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## A Tribute to Robert R. Wright, III

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## A TOAST TO ROBERT ROSS WRIGHT, III

*Philip S. Anderson\**

I first met Bob Wright during the fall semester of 1953, when I was a freshman at the University of Arkansas and he was a graduate student at Duke University.

I had heard of Bob Wright from the time I first arrived on the campus. He was an important figure in the intellectual life of the university, and he was an important figure in campus politics. He was a member of Phi Beta Kappa and various leadership organizations. He had completed his undergraduate requirements and one year of law school, and off he had gone to Duke University for a master's degree in political science. He was brilliant; he was admired; he had a future; he was coming back to Fayetteville for a visit; and he wanted to meet me!

I was introduced to Bob by a mutual friend on a bright, warm autumn afternoon in Fayetteville, and we went to Jug Wheeler's, the quintessential campus hangout, a drive-in that was a source of sustenance and nutrition for a generation or more of students. Our host had a convertible, and with hamburgers and beer as provisions for the afternoon under a benign sun, it seemed to me that I had arrived at the point destiny had contrived for me. I was ready to talk to this polymath of arts and sciences and law.

It was an enchanting afternoon from my perspective, but, alas, my host advised me a few days later that I had not passed the test. Bob thought that I did not have sufficiently rigorous intellectual discipline. (I have since come to believe that this is probably his universal assessment of the rest of mankind.) Even so, when Bob returned to the Fayetteville campus after receiving his master's degree in political science and resumed his studies in law, we became close friends and the friendship has endured until this day. When Bob graduated and went off to practice law in Forrest City, I felt as if I had been abandoned.

Bob had such a successful practice in Forrest City that he was offered a position in the general counsel's office at the Crossett Lumber Company, which he accepted. He excelled at all he did in the practice of law, but his academic side was longing for expression.

He told me about his interest in teaching, which was soon realized when he became a member of the faculty at the law school in Fayetteville. Bob taught law and went on to earn an LL.M. and a S.J.D., and he has been appropriately known as Dr. Wright ever since.

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\* Philip S. Anderson was the President of the American Bar Association in 1998-1999. He is a partner in Williams & Anderson in Little Rock. He has been a trustee of the George W. Donaghey Foundation for twenty years.

I am told that he is a formidable teacher. I know that he is a formidable writer. He has a remarkable facility for writing, especially legal writing. In addition to voluminous scholarly articles that have been published in law reviews, his casebook on land use has been a valuable teaching tool in law school classrooms across the country for almost thirty years. His study guide, *Land Use in a Nutshell*, has been the academic equivalent of a best seller for almost twenty years. For most people those accomplishments would have been the capstones of a successful career. For Bob Wright, they are simply milestones.

Bob served for several years as dean of the law school at the University of Oklahoma at Norman. He led the fund drive and built a new law school facility. Then he returned to Arkansas and devoted himself to establishing the law school that eventually became the University of Arkansas at Little Rock School of Law. He also plunged into public service and the work of the organized bar. His early service on the Little Rock Planning Commission permitted him to exercise a practical application of his scholarly work in land use. In addition, he applied himself to the work of the Arkansas and American Bar Associations.

It is not an exaggeration to say that in the American Bar Association, few have done as much and none more for the solo practitioner in America than Bob Wright. Most of the lawyers in America practice in small firms or alone. He has been the leader in seeing that programs are developed to assist the small-town lawyer in his or her practice and to elevate the level of professionalism and skills among those lawyers, with the result that they may serve their clients better and more efficiently. Obviously, there are many people in the American Bar Association who are interested in those lawyers practicing in small firms or alone, but their support was organized and focused by Bob Wright. He led the way, and he was peculiarly equipped to do so because of his experience in practicing law in a small town and teaching future lawyers for a small, agrarian state.

As a result of his efforts in this regard and the high esteem in which he is held by his colleagues in Arkansas, Bob was elected to represent the Arkansas Bar Association in the House of Delegates of the American Bar Association, which is the policy-making body of the ABA. At the time of his election, Arkansas was permitted to have only one bar association delegate at the national level. To the best of my knowledge, he is the only academic ever selected for that position for Arkansas.

