from the vessel when she was first taken out of service. He found one a few years later in the front yard of an American Legion hall, and it's now aboard *Lionfish*.

Joe's interest in the Navy, particularly submarines, never wavered. He was always intensely interested and involved in ensuring that *Lionfish* remain a credit to the silent service. He eagerly expended time, talent, and treasure to the endeavor. Joe is primarily responsible for the excellent condition of U.S.S. *Lionfish*. While he was still mobile enough, he took frequent tours through that claustrophobic vessel to ensure that it continued to meet his demanding professional standards. No shrinking violet, he was sure to show his displeasure, in his own inimitable, sonorous style, if he found conditions not to his liking. On those rare occasions, I was reluctant to answer the phone, knowing that he was on the other end.

Joe's generosity was manifest. Through the years he donated an extensive collection of submarine memorabilia and artifacts while providing the funding for their appropriate display both aboard *Lionfish* and Battleship *Massachusetts*. He did it without fanfare or desire for recognition. During the coming months, however, we will rename the submarine space aboard Battleship *Massachusetts* the Captain Joseph Beard Memorial Exhibit as a fitting tribute to his long devotion.

I will miss Joe's charismatic personality, his irreverent humor, the long conversations we shared, the lies that we traded, his captivating narratives about his business travels and exploits, his consummate professionalism, his counsel and even during the past couple years, despite declining health, his continuing zest for life. I will miss the sound of his eloquent barrister's baritone. But most of all I'll miss his friendship.

Let me share a brief anecdote. I last talked with him in late December. It seems a restaurant/nightclub in the Fall River area, adjacent to Battleship *Massachusetts* property, applied for a

license to permit all-nude dancing on their premises. Because we are a memorial with periodic religiously-oriented services and an educational resource with many school-age children visitors, the board of directors agreed that we should object to the granting of a license that would permit such activity. As president, I wrote a letter addressed to the mayor, then called Joe to solicit his opinion regarding its contents. He listened carefully, then said, "Guy, I think what you wrote is okay." Then he paused. "But I'm personally struck by the irony of sailors protesting the presence of nude women on the waterfront."

I'll miss the clever replies too. Joe, wherever you are, I'm sure you're stirring things up.

DOUGLAS D. SCHERER†

I am very pleased to see so many people here today expressing their love and respect for Joe Beard. Joe was my closest friend, my dearest friend, for forty-two years.

Joe grew up very poor in Boston. His brilliance brought him to the Latin School, the public high school in Boston for the most gifted students. A Navy ROTC scholarship put him through college at Tufts. And, as you've heard, he served his country in the submarine service.

Joe loved the Navy, and the Navy was one of our connections—the Navy also made possible my college education. I remember that I got a call from him once. He was very excited and said he needed my help. I went with him to the Boston Navy Yard and there, sitting on a dock, was a submarine hatch. Those of you who have been in the Navy know how much a submarine hatch weighs. Joe's task was for us, I think mostly me, to roll the hatch off the dock, put it into the back of my vehicle, and take it to his home. He was going to install it in his house, with one of those circular ladders that you have in a submarine going down to the basement. But the hatch never made it out of the garage.

Joe and I met in the fall of 1965 when we both started law school in the evening division at Suffolk University Law School, in Boston. Joe and Dorothy then had two children, Christopher and Ariel, and a third child, Holly, was about to arrive. I also

† Professor of Law, Touro College Jacob D. Fuchsberg Law Center; J.D., Suffolk University Law School, 1969; LL.M., Harvard Law School, 1978.

had three children, and our family responsibilities made night law school our only option. Joe and I have always been grateful to Suffolk University Law School for making it possible for us to become lawyers, and the opportunity that the evening division at St. John's provides for people like Joe and me is much of the reason why Joe loved this law school so much. Joe also was grateful to Harvard Law School, where his S.J.D. work made it possible for him to join this wonderful faculty.

