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In Memoriam -- Alfred Frank Crotti

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ALFRED FRANK CROTTI

RAFAEL C. BENITEZ*

"All born of earth must unto earth return; all growths of heav'nly seed to heav'n revert."

Euripides, Chrysiippus, Frag. 836

This issue of the *Inter-American Law Review* notes with great sadness the death of an esteemed member of the faculty of the School of Law—Professor Alfred F. Crotti.

The end of Professor Crotti's legal career came suddenly, unexpectedly, and regretfully at that stage in his life when he had begun to pass on his many talents to his newest and dearest friends, the students at the School of Law. How tragic . . . how sad; he had so much to give and now his voice is forever stilled.

Alfred Crotti was not an ordinary man. He was an indefatigable worker with an insatiable curiosity to probe deeper and deeper into the difficult and the unknown. He ranged far and wide, and his successful accomplishments in the law, business, international relations and academia, attest, among others, to his creativity, determination, balanced judgment, professionalism, and integrity. He had all these personal traits in abundance and with them went the desire to share with others what he had, as well as the fruits of his labors. This was Alfred Crotti the man; a word now about Alfred Crotti the professor and scholar.

Alfred Crotti loved the law and in a short time became a very successful international lawyer. Yet, deep down inside he craved for something more than the material rewards of his chosen profession. He had a burning desire to plumb the law at depth, to shape, create, and impart it. He seized the opportunity to teach law with youthful enthusiasm, and truly treasured the opportunity for research, the classroom experience, and personal contact with the students. He was fully aware of the opportunity given him to influence future members of the legal profession and his wise counsel was given generously and understandingly. The major beneficiaries

*Professor University of Miami School of Law. b. 1917 B.S., 1939, U.S. Naval Academy; J.D., 1949, Georgetown; LL.M., 1966, Miami, Georgetown Law Review.

were the students in the Foreign Student Graduate Program who found in Professor Crotti a kindly, patient, and sensitive individual, fully attuned to their concerns and special problems. These students have suffered a tragic loss; for them, Professor Crotti was more than a professor, he was a close friend and colleague.

The death of Professor Crotti is also deeply felt by the Faculty, the Administration of the Law School, and particularly this writer. We mourn his passing but shall carry on as we believe he would have wanted us to do. Alfred Crotti was a courageous man; we must—even with grieving hearts—be of equal courage. To so behave is to honor him and to perpetuate not only his memory but the ideals, hopes, and dreams of an honorable and just man.

ALFRED CROTTI

THOMAS R. EWALD*

When I first met Alfred Crotti in 1982, he already had had a full professional career, extending over 25 years of law practice based in New York and London, advising major corporations and conducting their negotiations in international commercial transactions. He had become an expert and published author on the anti-trust laws of the United States and Europe. His interests were not confined to law. He had coached a West German fencing team and had been an active and imaginative investor, businessman, and inventor. He held patents on a successful process for picking up oil spills from the sea with bags of chicken feathers. He had friendships and professional ties in this country, Europe, the Middle East, and Latin America.

The variety of his interests and accomplishments during the years of his law practice showed Alfred Crotti to be an acute observer of the world around him, a man of action who enjoyed new challenges and responsibilities, with the intellect and persistence to find simple and practical solutions to complex problems. More importantly, through each of his achievements, he helped other people.

After he retired from the full-time practice of law, he moved to Miami and began teaching at the Law School. When he agreed to become Director of the Foreign Students Program in 1983, he became the administrator of a Master's Degree Program for 50 foreign law graduates. With his own experience and contacts as a starting point, he visited European universities in the summers of 1983 and 1984 to discuss Miami's graduate program and to recruit prospective students. Those who entered the foreign students program came to Miami from Europe, Asia, and Latin America. Many came from countries where he had lived and worked as an American lawyer. When they came to his office in the Law School he gave them his time freely. He talked with them, advised them, and became their friend. He encouraged each of them to reach out for

* Professor and Director, Trial Advocacy Program Miami. b. 1929. A.B., 1951 Harvard College; J.D., 1957, University of Chicago.

as much of the Law School experience as he or she could manage. He helped them form an association through which they could give each other support in this foreign country. In his course on Anglo-American Law he led them through the complexities of the legal system in which he had lived and worked.

Alfred Crotti's teaching, scholarship, and friendship with the Law School's foreign students reflected his love of people and law and his joy in being alive. His memory is carried all over the world now. Those who knew this kind and successful man will continue to think of him as when he shared with us his time, his energy, his laughter, his courage, and his life.

