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# On the Passing of My Friend, Dick Wellman

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## ***DEDICATION: RICHARD VANCE WELLMAN***

### **FOREWORD: ON THE PASSING OF MY FRIEND, DICK WELLMAN**

*Paul M. Kurtz\**

Writing the introduction to a symposium in memory of a friend is a great honor, of course, and one that I seized immediately, for fear that the Editor in Chief might change his mind. Not only is it flattering to be asked, but also there is a real benefit attached to the task. The author of the introduction gets to read all the other pieces before publication, thus having the first opportunity to remember the honoree through other people's eyes. I have taken advantage of that chance and enjoyed it greatly. Let me give you a preview of what is in store for you in these pages.

Fittingly for a collection of pieces in memory of Dick Wellman, the list of authors provides nothing less than an all-star lineup of academics in the probate field from the last thirty years. Mary Louise Fellows and Greg Alexander honor Dick by doing nothing less than tracing the history of four decades of Uniform Law drafting in the trusts and estates area, while drawing important

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lessons for law reformers generally and the National Conference of Commissioners on Uniform State Laws in particular.<sup>1</sup> Their stated goal is to urge drafters to “follow Richard Wellman’s wise lead and remain responsive to the needs of every state’s citizenry.”<sup>2</sup>

NCCUSL Commissioner Tom Jones recounts for us Dick Wellman’s participation in “virtually every Restatement and statute designed to reform and modernize the law of trusts and estates for the . . . forty years [following his work as the Chief Reporter for the Uniform Probate Code].”<sup>3</sup> In doing that, he isolates Dick’s major goal of making “probate law simple, so that if a testator who planned his or her estate under the law of one state moved before death, the will would have the same effect [in the new state].”<sup>4</sup>

Identifying Wellman’s two basic “principles of reform” as dispensing with judicial supervision of “routine, uncontested probates” and the broadening of probate alternatives, John Langbein laments that Dick “does not have a real successor in today’s legal academy” because “high theory” has now replaced “mastering and improving a complex and important body of state law” as an academic niche.<sup>5</sup> Speaking from the perspective of a co-Reporter of the Uniform Probate Code, Gene Scoles gives a detailed legislative history of that historic document, to whose promulgation and ongoing refinement Dick spent the last four decades of his professional life.<sup>6</sup> Larry Waggoner, a former student and colleague of Dick’s at The University of Michigan, relates his work with his mentor as a member of the Joint Editorial Board for the Uniform Probate Code, describing his friend’s work as “literally chang[ing] the legal landscape in the area of trusts and estates.”<sup>7</sup>

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<sup>1</sup> See generally Mary Louise Fellows & Gregory S. Alexander, *Forty Years of Codification of Estates and Trusts Law: Lessons for the Next Generation*, 40 GA. L. REV. 1049 (2006).

<sup>2</sup> *Id.* at 1085.

<sup>3</sup> Thomas L. Jones, *Richard Vance Wellman*, 40 GA. L. REV. 1087, 1088 (2006).

<sup>4</sup> *Id.*

<sup>5</sup> John H. Langbein, *Richard Wellman and the Reform of American Probate Law*, 40 GA. L. REV. 1093, 1093-94 (2006).

<sup>6</sup> Eugene F. Scoles, *Care and Maintenance of Our Legal System: Richard V. Wellman—Academic Lawyer*, 40 GA. L. REV. 1097, 1098-1102 (2006).

<sup>7</sup> Lawrence W. Waggoner, *Dick Wellman—A Personal Remembrance*, 40 GA. L. REV. 1105, 1105 (2006).

Of course, the downside of having the chance to read the work of these dear friends of Dick's is the risk that one will conclude that there is nothing left to say, no angle uncovered, nothing original to add. After pondering this possibility for a while, however, I realized that among all these folks I alone was the person who was a colleague of Dick Wellman for just about thirty years. For sixteen of those years, we literally shared a secretary,<sup>8</sup> we had offices around the corner from each other, we socialized, and we often had students in common. Unlike all the other authors, I saw Dick day to day, week to week, years on end.