Joe and I became study group partners in our first semester of law school and we helped each other for four years—four long and difficult years. Joe's success in law school was the result of his brilliance, his hard work, and the extraordinary support of his wife, Dorothy. When I first met Dorothy, she was a beautiful young woman, barely out of her teens, with two young children and a third soon to arrive. Joe spoke to me over the years about Dorothy, and his words always revealed his deep love for her.

Joe spoke about his children and grandchildren all the time. When he talked about his plans for retirement, his main concern was being near his children and grandchildren.

I know how much sorrow the members of Joe's family are experiencing, but you should keep in mind how much love you gave him and how important you were to him. Chris, you were the rock on which he stood. Ariel, Holly, you were so important to Joe and you enriched his life with your love. Brian, Andrew, Curtis, Doug, Wendy—I know that you'll miss Papa Joe. And I'm sure you know how much he loved you.

Joe loved teaching and was an excellent teacher. He cared about students and had a positive, lasting impact on his students. He had great affection for his colleagues at St. John's—the Deans, other administrators, and members of the faculty.

Today we celebrate the remarkable life of a brilliant, honorable, decent man who kept his family close to him and chose as his life's work service to others through teaching and scholarship. Thank you for being here today to show respect for my friend Joe.

ROBERT E. PARELLA[†]

Joe came here about twenty-five years ago. I've known him all that time, as have so many faculty members, but he was immediately more than a colleague—he became a dear friend. I was struck by all the things said by the previous speakers, who were part of different walks or times of his life. Their words resonated with me, and I am sure with my colleagues, whether they mentioned his wit and wisdom, his friendship and loyalty, or his proficiency in everything he did.

There are so many recollections from the last twenty-five years. I hope you forgive me if I ramble a bit. Joe was very versatile intellectually and pedagogically. Many do not know that when he came to us, he taught Tax, he taught Commercial Transactions, he taught one or two others that I'm sure I'm forgetting right now. But, in a very short time, he was propelled out of all those other courses when he wrote his important and enduring *Casting Call* article. Thereafter, he settled down in the Intellectual Property area where he became so widely known and made so many contributions.

He was also very resourceful when he came to us. He didn't have a place to live immediately and so he slept several nights on an over-turned file cabinet with a pad on it in Ned Fagan's office. I'm sure Chris remembers all of that. I don't know how many days he slept there or how he did it, but he did it.

We've talked about the different titles he wore. I liked to call him Joey, which I did often, and most often when walking into the lounge to the water cooler or the coffee station. He had appropriated a large, round table right there. He didn't drink much coffee as I recall, but he appropriated that table because his own, otherwise adequate office, was so stuffed with artifacts and all these other things you've heard about that he could barely enter it.

It was at that table that I would see him, almost every day, and often more than once a day, and I would never walk by without stopping to chat. We would start out, perhaps, with some question I had about a headline I had read, or a question I had about copyrights, and I'd ask him that question. Our chat would then often become like ships and shoes and sealing wax, because

[†] George F. Keenan Professor of Real Property Law, St. John's University School of Law.

we would talk about anything—submarines, old movies, politics, and whatever. But, eventually, it always seemed to turn to his family—Chris, Ariel, and Holly, and more recently the grandchildren. And to our students, and that's the aspect that I would especially like to emphasize about Joe.

As far as the students—this was mentioned before by Doug, his dear friend, whose name I have heard countless times in the past—students loved him. His courses were heavily subscribed. His students would come and talk to him and he always had time for them. He was always committed to his students and his courses. He had some physical setbacks over the years but they never dampened his energy and his commitment. Neither did they interfere with his outspokenness at faculty meetings, where he was quite commonly very opinionated and not afraid to let us know his opinions in a friendly, gracious way.

It wasn't only students and colleagues who loved him here. He was the favorite of all the people on staff, in the library, and in word processing. We were all very envious of how he was their darling—he was their favorite. And I know they all express their wishes to the family.

When the news of his death came, I was approached by many of his students who expressed how saddened they were. And one in particular takes me back about a month to this past December, around the 18th or 16th. We were well into the examination period and I went into the faculty lounge and saw him there at his appropriated office. Sitting with him was a young woman. He was talking to her about her paper or some point of law. The shop talk apparently ended in about two minutes but they were there for another thirty to forty minutes talking about everything—everything in his life, everything in her life. I knew she had a new baby because she was also in my Trusts & Estates class and had told me that.

