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## In Memoriam: Professor James W. Jeans, Sr., Man of Encouragement

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IN MEMORIAM  
PROFESSOR JAMES W. JEANS, SR., MAN OF  
ENCOURAGEMENT

*The Honorable Ortrie D. Smith*<sup>†</sup>

Professor James W. Jeans would appreciate this comparison. At a time close to 30 A.D. on the island of Cyprus there lived a man named Joseph.<sup>1</sup> Joseph's parents were Jewish and belonged to the Tribe of Levi, one of the twelve sons of Jacob. In Biblical times, Levites were given responsibility for the sacred tent and performed other religious duties. Presumably, the parents of Joseph were devout in the practice of Judaism.

Joseph was a man of moderate wealth. The Book of Acts describes Joseph as a possessor of land.<sup>2</sup> As an early convert to Christianity, Joseph sold his land and gave the proceeds to the small Christian community in Jerusalem. The author of the Gospel of Luke describes Joseph as a "good man."<sup>3</sup>

At a time when the Christian movement was forming, Joseph became known as Barnabas;<sup>4</sup> which, according to the author of Luke, means "son of encouragement."<sup>5</sup> Thus, Barnabas became "The Encourager" to many students of the Bible.

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† United States District Judge for the Western District of Missouri. Judge Ortrie D. Smith is a 1968 graduate of the University of Missouri at Columbia and 1971 graduate of the University of Missouri at Kansas City School of Law. Judge Smith was a member of the UMKC Law Review and a member of the Bench and Robe Academic Honor Society. His juris doctorate degree was awarded with distinction.

Judge Smith practiced for 24 years with the Ewing, Smith and Hoberock Law Firm in Nevada, Missouri. For his community service, Judge Smith was selected as Nevada's Citizen of the Year in 1983 and was awarded the Tom Cochran Community Service Award by the Young Lawyers Section of the Missouri Bar. In 1999 he was the recipient of the University of Missouri-Kansas City School of Law Alumni Achievement Award. He currently serves as the Chair of the Judicial Conference of the United States Financial Disclosure Committee.

Judge Smith has been active in both the American Bar Association and the Missouri Bar. He has served in the ABA House of Delegates and he served as president of the Missouri Bar in 1991-92. He is a Fellow in both the American Bar Association Foundation and the Missouri Bar Foundation.

Judge Smith was appointed to his present position as United States District Judge by President Clinton in August 1995.

1. *Acts* 4:36.
2. *Id.*
3. *Acts* 11:24.
4. *Id.*
5. *Acts* 4:36 (NIV).

Barnabas was dispatched by the Christian church at Jerusalem to Antioch to head up the nascent Christian church there.<sup>6</sup> Barnabas was overcome by the responsibility and sought out Saul of Tarsus to assist him.<sup>7</sup>

Saul had been a fervent and enthusiastic persecutor of Christians.<sup>8</sup> It was on the road to Damascus that Saul saw the spiritual Jesus, lost his sight, gained his vision, and became a convert.<sup>9</sup> Saul would become known to the Christian world as Paul, the Apostle.<sup>10</sup> However, early Christians understandably distrusted him.<sup>11</sup>

Barnabas vouched for Paul's sincerity and convinced the Christian leadership to commission Paul to assist him at Antioch.<sup>12</sup> After the first year of service, Paul and Barnabas returned to Jerusalem with significant contributions from the church at Antioch to assist poor struggling Christians of the Jerusalem church.<sup>13</sup>

John Mark, who would later become the author of the Gospel of Mark, was a blood relative of Barnabas. Barnabas's aunt was the mother of Mark.<sup>14</sup> Mark, Barnabas, and Paul were appointed missionaries and began the first great mission journey.<sup>15</sup> Somewhere along the way Mark's spirit flagged and he left Barnabas and Paul, returning to Jerusalem.<sup>16</sup> Later, he sought to rejoin the missionaries but was rejected by Paul.<sup>17</sup> Barnabas then left Paul, joining up with Mark, as the great missionaries went their separate ways.<sup>18</sup>

Barnabas believed in the sincerity of Paul's conversion. Barnabas believed in extending second opportunity to Mark. Between them, Paul the Apostle and Mark are responsible for more than half of the New Testament, the seminal text for all Christianity. Without Barnabas' encouragement and validation, Paul may never have been accepted by leaders in the early Christian church. Without Barnabas's forgiveness and encouragement, Mark might never have written the Gospel of Mark, which is commonly believed to be the first of the

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6. *Acts* 11:22.