My memories of Dick go back to the moment in 1975 when I joined the UGA Law faculty. He had been recruited to the faculty the year before from his long-time position at The University of Michigan. As I recall, my first week in residence, Dick came to my office to welcome me and to offer his assistance to my wife Carol and me as we made our way in Athens and in academia. There followed invitations to lunch, long chats about teaching styles, and discussions of where we were as an institution and where we could go. He even introduced me to "the bird"—a ceramic vulture perched in his office window looking out over the Law School courtyard and which I later discovered was lovingly dressed by Dick in appropriate seasonal attire from time to time (stocking cap in the winter, mortarboard at the end of the spring semester, etc.).

After several weeks, I took the time to check out this fellow Wellman. That is when I began to learn what an important person he was—former professor at Michigan, Chief Reporter for the Uniform Probate Code, a Commissioner on Uniform State Laws (first from Michigan and then from Georgia), and holder of one of the first endowed professorships at the University of Georgia . . . and he apparently wanted to be my friend! Thus, I learned the first and most enduring lesson he ever taught me: very important people can be very nice, very warm, and very real.

Over time, we really did become friends. I could always count on him to cheer me up when a class of mine did not go as well as I had

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<sup>8</sup> Rest assured that, as the far more senior and more distinguished faculty member, Wellman had first call on the excellent secretarial skills of Ms. Kay Bramlett. Kay remained his secretary for the rest of his life.

hoped. “Don’t worry, Paulus” (he always called me that in private conversations for some reason). “You will get ‘em the next time.” Through the years, I knew I had a supporter when I needed one. When I was going through some rough times in my own career, he calmed me down, reassured me, and gave me sound, careful advice. Many times when I needed help understanding an area of law where his expertise overlapped something I was trying to teach in Family Law (I never could digest the concept of community property), he taught me—patiently and thoroughly. He always inquired about my projects and asked good questions, which helped me get to where I needed to be.

Over time he offered guidance to me and others among the junior faculty: get a new copy of the casebook every year; do not teach the book, teach the course; destroy your class notes at the end of each course so that you will teach it fresh the next time. And always this advice was offered casually, not didactically.

A number of years later, when I expressed interest in getting involved in the work of the Uniform Laws Conference, he immediately picked up the phone, called his good friend and former Michigan faculty colleague Bill Pierce, who served the Conference as Executive Director at the time, and arranged my appointment as a Reporter for a Uniform Act.<sup>9</sup> That appointment, in turn, led to my working on a second Uniform Act<sup>10</sup> and ultimately to my becoming a Uniform Laws Commissioner from Georgia, serving proudly right next to Dick from 2001 until his death last year.

But it was not all about the law; he always took care to include Carol and me in social events. I remember a wonderful dinner party that he and Louise invited us to at the old railroad station: sparkling conversation, excellent food, and wonderful wine. He shared the excitement of the birth of our child, Benji, and I remember him at the celebration with a yarmulke perched precariously on his head. I also remember when, after his beloved Lou’s death, he told me of his brand-new marriage to this wonderful

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<sup>9</sup> UNIF. STATUS OF CHILDREN OF ASSISTED CONCEPTION ACT, 9C U.L.A. 363-86 (2001).

<sup>10</sup> UNIF. INTERSTATE FAMILY SUPPORT ACT, 9 U.L.A. pt. IB, at 159-520 (2005). I was co-Reporter with Professor John J. Sampson of the University of Texas Law School. Thanks to a big push by congressional use of the Spending Power, this statute has been adopted in all fifty states.

woman, Natalie. In his bright eyes and broad smile, I could see how much in love he was and how excited he was to have a new partner in life. Dick Wellman made two different women very, very happy in his life.