Dr. Wright is held in the same high esteem by his colleagues in the American Bar Association as he is in Arkansas. He has served as Chair of the General Practice, Solo and Small Firm Section of the American Bar Association. That section is comparable to the bar association of a medium-sized

state. It has over 11,000 members from throughout America. I believe that he is the only academic ever to serve as chair of the section. He resigned his seat as the delegate to the American Bar Association from the Arkansas Bar Association when he was selected as a delegate to the House of Delegates by the General Practice, Solo and Small Firm Section, a position that he continues to hold.

I have neglected to mention that at the time of his retirement, he was the George W. Donaghey Distinguished Professor of Law at UALR. He exemplified everything that a Donaghey Distinguished Professor should be. He was at the top of his form. He was recognized as a scholar by his contemporaries in the law schools of this country, and he was celebrated as a leader by the lawyers in Arkansas and America. He has made lasting contributions to the jurisprudence of this land, and his legions of friends rejoice that through his service in the House of Delegates of the American Bar Association we will continue to have the benefit of his wise counsel and talent for leadership that first blossomed on the Fayetteville campus so many years ago.



## A TRIBUTE TO ROBERT R. WRIGHT, III

*Lawrence H. Averill, Jr.\**

On December 31, 1998, Robert R. Wright, III, the Donaghey Distinguished Professor of Law, officially retired from the School of Law at the University of Arkansas after a career of thirty-five years as a legal academic. Personally, I don't think that Bob Wright retired, he merely graduated.<sup>1</sup> Although it is hard to believe that Bob could do more, I do not doubt it for a moment that he will.

Bob *is* the quintessential lawyer. If there are lawyers for all seasons, Bob is one of them. In this short tribute, it is impossible to adequately convey the real magnitude of Bob's accomplishments. I will only mention particular items that I feel especially reveal the merit of the man.

Without question, Bob excelled in all aspects of his academic legal world. He has done it all. While progressing from assistant professor to professor, from law journal editor to recognized scholar, from assistant dean to dean, from distinguished professor to professor emeritus, he distinguished himself as an exceptional teacher, prolific scholar, and generous server to the legal profession and the community.

Without diminishing the importance of teaching and service, let me emphasize his prowess in scholarship because for an academic, scholarship takes the greatest amount of self discipline and dedication. Bob's writings exhibit the attributes of a great writer, *i.e.*, quantity, quality, and creativity. His styles range from theoretical to historical to humorous. His formats range from scholarly texts to biting or provocative editorials. Even a little humorous fantasy is found among the list.<sup>2</sup> Through the years, Bob's publication efforts

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\* Charles C. Baum Distinguished Professor of Law, School of Law, University of Arkansas at Little Rock. Professor Averill taught at the College of Law at the University of Wyoming from 1965-1982. He has his A.B. from Indiana University at Bloomington, Indiana; a J.D. from The American University; and a LL.M. from the George Washington University. He was Dean of the UALR School of Law from 1982-89. Between 1989-91, he served as Chief Justice William H. Rehnquist's Administrative Assistant. Since 1991, he has been back on the UALR School of Law faculty.

1. The same idea was recently expressed by John Elway, quarterback for the Super Bowl Champion Denver Broncos, at his press conference announcing his retirement: "I really don't look at it as retirement, I look at it as graduation. We all graduate from high school. We graduate from college. I'm just graduating from pro football." *Elway's Parting Words: Farewell to a Legend*. ROCKY MTN. NEWS, May 3, 1999, at 8N, available in 1999 WL 6647976.

2. Satirical humor *aficionados* should not miss the tongue-in-cheek "case note" that Bob wrote under the pen name of Jasper Bogus McClodd and Pepe Le Peu. See Jasper B. McClodd & Pepe Le Peu, *Legislative and Judicial Dynamism in Arkansas: Poisson v. D'Avril*, 22 ARK. L. REV. 724 (1969). The note concerned Justice George Rose Smith's bogus "April Fools" opinion in which the Justice analyzed the scope of the Arkansas legislature's repeal of "all laws and parts of laws" added as a repealer clause to the provisions of an Act.

as well as his numerous publications have been an inspiration and role model to the faculties of which he was a part.

Besides his academic endeavors, Bob also excelled in the other legal environments. As a highly respected authority in property and land use planning, Bob is frequently called upon by practicing attorneys for his outstanding advice and advocacy. Bob's outstanding service to the Bar is without equal. The Arkansas Bar and its leadership have frequently relied on Bob's expertise and industry. He is a lifetime member of the House of Delegates. In 1993, he was elected by the membership of the Bar Association to serve as one of its representatives to the American Bar Association.

