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## OLIN BROWDER: THE SCHOLAR-TEACHER

*Mary Louise Fellows\**

While others in this issue will write about Olin Browder's important scholarly contributions, I prefer to write about him as a teacher. He will be a familiar scholar to future attorneys because his writings will long continue to provide insight and to promote better law reform; but, regrettably, his retirement means that future Michigan law students will not have the privilege to learn from this inspirational teacher, whom I deeply admire and continue to strive to emulate in my own teaching.

I clearly remember my thoughts as a student the first day I encountered Professor Browder. He walked into our first session of Future Interests and began immediately to have us describe the system of classification of estates. The atmosphere that Professor Browder immediately created in the classroom suggested that professor and students had met before and knew each other well. Upon reflection, that sense of familiarity was very accurate from both the perspective of the professor and the perspective of the student.

I am sure we were quite a different group of people from the classes that Professor Browder had taught over the prior thirty years. I suspect all of us were more skeptical than prior classes of the relevance and the appropriateness of gratuitous transfers. We were children of the Great Society who had grown up and become outraged over the abuses of power represented by Watergate. Future Interests seemed to pale in importance compared to the national traumas of the 1970s.

But none of these differences mattered to Professor Browder. He was interested only in our minds. He understood we were students who wanted to be good lawyers and, regardless of our professional ambitions, he knew he could help us achieve our goals by making us better legal thinkers. No matter how different our view of the legal profession and society may have been from his own or from the students Professor Browder had taught in the past, Professor Browder knew us intimately that first day of class because he understood and valued our ability to think and be good lawyers. More extraordinarily, his unique demeanor and style in each class session conveyed

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the message to the student that he cared deeply about our individual development as professionals.

Professor Browder taught that first session and the entire course with an enthusiasm for the subject material and teaching that belied the fact that he had performed these same teaching duties for over thirty years. It was inexplicable (at least to me that day) that this enthusiasm seemed to emanate from us to him. A student would give a response or ask a question, and Professor Browder would nod his head and try to keep his lips from breaking into a full smile. The student's response or the student's question told him we were on schedule, learning how to think about these legal issues just as had been true for the Browder alumni in years past. He regarded our learning and exposure to new legal analysis as an important event. He saw it every year with his students but gave no sign he ever tired of seeing it again.

As I have said, he seemed a familiar person to those of us who never before had met him. The manner in which he addressed the class — sitting in his chair behind the table, the casebook opened up to the relevant case; his notes, to which he seldom, if ever, referred, to his side; speaking with a quiet, but authoritative, voice — made him the very law professor we had each imagined during that long summer just before we began law school. Here was that graceful and gentle professor that we had all invented in our minds, who had the talent to ask the right and best questions about the law and had the ability to teach others how he thought about legal problems. I knew Professor Browder before I met him because he fulfilled all my hopes of being able to enjoy watching a fine legal mind work and learning how to emulate his manner of legal analysis. Our appreciation of Professor Browder was matched only by his evident enjoyment at witnessing his students' intellectual development.

Professor Browder is, of course, an outstanding scholar as well as an outstanding teacher. I doubt he views his professional life, however, as falling into discrete categories as this description may suggest. He is a teacher because he is a scholar and a scholar because he is a teacher. By comparing his casebooks and his articles, one can easily detect the nurturing of his scholarship through teaching and vice versa. One of several examples is found in the third edition of *Palmer's Trusts and Succession*, a casebook that Professor Browder co-authored with Professors Wellman and Waggoner. There he presents a series of cases demonstrating the absence of formal requirements for creating inter vivos trusts of personal property and the difficulty of reconciling cases that give effect to these transfers in

trust with those cases in which the courts hold that the dispositions are testamentary in nature and fail for lack of compliance with the will execution formalities.<sup>1</sup> These cases are not referred to in any of the other leading gratuitous transfer casebooks despite their obvious usefulness in teaching students to understand the nature of a trust and the dilemma created by the testamentary-nontestamentary distinction. Not unpredictably, the year before this edition of the casebook was published, Professor Browder wrote an essay entitled "Giving or Leaving — What is a Will?"<sup>2</sup> analyzing these same cases and expanding his thesis beyond inter vivos trusts. I suspect these cases and his analysis had found their way into his classroom discussion several years before.

Professor Browder, the scholar-teacher, never tired of asking questions and penetrating another layer of legal rules to comprehend the basis for our laws. He helped to develop intellectual curiosity in each of us by showing us its rewards. His own insatiable enthusiasm for the law was contagious, contributing greatly to the unique classroom atmosphere I detected that first session of Future Interests when I first met this inspired teacher and scholar whom I had known before.

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1. R. WELLMAN, L. WAGGONER & O. BROWDER, *PALMER'S TRUSTS AND SUCCESSION* 562-76 (1978), quoting from *Jackman v. Equitable Life Assur. Soc. of the United States*, 145 F.2d 945 (3d Cir. 1944); *Tootle Lacy Natl. Bank v. Rollier*, 541 Mo. 1029, 111 S.W.2d 12 (1937); *Van Cott v. Prentice*, 104 N.Y. 45, 10 N.E. 257 (1887); *Payton v. Almy*, 17 R.I. 605, 24 A. 101 (1892).

2. 75 MICH. L. REV. 845 (1977). Further interplay between the casebook and this Article is found at R. WELLMAN, L. WAGGONER & O. BROWDER, *supra* note 1, at 156-68.