ALFRED FRANK CROTTI

RICHARD A. HAUSLER*

At the Memorial Mass held for Alfred F. Crotti at St. Agnes Catholic Church, Key Biscayne, Florida, on October 26, 1984 at 6:00 p.m., the following eulogy was given:

I have been asked to say a few words as a representative of the University of Miami School of Law. I share with you the sudden, startling, shattering loss of yesterday. It was only yesterday that death came—as a thief in the night—to our friend and colleague, Alfred Crotti: a lovely man . . . a decent gentleman . . . a warm and wise and elegant man.

He was multi-dimensional in talents, ability, and experience. From his law doctorate at Georgetown University and his law fellowship from the University of Frankfurt in West Germany, he developed an academic, theoretical base upon which to build a broad and deep view of law in society. From his years in Europe as a practitioner of international law and from his distinguished law partnership in London (that had branches in Belgium, Brazil, and the United States), he developed an astute, pragmatic technique that was useful, not merely in the courtroom, but also useful in the area of corporate negotiation that was so necessary during the years that he was a legal consultant to such clients as British Gas Corporation, Esso Europe, and Rolls Royce Limited. This Renaissance man was not content to think and talk, whether it be in English, Spanish, Italian, French or German; he was compelled to write about it—particularly in one of his specialized areas—anti-trust law. In 1977, he wrote a book about trade and anti-trust that has since become a definitive work. He continued to write. On the very day he died, he completed an intensive article about licensing and patents. But there seemed to be no limit, no end to his ability, his talents, and his concerns! One of his concerns was the environment. He organized a company that manufactured what *Time Magazine* and the *Wall Street Journal* have referred to as a novel device to soak up ocean oil spills. Action was preceded by societal

* Professor University of Miami School of Law. b. 1923. B.S.L., 1946; LL.B., 1947, Minnesota; LL.M., 1948, New York University.

concern. But concern was not enough for him. Concern must produce *action*.

Thus, is it any wonder that our law students (who come from the United States and 25 foreign countries and who represent over 230 colleges or universities) were so overjoyed to have him in a classroom where he could bring to them his theoretical, technical, pragmatic, scholarly, socio-oriented dimensions. Is it any wonder that he inspired them to found an organization called FLASS, the Foreign Law Student Society, whose purpose, according to their Constitution, is to "have students assist one another in his or her study and strive for excellence." Isn't that wonderful?

Is it any wonder that these attributes of Professor Crotti combined with his sincere sense of caring about students, led the School of Law to appoint him as Director of the Foreign Student Program. The title was not an empty one on a brass plaque. The title was real, for he truly directed his students—with care, concern, and commitment. He directed so well because he *cared* so much. And his priorities were right.

Of course, at the top of his priorities was his family. Love and pride seems to go with husbands and fathers, but when Alfred talked about his beloved Anne Marie and their son, Anthony, there was more than love and pride. There was almost a visible glow—of joy! How wonderful it must be to be the cause of such joy.

Here and there, now and again, during the last two days, each of us has been thinking, reflecting, meditating on Alfred's life and his preparation for life. We've been thinking about his law education to the doctorate level; his athletic participation in the United States Olympic fencing trials; his work as Associate Coach for the West German Olympic Fencing Squad; his work as a referee for the Eastern Collegiate Athletic Association; his intense interest in music, especially Bach, such as we heard this evening; his observation and perception in painting, whether he used the medium of oil, acrylic, or watercolor.

But the story of Alfred Crotti does not end with his preparation for life, for he was a religious man who prepared for death as well. He knew the Lord and talked with the Lord in prayer and listened to the Lord by meditation and reflection. Now that the angels have escorted him to Paradise, he will not be a stranger to the Lord. They know one another well.

Thus, as this difficult day comes to an end, is it any wonder

that we—his family, his students, his friends, his colleagues—feel free to call upon this lovely man . . . this decent gentleman . . . this warm and wise and elegant man. We feel free to ask his help, his intercession, to see us through the night and the days ahead.

ALFRED FRANK CROTTI A REMEMBRANCE

BERNARD H. OXMAN*

Alfred Frank Crotti was not a typical American law professor. For that, we are all the richer for having known and worked with him and all the poorer for having lost him so soon.

When the late Dean Soia Mentschikoff first persuaded him to come to the University of Miami School of Law to teach part-time in 1982, he had already realized the dreams of many a lawyer. He was a widely respected practitioner and author in the exacting and often exotic world of international business. He worked both on his own and as a partner in the leading firm of Coudert Brothers.

Then, he effected a rare transition that again made him the envy of many of his colleagues at the bar and in the academy, one from the successful practice of law to the study, explication and teaching of the law. Soon thereafter, when Dean Rafael Benitez retired, Professor Crotti volunteered to take over his work as full-time Director of the Foreign Student Program at the law school. Almost immediately, he set to work using his vast international acquaintanceship to broaden the base of participation in this program and to enrich the educational experience of the participants.

