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George Palmer

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GEORGE PALMER

*John P. Dawson**

There are many other admiring friends who would be eager to join in this tribute to George Palmer. I consider myself fortunate, therefore, to be included. And it seems to me suitable that the *Michigan Law Review* should arrange this. He was one of its editors while a law student, has contributed to it often, and has been a mainstay of the Michigan faculty for more than thirty years. He is a hard man to convince against his will, but this issue may help to persuade him that, prophet or not, he is highly honored in his own country.

Our own connections became close in 1942, ten years after his graduation from the law school. In the interval he had practiced for seven years in Indiana and had begun his first venture into law teaching, at the University of Kansas. Then the war overtook us all. George and I found ourselves engaged in rent control, a task for which no legal education could have prepared us. We both joined the legal staff of the O.P.A., where our principal task was devising and revising rent-control regulations. Connected with this was the still harder task of explaining what they meant. Fortunately the main task of drafting was assigned to George. He showed then the capacities that were later to become familiar in entirely different ways—the capacity to take firm hold of a complex and novel topic, to strip away all the marginal frills, to reduce it to its essentials, and then to state those essentials tersely, without a single wasted word. We worked together closely, under considerable pressure, for one active year. Then we both moved on to different assignments in war-time Washington.

After George joined the Michigan faculty in 1946, it seemed likely at first that he would make his main investment in the subject of Trusts and Succession. And indeed he did make a major investment in that subject, as is shown by the range of contributions made in tribute to him in this issue of the *Law Review*. A substantial segment of his writing has been on problems within that area, not only through articles in law reviews, but in extensive essays and comments in successive editions of his casebook. The high quality of this casebook, *Palmer on Trusts and Succession*, has been attested in an unusual way by three

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highly qualified colleagues who, to keep it available for use, prepared a third edition when new developments needed to be taken into account but George was too preoccupied elsewhere to join in the enterprise.

When George began to take a serious interest in the subject of restitution, he gave no particular reasons, and I did not inquire closely, since it was good news for me. I think the attraction for him may have been that the subject was considered disorderly, amorphous, and very much in need of work by an orderly mind. That reputation was in fact quite undeserved. It was and is a widely used and entirely manageable part of our legal system. Many lawyers have practiced restitution without knowing it as a regular feature of their daily lives. But it did need a great deal of work by an orderly mind. As compared with other legal systems, Anglo-American law was if anything oversupplied with restitutionary remedies. They had originated in widely separated parts of the legal order, gave different kinds of relief, and operated under different names. Legal writing also dealt with the subject in segments and gave, therefore, limited and partial glimpses of what seemed to be a cluttered landscape. What was urgently needed was a comprehensive overview that would compare these remedies closely, define the functions that were appropriate for each in a variety of different settings, and relate them all to their common objective—the prevention of enrichment through another's loss. Such a comprehensive overview was essential also in order to discover the full possibilities as well as the necessary limitations of the prevention of enrichment as a declared objective.

Only by devoting a substantial amount of time to the law of restitution does one learn what a large quantity of law it includes. I had some notion of this, for I had started long before collecting notes for a book on the subject. But any such purpose on my part faded as George's own purpose became more firm. And so for more than twenty years he has continued to apply his mind and energy unremittingly to this very demanding enterprise. Its completion calls for celebration, not merely because a major gap in our legal literature has now been filled, but much more because it was he who did it.

It is not for me now to undertake a review of his treatise; so I will venture no more than a few opinions. I think it is a great achievement. I have read through all four volumes for the pleasure of encountering so many old friends and familiar themes and also through curiosity as to the author's present views on some of

the more debatable questions. The range of issues discussed is wide, the volume of material assembled is very large, but accuracy and clarity are maintained throughout. To practitioners this will be an extremely useful, much needed source. For many other readers it will illuminate an area of our law that for some still seems to be shrouded in darkness and mystery.

George did this all on his own and was helped, if at all, only by cheers from the sidelines by interested observers who are delighted and in no way surprised by the outcome.