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Lawrence W. Waggoner

University of Michigan Law School, waggoner@umich.edu

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DICK WELLMAN—A PERSONAL REMEMBRANCE

*Lawrence W. Waggoner**

Dick Wellman was my teacher, mentor, collaborator, colleague, and friend. My law school class at The University of Michigan Law School voted Dick the most enthusiastic member of the faculty, and he was that. Dick devoted his professional life to teaching and scholarship, as most law professors do, but he had another career: Dick was a key player in the Uniform Law Conference,¹ an organization dedicated to improving private law and promoting legislative uniformity among the states.²

Through his uniform law work, Dick literally changed the legal landscape in the area of trusts and estates. His pathbreaking work as Chief Reporter for the Uniform Probate Code and work on many other uniform statutes³ has had profound influence on the law of trusts and estates, as much or more so than the work of any other member of his generation.⁴ Dick could scarcely visit any state in the

* Lewis M. Simes Professor of Law, University of Michigan.

¹ More specifically, the National Conference of Commissioners on Uniform State Laws (NCCUSL). Dick served as Vice President of the Conference from 1983 to 1985, Commissioner from Michigan from 1969 to 1973, and Commissioner from Georgia from 1974 until his death in 2005. Dick became a Life Member of the Conference in 1989.

² See Uniform Law Commissioners, <http://www.nccusl.org> (last visited Apr. 12, 2006) (discussing purpose of organization).

³ One of Dick's inventions was the widely enacted Uniform TOD Security Registration Act, which allows an owner of a registered security to title the security in "transfer on death" form. Registration in TOD form causes ownership of the security to pass at death outside of probate to the owner's designated beneficiaries. See generally Richard V. Wellman, *Transfer-on-Death Securities Registration: A New Title Form*, 21 GA. L. REV. 789 (1987) (discussing prospects for uniform law addressing TOD registrations).

Dick was the chair, reporter, or member of the drafting committee for several other uniform acts, including the Revised Uniform Management of Institutional Funds Act (in process), the Uniform Estate Tax Apportionment Act (2003), the Uniform Trust Code (2000), the Uniform Guardianship & Protective Proceedings Act (1998), the Uniform Prudent Investor Act (1994), the Uniform Health-Care Decisions Act (1993), the Uniform Custodial Trust Act (1987), the Uniform Marital Property Act (1984), the Uniform Succession Without Administration Act (1982), the Uniform International Wills Act (1977), the Uniform Disclaimer of Property Interests Act (1975), and the Uniform Management of Institutional Funds Act (1972).

⁴ Dick was also active in the American Law Institute (ALI) and the American College

union that did not have as part of its law, law that he invented and wrote. One of his great achievements was to make the probate process cheaper and more efficient in uncontested cases, anonymously easing the lives of thousands and thousands of grieving survivors.

When I was a law student, Dick was my Trusts and Estates teacher. I still pass on to my students insights that I learned from Dick. After I entered teaching, Dick brought me in on *Trusts and Succession*, the casebook that I used as a student and that he coauthored with George Palmer.⁵ Although that casebook has gone through several revisions since then, and has been renamed *Family Property Law*, it still contains material that Dick prepared.⁶ My coauthors⁷ and I have dedicated the new fourth edition of that book to Dick's memory.⁸

As my career progressed, Dick brought me into the uniform law process, a gesture for which I am eternally grateful. It was really only then that I got to know Dick personally, and to know his wonderful wife, Natalie. I joined the Joint Editorial Board for the Uniform Probate Code (JEB or Board)⁹ in 1986, as Director of Research and later as Chief Reporter. Dick's title was then

of Trust and Estate Counsel (ACTEC). He was elected to the ALI in 1972 and became a Life Member in 1997. He was elected an Academic Fellow of ACTEC in 1973. In the ALI, Dick served as Adviser for Volumes 1 and 2 of the *Restatement (Third) of Property: Wills and Other Donative Transfers* (1999 & 2004), and for Volumes 3 and 4 of the *Restatement (Second) of Property: Donative Transfers* (1988 & 1992).

⁵ GEORGE E. PALMER & RICHARD V. WELLMAN, *CASES AND MATERIALS ON TRUSTS AND SUCCESSION* (1960). My first appearance was on the third edition, published in 1978.

⁶ Dick continued as a coauthor on the first edition of *Family Property Law*, which was published in 1991. *Family Property Law* combined *Trusts and Succession* with another casebook that Dick coauthored, OLIN L. BROWDER, JR. & RICHARD V. WELLMAN, *FAMILY PROPERTY SETTLEMENTS: FUTURE INTERESTS* (1965).

