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Tribute to Charles Tarpley

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TRIBUTE TO CHARLES TARPLEY

JONATHAN M. HOFFMAN*

EVERY YEAR, dating back to the 1980s, I enjoyed getting to see Charles at SMU. He was polite and smart and had a delightful sense of humor. Spending any time with him was always the highlight of my day.

But it wasn't until the mid-1990s when he totally blew me away. I was listening to his introduction of the opening speaker at the Air Law Symposium. His introduction, as usual, was kind, complimentary, and succinct. As he finished up, I sat back, waiting for Charles to step aside and for the speaker to begin. That's when Charles unexpectedly continued on the microphone. He asked the audience if I was in the room.

It was quite a surprise. I don't remember him ever asking that question at any seminar before. I hadn't lost my wallet. Nevertheless, I raised my hand, and he beckoned me to the side door which led into the hallway. There, he told me that one of the speakers had gotten sick and had been taken to the hospital. "Jon, we need a replacement," Charles stated, "Do you have a topic on which you could give a thirty-minute presentation?"

I thought for a moment and told him I had been deeply engaged in the then-new Daubert standard for expert witnesses. His brow furrowed, and he sadly replied, "We already have a speaker for that. Can you think of anything else?" It was the first time that I regretted the symposium's excellent job of filling the program with the newest, most significant issues of the particular time.

As I thought more on what I could speak about, my office's recent cases were zipping through my mind. However, none were particularly novel or significant. Finally, I thought of some-

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thing else. “I’ve done some work relating to the ALI’s work on the Third Restatement of Torts, but that only affects product liability, and I don’t know if this audience—”

He cut me off (politely as ever), “That sounds fine,” he said.

“How long do I have to put something together?” I asked.

He looked at his watch, turned to me, and said, “forty-three minutes.”

What do you say at a time like that? I was deeply honored that he asked me, but how could I possibly put together a talk on such a still-rapidly-changing, arcane topic in forty-three minutes? Further, I knew the actual time I had to prepare was far less—I needed to account for the time it would take to get to the elevators, to ride the elevators up and down, and to walk the distance from the elevator to and from my room. I would have used an iPhone to call my office, but the iPhone hadn’t been invented yet. And why had I suggested this topic? The Restatement was still in limbo; every version of it rearranged the sections and changed their content. I didn’t know which section was what. This could be a disaster.

“I gotta go,” I said to Charles before I ran off to my room to call one of my partners. My partner gave me the order and numbers of the most important sections of the Restatement’s latest version-in-progress. With one sheet of paper containing some scribbled notes in hand, I ran back to the elevator and returned to the meeting room downstairs, just in time.

It worked! To my surprise, it was better than most talks I’d given, even those I spent months preparing. More importantly, Charles taught me that I could accomplish something I would never have believed I could do.

When I saw Charles at the symposium the following year, I said hi and asked if he wanted me to ad-lib another presentation. He asked, “Do you have a topic?” I said, “Sure. Can I do the Rule Against Perpetuities?” As always, he responded politely and with a warm smile, “I don’t think so.”

Whenever I saw Charles, he always brought me a better day. I will miss him.