7. *Acts* 11:25.

8. *Acts* 8:1, *Acts* 9:1-2.

9. *Acts* 9:1-19.

10. *Acts* 13:9.

11. *Acts* 9:21.

12. *Acts* 9:28.

13. *Acts* 11:26.

14. *Colossians* 4:10.

15. *See Acts* 13.

16. *Acts* 15:38.

17. *Id.*

18. *Acts* 15:36-40.

synoptic gospels recorded. It was Barnabas' encouragement and influence that allowed Paul and Mark to become icons of Christianity.

My friend, Jim Jeans, was a remarkably successful trial lawyer, and like Barnabas, an encourager. Professor Jeans was an attorney in eastern Missouri before being recruited to teach trial advocacy, torts, civil procedure, evidence and other courses related to litigation at the University of Missouri-Kansas City School of Law in 1966. I began my legal education at UMKC in 1968. Professor Jeans was my instructor in civil procedure, evidence and trial advocacy. From day one, 1Ls at UMKC knew that Professor Jeans was different from other law professors who lacked his breadth of real experience in courtrooms.

Jim Jeans brought a freshness, wit, depth of knowledge, practical experience, and an approachability to the classroom. His was not a class to be dreaded. Students actually looked forward to fifty minutes with Professor Jeans. One wag facetiously referred to Professor Jeans' class as "The Jimmy Jeans Good Time Hour." Remarkably, students not only enjoyed Professor Jeans, we learned from him. Of course, we learned black-letter law, but we also learned about the application of that law to real people in real life. Professor Jeans peppered his presentation with anecdotes from his years of practice, giving flesh and fullness to the rule of law we took from each case we studied.

I achieved academic success in the classes taught by Professor Jeans. In assessing my law school experience, I admit to being unsure and insecure in my own abilities. After the final exam in evidence, Professor Jeans sought me out in the coffee shop to tell me that he was extremely impressed with the final exam I had written. I had ranked the class. From law school that day I floated on a cloud of self-confidence.

In my third year, Professor Jeans invited me to work as a research assistant for him. He had connected with a young social activist whose name was Ralph Nader. I was privileged to work on some of the early environmental legislation being proposed in the early 1970's. He also asked me to assist him in drafting the Jackson County, Missouri Charter, which converted Jackson County's government from an archaic statutory creation to a modern government established by the people of Jackson County. That charter continues to serve the people of Jackson County today.

Following graduation, I moved to a small community 100 miles south of Kansas City. During the first few years of my practice, my secretary buzzed into my office one afternoon to inform me that Jim Jeans was on the phone. He was representing a client involved in an automobile accident in my home county of Vernon. He wanted me to serve as local counsel. I was as flattered

by that phone call, as I was by his compliment the afternoon years before in the coffee shop.

Over the years we stayed in touch. At my request, Professor Jeans delivered a lecture to the Trial Evidence Committee of the American Bar Association in Atlanta in the 1970's. I would see him from time-to-time at bar meetings and would seek him out simply for the pleasure of his company. There was no more pleasant company than Jim Jeans. His sense of humor, his knowledge, his wit and his self-deprecating nature endeared him not only to me, but to all who came into contact with him.

After I became a United States District Judge for the Western District of Missouri, our episodic and tortuously infrequent collaborations continued. On one occasion I assisted with an evidentiary presentation to a national bar association. By that time, Jim had retired from the law school but was continuing to lecture, write, and mentor lawyers in the art of persuasion and trial advocacy. He was nationally recognized and in high demand as a lecturer and thinker. Our final professional collaboration occurred a few years back when Professor Jeans spoke at the D. Brook Bartlett Lecture Series, an educational program provided by the court for lawyers. Professor Jeans spoke for an hour, without a text or note, and held seasoned federal practitioners spellbound with a blend of wit, knowledge, and charm.