When I returned to the lounge after at least thirty minutes, they were still talking and Joe called me over. He told me how wonderful it was to have her in his class, and how smart and enthusiastic she was. She was reciprocating as to how wonderful it was to be in his class. I said, "Yes, I know her talents because she is also in my class." Now you remember that Chris allowed that off-color or politically incorrect joke would not necessarily offend Joe. But it had to be witty—anything you passed on to him. You wanted to evoke that characteristic bellowing laughter

of his. And because, hopefully, he might use it at a Copyright Society address or some other meeting. And if he told me he used it and got a big laugh, oh, that would make my day.

We had a comedian we appreciated in common, an off-beat kind of comedian, Steven Wright. We would talk about him, interspersed among the ships, shoes, and sealing wax. Joe had told me a favorite line of Steven Wright's that he had liked, where Steven Wright would say, "I went into the supermarket and to the produce department, and I saw this man. He was mixing apples and oranges. And I said, 'Hey, you can't do that!'" Joe and I thought that was funny.

I said, "Joe let me tell you a Steven Wright line that I used in Trusts & Estates last year and again this year. I teach the elective share statute for the surviving spouse and, after going through it, I always point out the obvious, that this is not law for the poor or lower middle class—in large measure, it is "law for retired CEOs and trophy wives." And I said, "Joe, you know what Steven Wright said about trophy wives? 'Not all trophy wives got first place.'" Joe responded with that characteristic laugh of his. But then I said, "I told it a year ago and everybody laughed, even those who were usually buried in their laptops, typing away. Then I told it again this year and some of them booed me." And the student said, "Yes, some did boo." Joe thought that was also funny—that some booed me. But then he said "Bob don't worry—next year they'll all laugh again."

I tell you this because that particular student sent an email to me—she was one of many who spoke to me, but she sent me the following email: "I just saw on the website that Professor Beard passed away. I am so sorry to hear it. The last time I saw him was that day in the faculty lounge with you. He was so happy with the new beginnings in his life. I'd like to send a card to his family. Any idea how I would go about doing that?" I gave her a two sentence response. I said that I had Chris's address in my office and would forward it the next day. Second, I said, "Yes he was very happy that day—the best way to remember him."

And I'm going to take my own advice and remember that day. Indeed, I have been sitting directly opposite that middle picture of Joe and, if you stare at it, you can see him wink. And if you listen, you can hear him laugh.

HELENE BLUE†

It is really a privilege to hear so many friends and colleagues speak about Joe. I've had the privilege to know Joe about twenty-five years at the Copyright Society. I'm really delighted—this is practically a standing room only reception. He would be pleased with the turnout, and he would be very pleased with the discussion—the humor is the quite special side of Joe that most of us remember.

Joe's remarkable contribution to the Copyright Society, aside from his extraordinary role that he played as the editor of our *Journal*, was to befriend, mentor, and encourage young Intellectual Property professionals he would meet. I was amused when Professor Parella spoke about Joe having a spot where he would hold court here. We have many of our annual meetings at The Sagamore at Lake George. Joe had a favorite place in the lounge there where he held court. Indeed, he would be visited by friends and colleagues regularly because everyone knew where to find him.

Joe's engaging humor and his knowledge were key to the respect in which he was held. It's that humor that always took people aback, and not in a bad way. It was such a broad humor, and there was always a punch line. In the world of Intellectual Property, that's always helpful.

What I respected about Joe as Editor of our *Journal* was his insistence on expanding its outlook to include the international arena. His keen interest in the Statute of Anne, of course, was only one part of his international focus. Joe really has, in the last few years, brought people in from all over the world to write for the *Journal*.

We at the Copyright Society, not only in this room but many who could not attend today, will miss him greatly.

JEFFREY E. JACOBSON††

These are some hard acts to follow. I'll be brief—my wife looked at me and said, "What are you going to say?"