⁷ Greg Alexander, Mary Lou Fellows, and Tom Gallanis. All three are former students of mine (Greg at Northwestern, Mary Lou at Michigan, and Tom at Chicago), and are therefore indirect beneficiaries of Dick's teachings. Greg was also a colleague of Dick's at Georgia from 1975 to 1984, when Greg left for Cornell.

⁸ LAWRENCE W. WAGGONER ET AL., *FAMILY PROPERTY LAW: CASES AND MATERIALS ON WILLS, TRUSTS, AND FUTURE INTERESTS* (4th ed. 2006).

⁹ The Board was later renamed the Joint Editorial Board for Uniform Trust and Estate Acts (JEB). The JEB is sponsored by the Uniform Law Conference, the American College of Trust and Estate Counsel, and the American Bar Association. The JEB is responsible for updating the Uniform Probate Code and reviewing other uniform legislation in the field of trusts and estates.

Educational Director,¹⁰ but that title belies the fact that he and Joe Straus¹¹ were in charge. It was then that the Board undertook the project of revising Article II of the Uniform Probate Code,¹² a project that took over four years to complete.¹³ I must have attended scores of JEB/drafting committee meetings with Dick and the rest of the Board, and Dick and I were in frequent contact between meetings. These JEB/drafting committee meetings are intense, mentally and physically exhausting affairs. They typically start early Friday morning, go all day Friday, resume early Saturday morning and go all day, and then sometimes resume again early Sunday morning and go until noon, when the members scramble to make airplane flights to take them back home. Once the drafting job is completed, and the product has been approved by the Uniform Law Conference, the job of selling the product takes over, a job that Dick and I pursued in the 1990s on numerous weekend trips to meet with bar association representatives in various states.

It is obvious that Dick and I shared a passion for law reform, but we also shared another passion—University of Michigan football. Although Dick spent the latter part of his career at the University of Georgia, Dick was a Wolverine fan through and through.¹⁴ He was, after all, a graduate of The University of Michigan and of The University of Michigan Law School,¹⁵ and an important member of the Michigan Law School faculty for almost twenty years before leaving to take the Alston Chair at Georgia.¹⁶

¹⁰ His title was later changed to Executive Director.

¹¹ The late Joe Straus, a Philadelphia lawyer, was then the chair of the Joint Editorial Board, a position traditionally held by a practitioner.

¹² UNIF. PROBATE CODE art. II (1969). Article II contains the core substantive provisions of the Code, covering intestacy; execution and revocation of wills; the elective share of the surviving spouse; disclaimers; perpetuities; and rules of construction for wills, trusts, and will substitutes.

¹³ UNIF. PROBATE CODE art. II (revised 1990 & 1993).

¹⁴ During football season, Dick called nearly every Monday morning to commiserate about a Michigan loss or to revel in a Michigan victory. If he was a Georgia Bulldogs fan (and he doubtless was), he hid it from me. Georgia football just never came up in our conversations!

¹⁵ Dick graduated from The University of Michigan with an A.B. in 1947 and from the law school with a J.D. in 1949. In law school, Dick was Associate Editor of the *Michigan Law Review*, a position equivalent to Articles Editor in today's law review staffing.

¹⁶ Dick was a member of the faculty of The University of Michigan Law School from 1954 to 1973. He taught at the University of Georgia School of Law from 1973 until 1990, when

One of the pleasant features of the JEB/drafting committee meetings is that the whole crew and spouses unwind at dinner together at the end of the day. It was through these dinners that Dick's wife Nat entered my life and the life of my wife, Lynne. Dick took such great pride in Nat, and for good reason. Nat is a most enjoyable companion, always ready with a hug and a new collection of jokes that she had somehow picked up from sources unknown to us. It got to be that whenever I received a notice of an upcoming meeting, I would ask Lynne whether she wanted to go too. She would always say, "Check with Dick to see if Nat's coming." Nat and Lynne would often spend Friday or Saturday together, going to museums or sightseeing (and yes, they sometimes spent the day shopping), while the rest of us haggled over this or that statutory language. Lynne and I have enjoyed so many happy occasions with Nat and Dick in all sorts of settings and locations—JEB/drafting committee weekends, annual meetings of the Conference, weekends at their lakefront cabin in northern Michigan—that they all somehow blend together in a very enjoyable remembrance. We miss Dick a great deal, and wish Nat as much peace as possible.

he retired and took emeritus status.