One of my last visits with Professor Jeans arose as a happy accident. The court participates in the Combined Federal Campaign designed to raise money for participating charities. One of the local fundraisers is a silent auction where employees of the court are permitted to bid upon objects which presumably have some value. Unbeknownst to me and without my consent, two of my law clerks auctioned off one hour of my time. In the waning minutes of the auction the bidding came fast and furious.

When the dust settled, I was informed that the hour of my time had been purchased by Sherry Jeans, Assistant United States Attorney for the Western District of Missouri and spouse of Professor Jim Jeans. After a brief discussion with my law clerks, I phoned Sherry to see what she would have me do for one hour. She told me that she had gifted my servitude to Professor Jeans as a birthday present and that I would need to contact him. I called Jim to inquire about my task. He said, "We live on a farm here in Platte County and we have several horse stalls which need to be cleaned. It is my experience that federal judges are uniquely qualified to shovel manure."

So, on a clear and crisp morning in the spring of 2005, I drove through the rolling hills and winding curves of the narrow two-lane asphalt road in the heart of Platte County, Missouri.

Following Professor Jeans' directions, I turned from the paved surface onto a gravel road leading off into a valley. There I found Jim in his passive-solar home awaiting my arrival. "First things first," he said. "Let's go get breakfast." We drove into Platte City and ordered a typical Missouri breakfast at a mom and pop cafe. The conversation was, as it always was with Jim Jeans, light and airy, punctuated by a few thoughtful and profound remarks.

After breakfast we returned to the ranch. For the next several hours we drove around in Jim's all-terrain vehicle breathing in the beauty of the land carved and sculpted by tributaries of the Missouri River, with me occasionally tossing a few pitchforks of misplaced hay into the back of the ATV. Jim proudly drove across the ranch showing me places that he had cleared by hand. One site was encircled by a creek with picnic tables and benches. He told me that local Boy Scout troops were invited to use the area and folks from their church had also picnicked there. The serenity and peacefulness of the setting was seared into my mind. I see that delightful place as clearly today as I did two years ago.

Shortly afterwards, Professor Jeans called to see if I would write a letter on his behalf to Liberty University School of Law. He had been retired from the classroom for more than a decade, yet felt called to return. He believed it was a rare opportunity to mix instruction of the law with basic and fundamental Christian principles. If someone had told me in 1968 that Professor Jim Jeans, the first star in my small galaxy of the law, would someday ask for my recommendation, I would have been floored. That is what I told Jim. He chuckled and said, "Federal judges are not only good at shoveling manure. I have found they can make an impressive recommendation."

So Jim and Sherry relocated to Lynchburg, Virginia. I ran into Jim a year later at the next D. Brook Bartlett Lecture Series. He looked happy and contented. He was back in the classroom, a place to which he was originally called in 1966. After nearly 40 years, he was as enthusiastic about teaching as he had ever been.

In late October of 2006, I was driving from Kansas City to Springfield, Missouri, where I had a number of criminal hearings set in the afternoon. En route I received two phone calls and three e-mails informing me of Jim's death. Of course, I was shocked and saddened. Jim Jeans had been a part of my personal and professional life since 1968. Without his encouragement, it is unlikely I would be where I am today.

Today, the profession we love is weakened by the absence of Professor James W. Jeans. Today, heaven is a better place. Today, I continue to be profoundly saddened by the passage of a good man who was like Barnabas, a

wonderful and powerful encourager. Still, I am grateful for having had the opportunity to walk a while with a good man and an encourager.

Jim Jeans was not only a student of the law, but also a student of literature and poetry. He could, from memory, recite lengthy poems and essays. It seems appropriate then to offer a snippet of Shakespeare in Jim's memory. In the closing act, following the death of Hamlet, Horatio says:

Now cracks a noble heart.—Good night sweet Prince,  
And flights of angels sing thee to thy rest!<sup>19</sup>

And so, to Professor James W. Jeans, from those of us fortunate to study under him, to work with him and know him as a friend and encourager, we say, may flights of angels sing thee to thy rest. Our memory of you will not fade. Thank you for enriching our personal and professional lives. Good night sweet Prince.

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19. William Shakespeare, *Hamlet*, in THE COMPLETE WORKS OF WILLIAM SHAKESPEARE 1111 (Gramercy Books 1975).