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†† Partner, Jacobson & Colfin, P.C. © 2008 Jeffrey E. Jacobson and Jacobson & Colfin, P.C.

Well, I knew two out of these three men in the photographs. I knew the Professor and the Dickens devotee, not the Captain.

As a matter of fact, The Copyright Society decided to hold its fiftieth anniversary function at the Rainbow Room in Rockefeller Center. I showed up pretty early, as Joe would always do too, and because we were both pretty prompt, we would always be on the side watching people arrive. He showed up in his fabulous Dickens attire—here we are at a very elegant place, and he's dressed in a costume. He said to me in his usual bass tone, "Listen, Jeffrey, if they don't like the way I look, well" This was Joe's attitude about society, which to a great extent is the attitude of the Intellectual Property Bar—we are doing what we are doing, and if anybody else doesn't like it, well Let's say, "They can't take a joke."

I knew Professor Joseph Beard for thirty years. We met at the Copyright Society and I had the honor of serving on his editorial board for approximately a decade and a half.

I am compelled to speak today because this wonderful individual merits it. He was a scholar, an intellectual, a wonderful, friendly human being. From his days as a submariner to his tenure as editor-in-chief of the Copyright Society *Journal*, he excelled with true diligence and the highest morality.

Joe's fascinating lecture on Hopalong Cassidy and the public domain was a wonder to hear. The Copyright Society had decided to have special discussion luncheons for ten or twenty people at the CUNY Graduate Center on 42nd Street. At one of these lectures, Joe introduced his fabulous lecture on Hopalong Cassidy, westerns, and the public domain. We found out that Joe had tremendous expertise in copyright and public domain video. This might have had something to do with a consultancy business on the side with just such a company; but, it showed what we all try to teach our students and our clients: Copyright—Intellectual Property—is really an "alive" thing. It is part of culture, things that are all around you.

He was in the vanguard of the right of publicity and copyright in using deceased actors in commercials. This was one of Joe's tremendous areas. Joe was at the start of this. He wrote articles and investigated the various copyright factors, rights of publicity, and various other things so that a deceased John

Wayne could endorse Coors beer. These were fascinating things, fascinating issues.

I remember at one point I asked Joe for a letter of recommendation because I was going to start teaching. He said "Well, Jeffrey, I can write you a great letter of recommendation—you've been on the Copyright Society *Journal* and I've known you for years. But one problem: I know nothing about your teaching ability. I can recommend you in all these other ways, but I don't know whether you can teach. So I can't say anything about that." I said, "Okay, a letter from you would be fine. You can lend me your recommendation that way." Later, I was fortunate enough to come to this School and teach at one of his classes. Halfway through the class, when we took a break, he said, "You really can teach! You know, you are very entertaining and you kept their attention, and I learned a few things here too. You are quite persuasive and entertaining. Maybe this is why you and your partner are still in business."

Unfortunately I did not come back during the fall semester. When Joe called, I said, "I'll come to do my routine later in the semester. Right now I've got to concentrate on paying my kids' tuitions, but I'll get to it." Unfortunately, this did not happen.

Joe Beard excelled with true diligence and the highest morality. We have lost a truly great man—not only a great scholar but a fantastic mentor.

JOSEPH P. SALVO[†]

Thank you so much for this privilege and honor. I first got to know Joe as my Copyright professor, and then as a mentor, and more recently as a colleague here at the Law School, where I am an Adjunct member of the faculty. I also served with him on the executive committee of the Copyright Society.

When I arrived at St. John's many years ago as a law student, Joe was, in typical naval fashion, manning the ship alone—there was one Copyright class, and for those students like me wanting to go into entertainment law, Joe was the alpha and the omega of what was available to us. There was no real St.

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John's group of lawyers practicing in an Entertainment Bar. In the ensuing years, all of that changed, and quite dramatically.

The School now offers a tremendous number of courses, including the Entertainment Law class that I teach, and through Joe's efforts there is an Entertainment & Sports Law Society that sponsors notable speakers. We have now established an entire network of St. John's graduates who work in this field of practice. The common denominator, of course, was Joe. He has provided us with incredible opportunities, using the same perspicacity that we heard about in his search for the five inch gun.