What is important, however, are the qualities that Alfred Crotti brought to these tasks. One quality stands out above all the others: he cared.

He cared deeply about his students. It showed in his constant search for improvement in the curriculum. It showed in the warm and personal manner with which he tended to the very special needs of students from many different parts of the world confronted by strange physical, human, academic and legal environments. It showed in his insistence on rigorous academic standards and performance.

He cared deeply about understanding the law. For faculty and students alike, it was a marvel to be exposed to someone who had

* Professor of Law, University of Miami School of Law. b. 1941 A.B., 1962, Columbia College; J.D., 1965, Columbia.

transcended the assumptions and biases of his native legal system. Al Crotti was no mere linguist in the ordinary sense of the word: he had a deep appreciation of and respect for alternative legal systems and cultures. His concern was no less for exposing American law students to the vast legal world outside than it was for exposing foreign students to our system.

Many of us remember the excitement that was created when foreign students — already trained in their own legal systems — participated in our trial practice program, and then offered American students and faculty a critique of our system from the perspective of their own. In a moment, comparative law ceased to be an abstraction and came alive as a meaningful critique of the strengths and foibles of systems all-too-often believed to be writ in stone. If few of us fully comprehend our native grammar until we encounter a foreign one, the same may be said to be true of legal systems as well. Even while using it correctly, before studying a foreign language, how many of us knew there was a subjunctive tense in English? How many of us see some aspects of the civil law inquisitorial system creeping into the trend toward increased judicial supervision of discovery in our system? Al Crotti did not only want to open new windows on foreign worlds but, by doing so, on our own.

Perhaps most importantly, Al Crotti cared deeply about people. He was a good man: good to his family, good to his colleagues, good to his students, good to his clients, and concerned about the welfare of those whom he had never even met. Only when we lose such a man are we reminded, sadly, of how rare he is.

On the day he died, Al Crotti was full of the future. We talked about improvements in the curriculum for foreign students. We talked about his finding a new home closer to the campus. Fascinated and stimulated by the new computer in his office and its possibilities, he was working long hours on his latest projects. From that one day alone we can take the measure of what we lost. If, even in tragedy, God was merciful in allowing him the fullness of life until his final moment, how much has been taken from us with a man still in his prime who had so much to give!

Our world has changed for the better because Al Crotti touched it. Now it is our duty to honor him by continuing the work he began. He was a gentleman and a scholar. Our goal must be nothing less for ourselves and for those who follow us.

PROFESSOR CROTTI: A MULTI-DIMENSIONAL PERSONALITY

NASEEM K. SAYED*

Alfred Crotti, professor of law and Director of the Foreign Student Program at the University of Miami School of Law, died in the early hours of the morning of October 25, 1984. His sudden death was a shock to his family, friends, colleagues and students.

Professor Crotti was more than a teacher of the law. As his colleague, Professor Richard Hausler observed, Professor Crotti was multi-dimensional in talents, ability, and experience. After graduating from the Georgetown Law Center and the Goethe Institute at the University of Frankfurt, he began his legal practice in New York in 1958 and then in the London offices of various New York firms. In 1974, he relinquished his partnership at Coudert Brothers and founded his own practice, Crotti and Gurland, with affiliate offices in New York, Washington, D.C., London, Brussels, Dammam, Saudi Arabia, San Francisco, Los Angeles and Sao Paulo, Brazil. He specialized in the field of international corporate matters, antitrust and licensing of trade marks and patents, and represented several multinational corporations in antitrust matters. He was a member of the New York Bar, the U.S. Patent Bar, the International Bar Association, and Lloyds of London.

Professor Crotti first came to the University of Miami as a visiting professor in the spring of 1982, to teach antitrust law. In the classroom, he was able to communicate to the students a skillfully blended combination of theoretical knowledge and pragmatic experience in a socio-economic context. During his second visit in the spring of 1983, he was offered the position of Director of Foreign Students which he accepted, even though it meant giving up his London practice. His commitment to the position led him to feel tremendous responsibility to ensure the success of the program. Fluency in English, Spanish, Italian, French and German enabled him to quickly establish a special relationship with the foreign students. His inspirations led to the formation of the Foreign Law

*Research Assistant to Professor Crotti & Member of Foreign Law Student Society.

Student Society, designed to enable the students to assist one another in their studies and strive for excellence.

Alfred Crotti was a great thinker and was able to mix theory and pragmatism, while conveying his societal concerns. On one occasion, he saw dead seabirds being removed from an oil spill and observed that the bird feathers had absorbed the oil from the water. He began experimenting with various kinds of feathers and discovered that chicken feathers worked well in absorbing the oil. His experiments led to the formation of Sea Clean Inc., an organization which exported pillows of bird feathers to various parts of the world to soak up ocean oil spills.

