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Richard O. Kummert*

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### In Memoriam: Professor Emeritus Richard O. Kummert

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## IN MEMORIAM: PROFESSOR EMERITUS RICHARD O. KUMMERT

The *Washington Law Review* dedicates its October 2012 issue to Professor Richard O. Kummert who passed away last April at the age of seventy-nine. Professor Kummert served as the faculty advisor to the *Washington Law Review* for over four decades. The success of this publication owes, in many ways, to Professor Kummert's steadfast guidance. The following memorial remarks come from his former students, colleagues, and friends. Many, but not all, of these remarks have been graciously adapted from speeches given at Professor Kummert's memorial service, which was held at the University of Washington School of Law on April 29, 2012.

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### *Foreword: A Tribute*

Kellye Y. Testy<sup>1</sup>

When Professor Richard O. Kummert passed away on April 17, 2012, the walls of Gates Hall shook with grief and loss. Our colleague, who we often affectionately referred to by what his initials “ROK” spell, was at the core of our foundation. We had leaned so heavily on him for so long that we teetered collectively before regaining our footing to honor his life and the values for which he stood so firm for so long. This tribute issue of our *Washington Law Review* continues our celebration of Professor Kummert, truly our “ROK.”

Professor Roland Hjorth—his friend, colleague, and former dean—notes in his moving tribute that Professor Kummert joined UW Law in 1964 after working in private practice. Professor Kummert was an extraordinarily well-educated man, having degrees from the Illinois Institute of Technology (B.S. 1953), the University of Illinois (C.P.A. 1954), