

January 2017

Federico (Fred) Cheever (1957-2017)

Bruce P. Smith

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Bruce P. Smith, Federico (Fred) Cheever (1957-2017), 95 Denv. L. Rev. 1 (2017).

This Front Matter is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

IN MEMORIAM

FEDERICO (“FRED”) CHEEVER (1957-2017)

BRUCE P. SMITH[†]

The *Denver Law Review*'s first issue of Volume 95 honors the memory of Professor Federico (“Fred”) Cheever, who served with great distinction on the faculty of the University of Denver Sturm College of Law from 1993 until his tragic passing in June 2017. As the following testimonials reveal, Fred had a colossal and life-changing impact on his many colleagues, students, and friends throughout the Rocky Mountain West and further afield. He was also a strong and long-standing supporter of the *Denver Law Review*, and it is thus particularly fitting that his legacy be honored in its pages.

During his twenty-four years on the University of Denver faculty, Fred contributed his immense talents and energies across the University's entire enterprise. As a law professor, he was an innovative interdisciplinary scholar, a brilliant and revered teacher, and a treasured colleague and friend. He was also a respected and influential mentor, particularly to students and alumni in the environmental and natural resources area. As the law school's Associate Dean for Academic Affairs from 2009 to 2013, he played a vital role in developing Denver Law's pioneering and highly successful experiential learning initiative. He also made significant and enduring contributions at the University level, co-founding (and later chairing) the University's Sustainability Council (in which capacity he promoted campus energy efficiency, environmentally-sound transportation methods, and waste reduction) and more recently serving as a member of the Chancellor's Enhancing Sustainability Task Force (which seeks to advance the University of Denver to a position of national leadership in campus sustainability). In the broader community, Fred served on the boards of the Rocky Mountain Mineral Law Foundation and Transportation Solutions, and he represented environmental groups in cases under the Endangered Species Act, the National Forest Management Act, the National Environmental Policy Act, and the Wilderness Act, among other environmental laws.

Having joined the University of Denver in July 2016, I had the privilege of sharing a faculty with Fred for only one year. But I felt that I had known him much longer and more deeply. In some respects, I had. At my prior institution, the University of Illinois at Urbana-Champaign, Fred was

[†] Dean and Professor of Law, University of Denver Sturm College of Law. An earlier version of this essay was delivered at a memorial service at the University of Denver on July 2, 2017.

the brilliant entry-level cross-disciplinary scholar who “got away”—a hugely promising job candidate, for whom the charms of the Illinois prairie simply could not trump his beloved Rockies. As a new dean, I relied disproportionately on Fred—for his wisdom, for his rock-solid institutional values, and for his incredible ability to understand the perspectives of others. (And I must confess that, on some days, the mere sound of his voice and laugh outside my office would draw me out, simply to be in the field of his magnetic presence.)

As a scholar, Fred possessed an uncanny capacity to recognize, understand, and transcend *boundaries*—legal boundaries, disciplinary boundaries, and natural boundaries. With respect to legal boundaries, he comprehended—perhaps better than any legal scholar of our Age—the ways that four distinctive bodies of law (public lands law, land use controls, conservation law, and environmental law) have worked together to shape the history and landscape of the Mountain West. In terms of disciplinary expertise, his reach was similarly breathtaking, ranging well beyond law into geology, ecology, botany, history, ethics, and literature. (Fred was as conversant with the Engelmann spruce, Gambel oaks, and Ponderosa pine as he was with the conservation easements that protected them.) And Fred possessed an unparalleled understanding of what he styled our “landscape of borders”—places where the pristine natural world rubbed up against the lived experience of humans—sites such as his beloved Roxborough State Park in Douglas County, Colorado, which he enjoyed hiking and about which he wrote so eloquently. (As Fred once wrote, in his marvelously understated way: “There is some quality about a sunny morning at Roxborough that I value . . . more than, say, a morning at a shopping mall.”)¹

But unlike many lovers of the natural world, Fred also had the capacity to draw upon both idealism and realism. In some respects, it was this combination of passion and pragmatism that truly set his vision apart. My former colleague Eric Freyfogle, Swanlund Emeritus Professor at the University of Illinois, a coauthor with Fred on the inaugural casebook in the field of wildlife law,² and, like Fred, one of that field’s most distinguished scholars, described Fred’s distinctive vision this way:

As a wildlife scholar, Fred Cheever had few peers, largely because, better than others, he mixed vision, ethics, and passion with solid science [and] with a keen sense of the practical. What he saw and yearned for, what he labored long to bring about, was a world in which wildlife and people thrived *together*, forging and sustaining complex communities of life that, he hoped, might flourish for generations. We needed

1. Professor Federico Cheever, Univ. of Denver Sturm Coll. of Law, *Toward a Bigger Picture: Law and Nature on the Wildland-Urban Border*, Lecture at Mercer University (Nov. 2005) (transcript available at <http://www2.law.mercer.edu/elaw/cheever.html>).

2. DALE D. GOBLE, ERIC T. FREYFOGLE, ERIC BIBER, FEDERICO CHEEVER & ANNECOOS WIERSEMA, *WILDLIFE LAW: CASES AND MATERIALS* (3d ed. 2016).

humility and restraint to get there, Fred knew well, and he told us so. We also needed practical guidance for the path ahead, and he offered it, again and again. His hope and fine character infuse his abundant scholarship. [And] they will live on together.³

Like many, I have struggled to come to terms with this incredible loss. Grief takes us down different paths. My journey led me to Henry David Thoreau—a writer whom Fred admired, whom he quoted, and with whom he shared much in common. A love of nature, to be sure. But also a passion for books; a penchant for bread making; a preference for human locomotion over mechanized transportation; and a conviction that we all exist on this earth to effect beneficial and enduring change.

In the concluding chapter of *Walden*, Thoreau reflects on the lessons learned from his grand “experiment”—his two years at Walden Pond, by the edge on an extensive New England woods, against the backdrop of the Green Mountains. He distilled his learning this way:

I learned . . . that if one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours. He will put some things behind . . . [but] he will live with the license of a higher order of beings.⁴

Like Thoreau, Fred Cheever “lived the life that he imagined”—one distinguished by conviction, courage, idealism, pragmatism, empathy, and love. Within the environmental and natural resources community, throughout the Rocky Mountain West, and for the students, alumni, faculty, and staff of the University of Denver whose lives he graced, he will always be remembered amongst the highest order of beings.

3. E-mail from Eric Freyfogle, Swanlund Emeritus Professor, Univ. of Ill., to Bruce Smith, Dean, Univ. of Denver Sturm Coll. of Law (July 1, 2017, 4:35 MDT) (on file with author).

4. HENRY DAVID THOREAU, *WALDEN* 303 (Beacon Press 1997) (1854).

