

Washington Law Review

Volume 65
Number 2 *Dedicated to Professor Robert L.
Fletcher*

4-1-1990

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Recommended Citation

Ralph W. Johnson, Dedication, *The Fletcher Years*, 65 Wash. L. Rev. 281 (1990).
Available at: <https://digitalcommons.law.uw.edu/wlr/vol65/iss2/6>

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THE FLETCHER YEARS

Ralph W. Johnson*

How would you best describe Robert L. Fletcher, I asked my colleagues. He is, they said, thoughtful, a man of integrity, a delightful and companionable gentleman, sincere of purpose, hard-working, reliable, exceedingly thorough, a respected scholar and teacher. By habit he examines all aspects of a proposal before acting on it, reserves judgment until "all the evidence is in." Reputedly he enjoys ferreting out arcane future interests that violate the Rule Against Perpetuities in trust and real estate documents.

Bob Fletcher practiced law for nine years in Seattle and Tacoma, Washington, before entering teaching in 1956. Before that he was an officer in the U.S. Navy three and a half years during the Second World War, serving as an engineer and flight tester in the lighter-than-air branch at Lakehurst, New Jersey. He received his LL.B. degree from Stanford Law School in 1947.

After 33 years of law teaching Bob Fletcher retired from the Law School in 1989, having attained a vigorous 71 years of age, and a new hip. (Incidentally, Bob's initial salary was the munificent sum of \$6,800 per academic year, higher than the salary for a less experienced entering professor).

During his career Bob rendered invaluable teaching and administrative service to the Law School. These few pages can not capture the depth of his contribution to the life and work of the School's community, but may help affirm the affection and respect that community has for him.

One of Professor Fletcher's abiding goals was to design courses and a curriculum to provide students with the best possible legal education. He served on the Curriculum Committee for seven out of ten years between 1970 and 1980, and was three times Chair of that committee. In 1976 he instigated a major review of the curriculum, personally interviewing each faculty member to assist in coordinating course coverages, eliminating duplication, and evaluating afresh what was actually taught in classrooms.

His principal teaching interest was Property II and Wills and Trusts. He also taught Constitutional law for a time, and continued to maintain interest in it throughout his career. In 1963 he published a

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constitutional analysis of a proposal to limit, and gradually reduce, the excessive number of salmon boats and nets operating in northern Washington waters,¹ which was keeping most fishermen impoverished. On the basis of his thorough, accurate, and widely read study for Washington, the state of Alaska consulted Bob to assist in writing a gear limitation law for that state. In recognition of his work the Alaska Senate adopted a 1973 Resolution expressing its "most sincere gratitude and appreciation" to Professor Fletcher for the public service he rendered advising the state on the "formidable" constitutional questions posed by gear limitation legislation.

Bob always had a keen interest in providing opportunities for minority students to enter the Law School. In the stormy, early 1970s the faculty wanted a constitutionally supportable affirmative action admissions program. Bob played a central role in crafting the language to implement this program. Later, in light of the *Bakke* decision,² admission policies were modified to add a greater element of "diversity," but otherwise these policies have remained essentially unchanged until recent times.

For such a fair minded, gentlemanly "nice guy," it may be surprising to learn that Bob, along with this Author, was known during the late 1950s as a "hatchetman," whose goal in life, some students thought, was to flunk first year students. At the time both Bob and I were teaching the fall quarter course in Personal Property.³ We were tagged with this "affectionate" name because we delivered the first year class's earliest law school grades, and it was not unusual then to return a significant number of failing papers. In those days virtually anyone with a bachelor's degree could enter law school, but only some half to two-thirds graduated. Things are different now. When the number and quality of applicants for admission skyrocketed in the 1960s and 1970s the screening process for admissible students was tightened. Almost no students flunk anymore, although a few leave for other reasons.

Bob believed strongly in the idea of collegiality for the law faculty. To further this objective, he and his wife Betty, with Harry and Lynn

1. Fletcher, *Legal Analysis*, in SALMON GEAR LIMITATION IN NORTHERN WASHINGTON WATERS 52-118 (University of Washington Publications in Fisheries, New Series, Vol. II, No. 1, 1963).

2. *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

3. The course in Personal Property was a delight to teach. But due to the expansion of the law generally, and the pressure to cover other subjects, personal property has been absorbed into an overall "Property" course, across the country. Instead of getting 40 hours of class time, personal property now gets 8 to 10 hours.

Cross, hosted a series of annual summer family picnics at the Cross home and grounds near Kirkland, Washington. Children were invited, games organized, and excellent food provided. They were memorable occasions.

Then there was the issue of Saturday classes. It is difficult now to believe that the Law School once actually held such classes, then debated for weeks in the 1960s whether to retain or drop them. The process by which they died illustrates another Fletcher talent. The final debate lasted most of a Saturday (The faculty no longer holds Saturday meetings.) Arguments for retaining Saturday classes were plentiful: the problem of scheduling 3 hour classes would be difficult during week days (a 6 day week can handle scheduling of two three-hour classes but a 5 day week poses problems of symmetry); course coverage would suffer; students would lose their sense of discipline, etc. One of the most serious problems concerned a question of equity: some faculty taught on Saturdays, others avoided this chore. During a long afternoon of debate, a consensus began to form that Saturday classes should be terminated. Throughout this debate Bob Fletcher drafted, as he did on other occasions, on-the-spot language, skillfully designed to articulate the faculty consensus, while the verbal battle raged on. Whether in this case Bob designed the ultimate or the penultimate language is unimportant. What is significant is that so many draft motions had been proposed that Bob's final rendition was labelled "Pink Fletcher Two," to distinguish it from his earlier "white" and "blue" editions, from editions crafted by others, and from "Pink Fletcher One." The ultimate motion was clever: Saturday classes would not be held unless necessary for scheduling needs. This reduced the issue to a mere "scheduling problem," to be solved by the associate dean who scheduled classes. This saved face for the Saturday class advocates, but effectively killed the concept. All associate deans since that time have concluded that "scheduling needs" do not require Saturday classes. Today any suggestion of such classes would be considered a joke, or incite a revolution. How times change!

A man of many facets, Bob has extra-legal talents. Aside from success as a parent (in plain view elsewhere in this volume) a perhaps less well known talent is his engineering skill. For one thing, this talent put him on to using a slide rule for the final calculations of his grades each quarter. It was also critical to the success of a rather hazardous project he supervised in 1959 when my wife Anne and I worried about how to get a full size, upright piano up 33 steep steps into our house. Fletcher agreed to assist. Indeed it was due to Fletcher's engineering

acumen that a motley team of muscled young law professors avoided a tinkling, cacophonous, ivory-keyed disaster.

Bob recently became a pilot. After 1974, when Bob and Betty purchased a tract of land at Parker Harbour, British Columbia—a beautiful but isolated area with few roads—Bob developed a passion for spending summers there. He built a cabin from the ground up. He gardens, makes repairs, and in general enjoys the pastoral life. Since flying made it faster to get there and back, he started flying lessons while “still young,” or shortly after his 65th birthday. (When my own father took up flying at age 55 I worried he was “over the hill,” and lacked the needed coordination. My perspective has changed upon surpassing 55 some years ago.) Bob now flies regularly to Parker Harbour, and at least one daughter gives him high marks as a pilot.

Thus far, in “retirement,” Bob has taught a semester at Hastings Law School in San Francisco, and a semester at Vermont Law School in South Royalton, Vermont. He will continue flying to Parker Harbour in summers. Gently but assuredly, as he goes into that new life, he takes all our warm wishes for an interesting and productive post-Law School career.