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## A Tribute to Robert Meisenholder

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# A TRIBUTE TO ROBERT MEISENHOLDER

Robert L. Fletcher\*

The dedication of this issue of the Washington Law Review to Professor Robert Meisenholder suitably celebrates the long career of a scholar, teacher, and beloved colleague.

Professor Meisenholder retired in June 1985 after thirty-seven years as a member of a law faculty, thirty-one of those years at the University of Washington School of Law. He came to our Law School in 1954, after six years of teaching in other schools (Miami and Cincinnati), four years of practice, and three years in the Navy (as a Japanese language expert during WWII). His legal education (both J.D. and S.J.D.) was at Michigan, where he later returned as a visiting professor in 1958-59.

Bob came to the Law School in the George Neff Stevens era. During the early years of George's deanship, which lasted thirteen years (deans were harder in those days), George attracted many stalwarts to our faculty, Bob among them. Others who joined the faculty under Dean Stevens were Cornelius Peck in 1954, Arval Morris and Ralph Johnson in 1955, Phil Trautman and I in 1956, and Dick Cosway in 1958. Unlike others in the group, Bob and George had been friends and colleagues for some time before coming here, and they shared a common interest in civil procedure that has persisted for both of them.

Bob is ever the tireless worker, the painstaking researcher, the careful writer. His career-long devotion to civil procedure and evidence<sup>1</sup> has produced articles, casebooks, treatises, and formbooks, all of significance and utility. Although some are student-oriented, most are designed for lawyers in their day-to-day practice.

At the time of Washington's transition from Field-code procedures to those patterned on the federal rules, Bob was particularly effective in bringing about the adoption of the new rules and in educating the bar.<sup>2</sup> In

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1. *But see infra* text accompanying notes 8-10.

2. For example, Volume 32 of the Review contains 85 pages of detailed commentary on Federal Rules of Civil Procedure Nos. 7 through 25, then being proposed for adoption by the Washington courts. Meisenholder, *The Effect of Proposed Rules 7 through 25 on Present Washington Procedures*, 32 WASH. L. REV. 219, 336 (1957). In this work Bob sets out each proposed rule, compares it to existing Washington law and practice, comments on the utility of the new rule, cites federal and other state authorities for comparative interpretation, and refers to basic national treatises, other law review comment, and various practice manuals. How better to prepare fearful lawyers, long accustomed to a code pleading system, for their new experience under the proposed rules?

Bob describes the history of Washington's piecemeal adoption of all the federal rules, a process that extended over some 22 years (1938-60), in 26 F.R.D. 123 (1960). In typical fashion he compliments

the field of evidence, Bob has also contributed greatly to the practice of Washington lawyers. Appearing in 1965 as Vol. 5 of West's Washington Practice, Bob's 626-page treatise on evidence is a comprehensive work geared specifically to Washington law. Bob continued his work on this treatise with annual supplements through the year 1979, when Washington adopted its version of the federal rules of evidence.

On a national scale, Bob has also been of service to lawyers, again through careful, detailed, meticulous work, in assembling six volumes (!) of forms for lawyers' use in federal district courts.<sup>3</sup> These are annotated to case authority or origin, treatise references, and West's digest system. Bob also prepared the annual supplements for these volumes from their original publication dates through 1984.

Finally, Bob has been a major contributor of written materials for students. In 1968 he co-edited a civil procedure casebook;<sup>4</sup> then in 1975 he again co-edited (with all but one of the early group) a second, expanded casebook on civil procedure.<sup>5</sup> He also contributed to McCormick on Evidence, edited by Edward Cleary,<sup>6</sup> and in 1981 co-edited with Kenneth Broun a pioneering work entitled, "Problems in Evidence."<sup>7</sup> In addition, he has compiled extensive materials for the use of his own students.

To remind us all that a person's career is shaped more by external demands than by choice, I note that although Bob's principal writings and his reputation are in the fields of civil procedure and evidence, it has not always been so. Bob's earliest publication was a 56-page article in the Michigan Law Review on taxation of annuity contracts.<sup>8</sup> In the late 1940's he assembled two 400-page sets of teaching materials on jurisprudence and international law, respectively.<sup>9</sup> And in the 1960's he wrote a series of short pieces on corporate and securities law.<sup>10</sup>

Bob is indeed a productive and respected scholar who has not just advanced his own reputation but has also enhanced that of the Law School

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many of the others who were movers in the process but only incidentally notes his own major part. His other written contributions to that process include COMMENTARIES ON NEW WASHINGTON RULES OF PLEADING, PRACTICE, AND PROCEDURE (1959).

3. DISTRICT COURTS, WEST'S FEDERAL FORMS, vols. 2-4 (2d ed. 1967); vols. 3, 3A (3d ed. 1977); vols. 2, 2A, 2B (3d ed. 1983); annual supplement for all volumes through 1984.

4. PROCEDURE BEFORE TRIAL: CASES AND MATERIALS (1968).

5. CIVIL PROCEDURE: CASES AND MATERIALS (cowritten with DELMAR KARLEN) (1975).

6. MCCORMICK ON EVIDENCE (E. Cleary 2d ed. 1972, Supp. 1978 & 3d ed. 1984) (contributing author).

7. PROBLEMS IN EVIDENCE (cowritten with Kenneth S. Broun) (1973 & 2d ed. 1981).

8. *Taxation of Annuity Contracts Under Estate and Inheritance Taxes*, 39 MICH. L. REV. 856 (1941).

9. R. MEISENHOLDER, CASES AND MATERIALS ON JURISPRUDENCE (1948); R. MEISENHOLDER, CASES AND MATERIALS ON INTERNATIONAL LAW (1949).

10. *Sections 11 and 12 Liabilities of an Insurer in the Distribution of Securities Registered Under the Securities Act of 1933*, 3 CORP. PRAC. COMMENTATOR 1 (1961); *Scienter and Reliance as Elements in Buyer's Suit Against Seller Under Rule 10B-5*, 4 CORP. PRAC. COMMENTATOR 27 (1963).

## Tribute

and the University. But this tribute to Bob would fall far short if I did not celebrate the warm, gentle, considerate, dignified, self-effacing colleague whom we cherish and respect.

Bob was unfailingly the cooperative, concerned contributor in every setting and on every occasion, whether in the classroom, a committee or faculty meeting, or whenever called upon to help. And in his later years of teaching, particularly in his classes in evidence (no longer a required course), Bob drew an intensely loyal and supporting group of students. They liked the easy informality of his classroom, the unhurried pace, the patient descriptions and explanations.

Perhaps an anecdote will best capture that spirit:

On the occasion of Bob's last class, in the spring of 1985, a few of the faculty assembled in the back row of the classroom, as is the custom. As we soon discovered, his first year class in civil procedure had taken matters into their own hands—gigantic cake complete with inscription, ceremony, and ribboned scroll. The professor was overwhelmed, and it took some urging for him even to untie the binding, unroll the scroll, and read—but he did so silently. This raised the cry, "Read it, let's hear it!" But he simply would not—could not—read aloud such praises of himself, and one of the students had to take over.

Unfortunately for posterity that scroll has vanished, probably into the accumulations in Bob's office, never to be retrieved. But we do have the text of a student letter written shortly thereafter. It reads:

Professor Meisenholder,

Once again before you leave, I'd like to thank you for our Fall & Winter Civil Procedure class. I learned a lot and looked forward to your enlightenment—and your personality—every class.

Thank you for staying one more year so that I could have the good fortune to take a class taught by a real professional. You will remain in my thoughts long after we've both left Condon Hall.

Yours,

We, too, thank you.