Joe was a teacher in the truest and noblest sense of the word. He not only taught law but he made it very real and relevant, by bringing in outside speakers to teach students what was going on and by bringing real life issues into the classroom. He made the law both alive and vibrant, and his role did not end with the expiry of a class. Throughout my career, I was blessed with periodic phone calls from Joe. He would ask how I was doing and what I was up to and give career advice. It was at his suggestion that I got involved with the Copyright Society and again with St. John's.

I came to realize that my story was not unique. I was merely one of dozens, if not hundreds, of people who were the beneficiaries of Joe's efforts—he did for me what he did for a great number of people in this room, and we all owe him an incredible debt of gratitude. We were his students, his disciples; he was our teacher, our mentor, our sensei.

When Joe approached me a couple of years ago and mentioned that he was getting a little tired and that late night evening classes were getting a little tough for him, I gladly accepted the challenge of teaching Entertainment Law. I was very pleased to have the opportunity to pay him back in some small way. I was also glad to cover some of his classes when he fell ill. It really wasn't until I started teaching that I gained a deeper appreciation of Joe. Joe understood that teaching is not simply about briefing cases or teaching the law. He understood better than anybody that teaching is about planting a seed, watering it, watching it grow, nurturing it, bringing it along. He was the epitome of "pay it forward," and there are great number of people in this room who owe him a tremendous amount for his efforts.

When I started teaching I heard a story about a professor. He came into a class on the first day, took a giant jar and set it on a desk. Then, without a word, he pulled out a box filled with golf balls and poured the golf balls into the jar. When the jar was filled, he asked the class, "Is it full?" The class agreed that it was. Then he pulled out a second box, this time filled with pebbles. The professor poured them into the jar and then shook it until the pebbles filtered down into the interstices. He then asked the class again if the jar was full, and the students agreed that it was. Next, he pulled out a tray of sand and poured the contents into the jar. At this point the class was smiling. He asked again if the jar was filled, and the students agreed that it was. Finally, he reached down and pulled up two cans of beer. He popped the tops and poured the beer into the jar.

The professor explained, "Life is like this jar. The golf balls are the important things in life. They're your husband or wife, your children, your grandchildren, your friends—the things that, if all else were to fail tomorrow, essentially would make your life full. The pebbles are smaller things—maybe your job, your house, your car. And the sand is the very small stuff. You know, if you try to put the sand in the jar first, you never have room for the golf balls. Take care of the golf balls. The rest will fill itself in."

Then one student raised her hand and asked, "But Professor, what about the beer?" And the professor said, "I'm glad you asked. No matter how full your life seems to be, there is always room for two beers."

Now I am *not* suggesting that Professor Beard was that professor, or that he subscribed to that story (especially not in front of the Dean)! It does epitomize, however, what he imparted: a deep appreciation for the important things in life. Those of us who had the privilege of knowing him will miss him a great deal. He was a wonderful, wonderful, wonderful man. Thank you, Beard family, for the gift that was your father.

RICHARD BRAVO†

When Chris called me and passed on the news of Joe's passing, I immediately had to send out emails to many different

† Chairman, Philadelphia Pickwick Club.

people in many different countries—the Netherlands, England, Spain, France, Australia, St. Louis And most of them came back and said, “We knew something was wrong because we didn’t get a Christmas card this year.”

Within the past few years, Joe became the preeminent Dickens character, Mr. Pickwick, as well a preeminent Dickens scholar. This was evidenced in his recent Christmas cards: pictures of Joe during various Dickensian pursuits. We missed this year’s edition. But I know what he had planned. He was knighted by Queen Victoria.