There are few if any academics who have achieved the level of recognition and acceptance by the practicing bar as has Bob Wright. Probably the most remarkable accomplishment for Bob was his ascendancy through the ranks and selection as chair of the General Practice section of the American Bar Association. An honor in its own right since this is the largest section of the ABA, it is a miraculous event for an academic. It shows the remarkable respect and confidence that a wide range of lawyers have for Bob.

Although least developed (only because of limited opportunity), Bob's judicial service deserves brief mention. In 1991-92, Bob served as special chief justice of the Supreme Court and had primary responsibility in writing a difficult opinion in a controversial case.<sup>3</sup>

A comparable career that I want to mention is that of Robert A. Leflar, the late Distinguished Professor of Law at the University of Arkansas at Fayetteville School of Law. Dear friends and mutual admirers, these two persons have dominated the Arkansas Legal Community for over fifty years. It has been the two Arkansas law schools' great good fortune to each have a person of such outstanding merit on their faculties. In this regard, Bob Wright's retirement completes the end of an era. Time will only tell whether others on or to come on these faculties can match the achievements of these two outstanding lawyers.

It thus is my great honor to have this opportunity to write this tribute to Bob Wright in recognition of his recent retirement and to honor his outstanding service. Fortunately and as previously indicated, Bob's retirement is only a reportable event, not a change of course. I know Bob will continue to serve the legal community in many ways in the years ahead.

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3. See *Clark v. State*, 308 Ark. 84, 824 S.W.2d 345 (1992).

## A TRIBUTE TO ROBERT R. WRIGHT, III

*Morton Gitelman\**

When I came to the University of Arkansas in 1965, Bob Wright was here as a researcher on a funded project dealing with eminent domain law. I got to know him in a soft way—I inherited his office chair, one that had been purchased with grant funds. It was a good chair and still is, as I continue to use it daily. The reason I inherited the chair was because Bob took over duties as an assistant dean and director of CLE activities for the law school.

Our collegueship was intermittent in the 1960s as Bob was restless to move on to work that was more traditional as a teacher and scholar. Bob taught Property and I taught Land Use as well as several public law courses. When he was at Wisconsin taking his S.J.D. at the law school in Madison, he concentrated his research efforts on the law of airspace. This was rather unusual for an Arkansas lawyer because the law of airspace was of economic interest to big-city lawyers. Bob's dissertation on airspace was published as a book and received some acclaim.

When Bob left Fayetteville he did a year as a visiting professor at the University of Iowa and then, for some strange reason, became Dean at the University of Oklahoma. It was at that time that Bob and I became conjoined in what was to be and still is a joint editorship of a casebook on Land Use law. Professor Jacob Beuscher, Bob's mentor at Wisconsin, literally invented the course in Land Use in the 1950s. For several years his materials were all mimeographed, and teachers at other law schools teaching that course began to use the Beuscher materials. Just before Professor Beuscher died, West Publishing Company had contracted to publish the materials in its casebook series. Bob Wright, as the latest graduate student under Beuscher, undertook to update the materials for a new edition that was published by West in 1969 under the editorship of the late Jacob Beuscher and Robert R. Wright. I helped Bob as best I could by giving him many of the extra materials I had developed in teaching the course.

After Bob became Dean at Oklahoma and the time came for a new edition of the land use materials, he realized that time was a commodity that law school deans tended to lack. Bob called on me to ask if I would become his joint editor of the casebook. I readily agreed, and from 1974 until today, Bob and I have been co-editors of a casebook that is now in its fifth edition. So, even though we have not really taught together for some thirty years, Bob and I are bound together by more than his office chair.

Bob Wright has had a fortunate career in legal education. Land Use, Property, Decedents' Estates, and Legal History have been his major concerns

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\* Distinguished Professor of Law, University of Arkansas.

as a scholar. Perhaps one reason our casebook projects have always been smooth and productive is that I share with Bob an intense interest and delight in legal history. We have both tried in our teaching as well as in our publications to infuse law students with the necessity of learning and developing an appreciation for how legal institutions were shaped and molded by the social, economic, and political forces of their time. In an era when lawyers feel compelled to seek the latest precedents and developments, they too often ignore the history behind what they advocate.