Professor Crotti was also a prolific writer, publishing articles about antitrust law in both German and English. When he died, he was in the process of revising his publication "Trading under the E.E.C. and U.S. Antitrust Laws." His hobbies included reading fiction and fairy tales, listening to pop and classical music and sketching anything that pleased his eyes. With all his activities he found time to play tennis and was a member of the U.S. Olympic fencing team in 1948 and 1952.

Professor Crotti embraced such diversified interests that it would be misleading to think of him only as a professor of law. His pleasant personality and charming manners will always be remembered fondly by his students, to whom he was also an advisor and a trusted friend.

A TRIBUTE TO ALFRED FRANK CROTTI

ALAN C. SWAN*

Alfred Frank Crotti joined the Miami Law Faculty in the Spring of 1982, two short years ago. That is not much time for memories; memories out of which tributes of this kind are most often fashioned. But if our friendship with Al, our memory of him, was not long, it is nevertheless vivid. Al Crotti was not a man to be ignored. He didn't come and drift quietly in the backwater of faculty affairs. He was interested in what was going on. He participated in it all. He spoke his mind without diffidence. One sensed that with his work at the Law School, Al was adding a new, long anticipated, dimension to his life and was bound to waste no time at it.

Al had strong views, especially on questions that went to the purpose and content of legal education. Appropriately Al came to these subjects from the perspective of more than twenty-five years in a sophisticated international corporate law practice. Yet, as attested by his continuing and remarkable publications record, Al also had a taste for scholarship and sympathy for the scholar's viewpoint. With that sympathy, reinforced by the intellectual setting of the School, there was, quite plainly, a growing dimension to the man.

His views on legal education were maturing. That maturity was beginning to work its way into the foreign law program. In assuming responsibility for that program, Al had taken on a formidable task. He was following the beloved Rafe Benitez, founder of the program, a unique personality whose special blend of tough old admiral and "den mother" seemed the essence of what had made the whole thing come together as an intellectual enterprise. But Al was not without his own substantial resources. For twenty years his professional life had involved an almost daily crossing of the

* Professor University of Miami School of Law. b. 1933 B.A., 1954, Albion College; J.D., 1957, University of Chicago.

great cultural divide between civil and common law. He was well acquainted with and understood the professional lifestyle of lawyers from many of his students' home countries. And there was Al's personal style — his grace of manner and breadth of outlook. His style seemed almost hand tooled for the task of shepherding students born and bred to the logic and the elegant structures of the civil law across the rough, untidy terrain of common law cases.

More important than the mere possession of natural endowments, was Al's maturing use of them. Spurred by collegial argument and by his own deepening appreciation of the subtleties of legal education, he was beginning to identify the fuller dimensions of the intellectual task facing his students and to develop techniques to aid in the more rigorous performance of those tasks. My last clear memory of him was of sitting over a beer a short week before his death and talking long and earnestly about these matters. There was no escape from a sense of the growing dimensions of the man.

Beyond his concern with students and with nice questions of pedigree, Al was redoing his book on comparative antitrust. Once again the growing dimension was apparent. He was, at once, reaching back for enrichment to his early experience with international technology transfers and forward for analytic rigor to theoretical economics. With it all his enthusiasm for the subject was infectious and his stubborn skepticism, especially of economics, delightfully infuriating.

More than growth, more than a lively spirit, however, were the unchanging, perhaps unchangeable, dimensions of the man. With candor of speech came an unfailing courtesy. Al quite clearly understood that there could be no mutually instructive collegial discourse, no creative argumentation without good manners and personal sensibility. There was about the man a gentility, a graciousness, that could disarm even the most strident protagonist.

If his style was gracious and his disposition candid, what made Al a most delightful companion was the sheer variety of his interests. If feathers were the problem for birds caught in an oil spill, to Al feathers were also the solution, and with that he would drag out a box of the strangest looking "pillows" you ever saw and talk interminably about the absorptive capacity of a pound of feathers, where they came from, how they were processed, and the various strategies involved in their use. Tennis was another subject he enjoyed and knew a great deal about, fueled, no doubt, by pride in

his son Tony's prowess. There was also the memories of the trials for the 1948 and 1952 U.S. Olympic fencing teams and of his years as a fencing coach. Alfred Frank Crotti was, in short, a man of many parts who never lost a capacity for enthusiasm and who could always, with charm and grace, draw others into sharing his enthusiasm. He came to us at Miami for a short time. He lived that time well, and we shall miss him.