Joe was inducted into the Philadelphia Pickwick Club in 1982 as the haberdasher Blotton of Aldgate. For years Joe had to deal with the stress and pain of being Blotton, the man who called Mr. Pickwick a humbug in a Pickwick Club meeting, to the boos of all, but explained that he meant it merely in the Pickwickian sense. (Some might remember the December 1, 2000, Supreme Court oral argument in *Bush v. Palm Beach Canvassing Board*. Professor Laurence Tribe said then, in response to Justices’ questions about a deadline provision in a Florida law, that “anybody reading that would realize that’s a deadline only in a kind of Pickwickian sense—it’s not a real deadline.” When the audiotape of his argument was broadcast on television with a running transcript, his words came out as “Pilwilliam sense” because some were not as well-educated as others.)

Later Blotton took considerable pains to discredit Pickwick’s great scientific discovery of the ancient stone of Cobham. And for that he was excommunicated from the Pickwick Club.

Yes, Joe had to deal with the humiliations. Those humiliations were allayed a bit in 1999 when he was inducted into the Dickens Pickwick Club of London as Mr. Serjeant Snubbins, stepping up in class. Snubbins was the barrister who defended Pickwick in that famous breach of marriage contract suit of *Bardell v. Pickwick*. (That should be in your Contracts casebook.) But unfortunately for Joe, Snubbins humiliatingly lost the case.

So it was to be that on Friday, April 11, 2003, Joe finally overcame all that stress, pain, and humiliation when he ascended to the presidency of the Philadelphia Pickwick Club—he was adorned with the exalted position of being Mr. Samuel Pickwick, Esquire. He reveled in that position.

Now all this Pickwickian stuff may seem *comparatively* silly to most of you. By this I mean that, compared to being a learned professor at St. John's Law School, a universally recognized expert in copyright law, a journal editor and executive committee member of the Copyright Society, it may seem comparatively silly. But I can personally attest that to Joe it was *not* silly, that it may have been the most important role in his life outside of family. Why? Because Joe truly lived the life of Pickwick.

You see, Pickwick was an explorer, a leader, a discoverer, a very learned man, and a gad-about who enjoyed the company of others and reveled in their enjoyment of him. He invited himself into their lives and made them a part of his extended family. I received one email back from a colleague who used to drive Joe whenever he was in England—just a driver. “Over the many years”—this was from Joe Cornwell—“that I had driven Joe, he was always a wonderful client. And some time ago when I said what a pleasure it was to drive him, he said, ‘You’re not just a driver but a very good friend and a member of my extended family.’ That meant a great deal to me as I looked upon him also as a friend.”

Now Pickwick loved the spotlight. He wrote erudite papers, belonged to no less than seventeen learned societies, and had personal contact with a varied class of people—so you can see the fit there. Also, it was claimed by Cedric Charles Dickens, great-grandson of the master, that women could not truly appreciate *The Pickwick Papers* because it was basically a series of men's adventure tales. As one of our member's wives put it to my wife, Eleanor, as that woman's husband and I were off to a club meeting in London, “We must let the boys be boys.” Now she meant it in a Pickwickian sense, of course, substituting boys for men, but she did not realize it. Again, “Let the boys be boys.” You see the fit there. And so all the other non-family areas of Joe's life pale in comparison to his being Mr. Pickwick.

I think I may have a unique perspective of Joe's life in this last decade that is a testament to that conclusion. During that time, it seemed to me that Joe, as you heard, had a very compartmentalized life: family, St. John's, Pickwick Club, submariners, lake family, Copyright Society, Dickens fellowship. But he permitted me and my wife Eleanor to be part of quite a few compartments, and thus he shared with us his life. I even

attended a Copyright Society presentation on the digital person that he had in Philadelphia. It was quite amazing.

One of the things that was left out of the list was movie actor. During his time as Mr. Pickwick, Joe became a true ambassador of Dickens and Pickwick. He started a regular article summarizing the Dickensian adventures, called *The Perambulations of the Peripatetic Pickwick*—he also found humor in alliteration. He rode with Mark Dickens in the carriage of honor at the Galveston Dickens Festival in Texas—it was a Christmas card. He was knighted by Queen Victoria there, and that photograph was to be this year's Christmas card. As the honored speaker at the Rochester Cathedral in England during one of the Dickens Festivals, he spoke on Dickens and copyright. That was a Christmas card photo—you might remember that one too.