Always wanting to share his friends with others, Dick made sure to introduce me to all of his colleagues at the Uniform Laws Conference when we attended meetings. That is another lesson he taught me: be inclusive, put people together. He orchestrated many good evenings with people from around the country, as we told stories and ate good food. And the poker. There were many nights spent around the table in the basement of his Tipperary Road estate with other faculty colleagues (not to worry—not for money, just chips), shooting the breeze and exchanging stories about our lives and our families. I am convinced that he invited me to join the game only to have someone to share losing with. I hope it is not disrespectful to put this in print for posterity, but Dick Wellman was not the best poker player in the bunch. But he did have the most fun.

Through all of our interactions—whether at a cocktail party, in the office, or in a faculty meeting—Dick was always warm, quick with a joke and a story, never harsh with his assessment of others, and always optimistic. He was a bubbler, if there is such a thing. Only once in the thirty years I knew him did I ever see another side of Dick. It was when I realized that he had been born in Ohio and I naively asked him if he had any conflicting emotions when Ohio State played Michigan. He said not a word, but simply stared at me with a mixture of disbelief, anger, and wonderment, as if to say, “You’ve got to be kidding.” Only then did the lesson permeate my thick skull: there was only one team for R.V. Wellman, and it wore Maize and Blue.

As I mentioned earlier, Dick’s students were often my students, and they were hit as hard by his passing as his colleagues were. He was, simply put, a legendary classroom teacher. In the aftermath of his death last spring, I was deluged with e-mails from his former students recalling this classroom dynamo who walked (and sometimes dragged) hundreds of students through the often arcane fields of property and trusts and estates. I wish I had the space to share them all with you, but here is a sample:

- I am sorry we have lost him. It isn't often that I have bumped into clear thoughts plainly expressed by a kind and funny person.
- A friendly, accessible, practical scholar who nurtured students into thinking about problems and situations from a variety of perspectives.
- His passing brings back beautiful memories and considerable panic as I try to remember what a "springing interest" is.
- After twenty-three years of practice, I still rely on Professor Wellman's language when I need to explain basic property concepts.
- A great teacher who truly cared that we learn the law well. . . .
- A truly brilliant and kind and gracious man.
- I remember discussing with him the Rule Against Perpetuities and how we both laughed as I took myself out on a limb which he so artfully sawed from under me.
- A great teacher and friend to all his students.
- I sat in his classes in awe of his intellect and understanding. He was always a gentleman.
- He pushed us and pulled us intellectually so that we did more than learn the subject matter. We sharpened our analytic and communication skills. His accessibility and his hospitality . . . made us feel respected and valued and . . . gave us hope that we would one day become the lawyers he wanted us to be.
- I recall his outstanding Morris Minor. . . . It is a good man who loves an old car.
- A class act, brilliant, intellectually demanding of his students, but also gracious and kind.
- Whenever I came before any probate judge and the judge learned that I was a UGA graduate, he or she would say, "If you were taught by Professor Wellman, you know more than I do."
- His course was the most intellectually challenging, and truly inspirational academic or professional experience

of my life . . . a brilliant teacher. . . . All of us who took his classes are far better lawyers because of him, and all of us will miss him.

- Who could forget the vulture looking out the window of his office—wind, rain, sun, fall, winter, spring, dark, light, sunlight, shadow, good week, bad week, good grade, bad grade—always staring, always reminding us not of death and taxes, but of his good humor and admonition not to take ourselves too seriously.
- Please convey my condolences to his family. . . . [A]ctually his family is spread all over the state in the form of students he enlightened with his knowledge and brightened with his wit.

On and on they have written me, about cookouts at his home, difficult exams, chalk throwing in class, sage career advice both during law school and beyond, rolling up his sleeves and putting his feet up on the desk as he taught, his sometimes eccentric jokes, and the way he bounced around the classroom.

Not a bad run, RVW—brilliant, caring, enthusiastic, warm, demanding, influential, remembered, beloved, good father, good husband, good friend—not a bad run at all. Rest in peace, my dear friend.



