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GEORGE PALMER

*Luke K. Cooperrider**

In December 1977, George Palmer taught his last class as, in administrative parlance, an "active member" of the University of Michigan law faculty. In the following July, he was promoted by the Regents to the rank of Professor Emeritus of Law.

While his change of status was referred to at the time as a "retirement," and with undisguised pleasure he will call attention to certain of the privileges and immunities of his new rank, including exemptions from committee service and attendance at faculty meetings, it is clear that to withdraw from academic life is not his intent. He will teach again during the winter term at another institution, located in a milder clime and known for the distinction of its senior faculty; and when asked, upon the recent publication of his major work, *The Law of Restitution*, whether he felt relieved, free of his burden, and inclined to relax, he replied, with surprise in voice and expression, "Oh no! I *like* what I do! I *enjoy* finding things out and putting them together."

When he joined the Michigan faculty in 1946, the senior member of a cadre of young teachers that brought new blood to the school and enabled it to respond to the needs of an army of returning veterans, he was neither a neophyte nor a stranger to Ann Arbor. He had acquired his A.B. degree at the University of Michigan in 1930, and his J.D. in 1932. Seven of the fourteen intervening years had been spent in private practice; the remainder, following a year at Columbia where he became a Master of Laws, had been divided between law teaching at the University of Kansas and government service in Washington.

Within a short time after his return he taught Bills and Notes alongside Ralph Aigler, Trusts and Estates beside Lewis Simes, and Restitution next to John Dawson. Whether those subjects came to him or he to them I do not know, but they and the teacher were made for each other. The memoir adopted by the Board of Regents when he was named Professor Emeritus notes that "in an era that has increasingly succumbed to elaborate and often impenetrable statutes and regulations, Professor Palmer has been hailed as "The Last Great Common Lawyer." That he well may be, but he makes his way through statutory thickets with equal

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aplomb, and is at least as comfortable in the leeways of equity as in the straitened precincts of the law, developing the implications of an idea so broad and vague as "unjust enrichment" or the precise construction of technical language in a trust agreement, a statute of descent, or a section of the commercial code.

His classroom is a unique experience. Those who have been there will not forget the inescapable necessity of thought, the relentless pursuits of meaning, the blunt evaluations of performance, the abrupt transitions when the point is made, and the difficulty of capturing it all on paper. Nor will they forget how they came to see similarities in problems that looked different and differences in those that seemed like, nor how they were led ultimately to discover, in Llewellyn's words, the "true sense of the situation" by a teacher with an unerring instinct for the heart of the matter. From him, more than most, what they learned by example, the virtue of a careful and discerning analytical method governed by strong ethical and informed policy senses, overshadowed in importance the announced subject of instruction. All this is well understood by Michigan students. It is the priceless contribution he makes to the education of lawyers and the truth that is aptly caught in the Regents' vignette.

His office, small and spare, is located in the stacks as near as may be to the books in which he delves. Most frequently he will be found there with one or two open books and one or two sheets of paper or file cards spread upon the desk, reading the one, writing on the other, or staring thoughtfully with hand to chin at the blank wall before him, his acute sense of the relevant reflected in the absence of those mounds of books and papers that litter the workspace of others. In this space he collected cases in the thousands, statutory provisions by the hundred, and the matured reflections from thirty years of teaching and scholarship, and "put them together" in a treatise—its publication fittingly concurrent with his advancement to emeritus rank—which at last brings light to an enormously important and fruitful sector of the law that for too long has remained inaccessible and poorly understood. Without doubt that treatise will be a major and progressive influence on the law for the foreseeable future.

George Palmer is a deliberate person, and a thorough one. Rarely is he seen to move afoot at a pace exceeding eighty to the minute, and driving behind him on a city street is for the impatient an exacting experience. One who seeks his opinion must be prepared to wait first while the answer is considered and then while it is articulated, fully and inexorably, in a midwestern

drawl that brooks no interruption. He is given neither to fragmentary statements nor to brainstorming, and with him a conversation may well entail a rich exchange of views, but would never conceivably be described as an "interaction." Commenting upon a course recently adopted by some law schools, he noted that it seemed to cover a little knowledge about a lot of things, and added "but then I never was much interested in a little knowledge about any thing."

Another trait that could not pass without notice is his addiction to truth. Others may round off the edges or soften the texture of unpleasant fact. Not he. His well-known candor serves in any working group to keep the deliberations honest and the flights of fancy modest. Not that he often intervenes. In meetings he never makes a speech, and infrequently comments; but on occasion, his tolerance for cant exhausted, he asks a blunt question or expresses an unvarnished judgment that cuts to the bone, and in the classroom or elsewhere his direct gaze backed by a questioning expression frequently leads to second thoughts and an embarrassed shuffling of feet.

All of which combines with his square features and normally sober mien to project an image, particularly to students, that is illusively austere; in fact this is a man of compassion, quiet humor, and great personal warmth. Undemanding, unquestioning, and steadfast in friendship, he relishes a pitcher of beer and small talk with colleagues at campus retreats and takes great pleasure in the company of friends on all occasions. One of the joys of conversation with him is to watch and marvel at the sunrise when, in amusement, his features pass from serious repose to quizzical smile to unbuttoned grin, delighted chuckle, or outright guffaw.

In December, at the time of his "retirement," he adamantly refused to entertain suggestions that the occasion be publicly recognized. Happily the *Law Review* editors are subject to no such restraints, a public figure's privacy interest being subject to the paramount public need; for it is surely as important and immeasurably more uplifting that excellence be celebrated as that its opposite be scorned. The editors are to be commended for providing the occasion for the celebration.