History is for the young as well as the old-timers. Bob has been working diligently on a history of the Arkansas Bar. I have also worked and published in early Arkansas legal history, and so I know what delights await the researcher at every turn in the long road. Even the freshest young lawyer seems to appreciate the results of the research into the past. The legal profession, more than most, is built upon historical foundations. Sir Walter Scott once wrote in one of his Waverly novels, "A lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect." These wise words are descriptive of the devotion Bob Wright has given to the history of law in his fields of endeavor. He has, throughout his teaching career, tried to give his students the tools to be architects, not masons. This is a lasting contribution to the education and development of lawyers and the legal profession.

Somehow, I just don't believe that Bob will go fishing upon retirement. I think he will continue doing what he has done so well for so many years—looking into interesting areas of law and writing about them.

## A WORD FROM HOME

*Susan Webber Wright\**

When the law school planned to honor Bob upon his retirement, someone asked if I wanted to participate in the formal program. I refused because I am reticent to praise the person who is closer to me than any other mortal being. In other words, I find it difficult to share publicly my thoughts about my spouse upon his retirement from teaching at the law school. Nevertheless I agreed to write this brief tribute because, at least for me in this context, it is easier to write than to speak.

Professor Robert R. Wright, III was known to his students as “Rapid Robert” for the fast pace of his class. He is a veritable expert in Arkansas property law, including the archaic Rule in Shelley’s Case, the Doctrine of Worthier Title (as to both wills and deeds—now abolished by statute), the fee tail (both male and female), and the Rule Against Perpetuities. He told his students, “You can pay me now or pay me later,” referring to the fact that if they did not learn the law for the class, they could pay him later by consulting with him when they confronted issues of property law. Several years ago at a social gathering Bob met a young man who had only recently taken the Arkansas bar examination but who did not know Bob and had not attended our law school. The young man expressed confidence that he had passed the Property section of the exam because, he said, he had “Wright’s notes.”

Bob’s contributions to his profession have not stopped at the classroom. And even though he is no longer teaching law school classes, his other work continues as if he had never retired. His work in the American Bar Association includes his membership in the House of Delegates and his activity, as former section chair, in the General Practice, Solo and Small Firm Section. His work in the Arkansas Bar Association continues as well, especially his writing project on the history of the bar. Furthermore, he has signed at least one new contract with West Publishing Company for a new edition of *Land Use in a Nutshell*.

Not many people know that Bob loves the musical *Cats* and T.S. Eliot’s *Old Possum’s Book of Practical Cats*, upon which the musical is based. Some aspects of Bob’s life remind me of some of his favorite cats. For example, Bob is the proud father of four, including a twelve-year-old, and the proud grandfather of four. All his progeny revere him. Since our daughter was a few months old, he has brought her along on numerous trips to ABA meetings. He has taken his children and grandchildren on several family vacations. Bob

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\* Chief Judge, United States District Court, Eastern & Western Districts of Arkansas. J.D., 1975, University of Arkansas School of Law; M.P.A., 1973, University of Arkansas at Fayetteville; B.A., 1970, Randolph-Macon Woman’s College. Judge Wright served on the faculty of the University of Arkansas at Little Rock School of Law from 1976 to 1990.

has joked that he is like the cat, Old Deuteronomy, who had many progeny, and I agree.

Because my work requires some long days and frequent out-of-town court sessions, Bob is frequently the only parent at home, and his organizational skills around the house are fairly well-honed. For example, when he is organizing a family group to leave home to be somewhere on time, he reminds me of Skimbleshanks, the cat that made the trains run on time. But if I were to personalize a cat after Bob, I might name the cat Socrates, as the teacher cat. Our daughter's favorite pastime with him is to exploit his knowledge with her questions on innumerable topics, including twentieth century history, which seems to be her favorite. She is fortunate to have a father who is delighted to share with her his personal remembrances of the Great Depression and of Franklin Delano Roosevelt and the eleven other U.S. Presidents who have served during his lifetime. Needless to say, Bob has not retired from any of these family activities.

Not long ago Bob showed me what was written inside a foil candy wrapper. It said something to this effect: Spend time with those who love you most. Even though he is retired from teaching, he is retired from nothing else. And he will spend time, as always, with the right people.