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William J. Pierce

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TRIBUTES

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As the National Conference of Commissioners on Uniform State Laws pauses to celebrate its centennial, it should also recognize and celebrate the career of its executive director, William J. Pierce. When he attends the centennial meeting of the Conference in August 1992, Bill Pierce will be participating in his 40th consecutive annual meeting as a commissioner or executive director.¹ Over the years, the Conference has enjoyed the participation of many scholars and other luminaries, including Professors Roscoe Pound, John Wigmore, Samuel Williston, and George Bogart, Justices Brandeis, Rehnquist, and Rutledge, and President Woodrow Wilson. Yet none of these, nor all of them together, can begin to match the contributions Bill Pierce has made to the work of the Conference over his forty years of service.

Pierce was appointed to the Conference by Governor G. Mennen ("Soapy") Williams of Michigan in 1953, only three years after his graduation from law school, in itself an extraordinary recognition. His talents were immediately put to use through his service on drafting committees for Uniform Acts on unclaimed property and state securities regulation and a committee on law school research.

More leadership positions quickly followed. Beginning in 1959, Pierce was appointed to the Executive Committee, the Legislative Committee, and the Style Committee of the Conference, and chaired its powerful Scope & Program Committee that reviews, evaluates, and recommends suggestions for Conference projects. In 1965 Pierce became chairman of the Executive Committee, traditionally the president-elect of the Conference, for a two-year term. Although he was in fact elected President in 1967, he effectively served for three years because his predecessor died in office in September 1966. During his term as President, the Conference completed work on and promulgated uniform acts on certification of questions of law, anatomical gifts, and child custody jurisdiction; amendments to acts on the Recip-

* President, National Conference of the Commissioners on Uniform State Laws, 1989-1991.
— Ed.

1. Pierce also attended the 1952 annual meeting as a reporter.

rocal Enforcement of Support and on Adoption; and the comprehensive Uniform Probate and Uniform Consumer Credit Codes.

Bill Pierce's contributions to the work of the Conference were only beginning when he finished his term as president. Six years earlier, the Conference had created the position of executive director and had appointed Professor Allison Dunham of the University of Chicago to that position. Professor Dunham resigned in 1969, and Bill Pierce was the obvious and most qualified choice to succeed him. Pierce's acceptance of the position changed not only the nature of the position, but the nature of the Conference.

In most organizations, the title "executive director" implies responsibility for administration and management of the organization's budget, staff, meeting, and operations, but that is not the role Pierce designed for himself in accepting the position. Since the Conference already had an executive secretary who was responsible for the operations of the central office, the scheduling of meetings and the like, Pierce made himself responsible for quality control of the Conference's products, the uniform and model acts it promulgates. Under his direction, the Conference adopted the policy of engaging professional reporters, usually law professors expert in the field at issue, who were selected by the executive director, but who serve as draftsmen and as a resource for drafting committees. Prior to his tenure, reporters had usually been engaged only for the Uniform Commercial Code project.

Similarly, Pierce inaugurated the present practice for drafting committees to meet for three-day weekend meetings two or three times a year to prepare their drafts for the annual meeting of the Conference. Previously, most committee work was conducted by correspondence and at committee meetings conducted during the annual meeting, thus limiting the time the full membership of the Conference, sitting as a Committee of the Whole, could devote to each draft. To fund honoraria for reporters and the significant additional committee expenses these procedures required, Pierce secured foundation and other grants and persuaded the states to accept increased dues assessments.

But Pierce's contributions to the Conference are far more a product of prowess than process. For twenty-two years he has attended nearly all of the weekend meetings of the Conference's drafting committees, spending sixteen to twenty weekends a year as advisor, critic, gadfly, and resource to each committee. Michigan's Professor Lawrence Waggoner, the reporter for a number of Uniform Acts, observed that "[n]o one can appreciate the full scope of his abilities without having seen him participate in a committee drafting session. Bill has an uncanny ability to solve problems that have stumped the so-called

experts, no matter what the subject matter.”² Richard V. Wellman, formerly of the Michigan faculty and now Robert Cotton Alston Professor of Law at the University of Georgia, a Life Member of the Conference, has said of Pierce: “He’s a marvelous generalist with a wide ranging intellect. I’ve never met anyone who can come at whatever is under discussion from so many different perspectives and with so many different ideas.”³

Over the years, Pierce has provided this guidance to nearly 150 committees at more than 700 meetings. Phillip Carroll of Arkansas, a recent past president of the Conference who has chaired several drafting committees, calls Pierce “the mastermind of the conference. He is our diagnostician of hidden flaws, our innovator when solutions seem out of sight, our pragmatist when fancy is about to take flight.”⁴

Because few presently active commissioners have served the Conference as long as Pierce, and none as intensively, Pierce also serves as the conscience and historian of the Conference. His recollections of past proposals and projects, particularly unsuccessful ones, provide indispensable counsel for the officers and the Scope & Program and Executive Committees of the Conference, as well as for the drafting committees.

As any student of legislation must be, Pierce is not an ideologue, but a pragmatist and political realist who knows that legislation is the art of the possible. He is also the preeminent teacher, who can lead a drafting committee by challenging remark, Socratic question, or ingenious hypothetical to consider problems not thought of and avoid pitfalls undiscerned. And with unerring eye he can pare the verbose or imprecise expression of an idea to the simple, direct, and clear language required for a good statute. His critical analysis and often his words (though not necessarily his philosophy) are reflected in every act the Conference has produced during his tenure as executive director. In the words of Phillip Carroll: “Indirectly, Bill Pierce has played a major role in the development of the law of this nation. The thousands of commissioners who have witnessed his skill and wit salute him.”⁵

No salute to Bill Pierce could be complete without acknowledging the contributions to the work and the life of the Conference made by his partner and wife, Betty, who accompanies Bill to every Conference meeting, including every weekend meeting of the Conference drafting

2. *Mastermind of Legal Reform*, LAW QUADRANGLE NOTES, Winter 1988, at 7.

3. *Id.*

4. *Id.* at 8.

5. *Id.*

committees. Together, they have encouraged the attendance of Commissioners' spouses and families at annual meetings, and fostered the friendly atmosphere that makes each annual meeting much like an extended family reunion. Beyond supporting the work of her husband by accepting the strains of frequent travel and absence from home, Betty has been the unofficial den mother not only to commissioners but to their families, helping all feel welcome and appreciated. Her imprint on the work and workings of the Conference, though less tangible than Bill's, is no less real or important.

Fifteen years ago, in an annual report to the Conference, these words appeared:

The celebration of the Nation's Bicentennial is an appropriate occasion for brief review of the role of the National Conference of Commissioners on Uniform State Laws. Now entering its eighty-fifth year of service, the National Conference remains a unique and successful organization not duplicated in prestige or effectiveness by any other private law organization in the world. We have many reasons to be proud of our achievements. Our product has had profound effects upon legal doctrines not only in the United States but also throughout the world. Even though some of our proposals have not been uniformly adopted by the state legislatures, the existence of these proposals has affected the long-range trends of legal doctrine in American jurisprudence.⁶

Now, at the time of its own centennial, this description of the Conference is especially appropriate. It is also appropriate to recognize that the prestige, effectiveness, and success of the Conference and its work are due in no small measure to the author of these words, who has served the Conference for nearly half of its existence: William J. Pierce.

On behalf of all Commissioners, past and present, I congratulate and thank him.

6. HANDBOOK OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS AND PROCEEDINGS OF THE ANNUAL CONFERENCE MEETING IN ITS EIGHTY-FIFTH YEAR 121 (1976).