He was a recognizable American celebrity at those festivals. Another email I received came from Ashley Davis, who was the head of the Music Hall in Rochester: "He used to enjoy our last night party at the Rochester Dickens Festival and the Grand Festival Ball in the summer (he always sat with the Mayor's Party) and when he was ill last year and could not come everyone was asking about him. He will be sadly missed and we will raise a toast to the memory of a good friend at our next meeting and in June 2008 at the summer festival at the Last Night Party."

Joe even performed a few songs from *Oliver* with Eleanor and me at one of the black tie formals in Rochester. Yes, he really sang a few bars of music. It wasn't Pavarotti, it wasn't pretty. But as with all else he did, he thought he was just excellent.

But it wasn't all about Joe being in the spotlight either, although he did enjoy that. I think he attended every one of the plays and musicals that I performed in for the last seven or eight years, including the last one in October—it was *Oliver*. Dining later with Eleanor and me and Cedric's daughter Jane. Next to Eleanor, he was my biggest fan and I will miss that.

I believe *Candide* was his favorite show, because the reigning Miss New Jersey was in it at one time. That's an opening to another side of Joe that unfortunately we don't have time to explore, except to remind you of the Christmas card with Joe and the three Canterbury belles. I got an email from Spain, from Pat Harwood, just yesterday—"Please give Joe's son Chris

and the family our deepest sympathy from the Pickwick Ladies (London) and the Dickens Ladies (Spain). We all came under his spell, so charming with that special twinkle in his eyes for us Ladies."

"Well, anyway . . .," as Joe would often say in order to bring the conversation his way. I think he really loved being Mr. Pickwick. He was, as Joe would put it, a pandurate peripatetic presence who chaired meetings of a panegyric of Pickwickians with panache. His witty repartee at our meetings was well-appreciated and loved by the members. He never missed a chance to spark humorous controversy leading to laughter, for he knew our Pickwickian motto in his soul: "There is nothing in the world so irresistibly contagious as laughter and good humor."

We loved him, in a Pickwickian sense, of course, and we will miss him and his Christmas cards.

MARY C. DALY†

We've heard wonderful stories about Joe Beard this morning: Joe as parent, grandparent, friend, faculty colleague, and teacher; Joe as an extraordinary polymath with interests running from submarines and engineering to the writings of Charles Dickens to the law of copyright. In closing this memorial celebration, I would like to add two more pictures to this gallery: Joe as a law school statesman and as a date.

Joe loved teaching. Always prepared, he never missed a class. His lectures were both challenging and engaging. He gave one hundred percent to his students. He genuinely delighted in meeting with them after class, always in the faculty lounge.

Joe was a devoted citizen of the Law School. I cannot tell you how many hours he spent over the course of his twenty-five years here doing thankless administrative work. He took all his talents as an engineer and brought them to the Law School—he helped us plan, he helped us build. We are forever in his debt.

Joe was a go-to person for me as Dean. I arrived at St. John's barely four years ago, a total stranger to the institution. I knew that I needed to rely on the judgment and advice of others—but which ones? Joe and I quickly bonded over early

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morning cups of coffee in the faculty lounge. He introduced me to submarining, renewed my interest in Dickens, and taught me in a Homer-like way the history of the Law School. When I had a tough question to answer, Joe's advice would be solid. He never pulled any punches. I owe him a deep debt of gratitude. He saved me from making many mistakes and made me look far wiser than I am.

My favorite memory of Joe, however, has nothing to do with our professional relationship. We had one wonderful date together. In 2006, the Law School, under Professor Gregory's leadership, hosted a conference in London. I was there to speak at the conference and, just by luck, Joe was there in connection with some Dickens research. He asked me to dinner at The Ritz Hotel. The Ritz is everything its name suggests: elegant, sophisticated, sparkling with chandeliers, radiating old world ambience and hosting a joyful quartet of musicians. The only thing missing that night was Fred Astaire and Ginger Rogers. Joe and I had a wonderful time pretending to be them. My evening with Joe at The Ritz was the perfect date.

I will miss him a great deal, and I know that you will miss him too. Thank you.



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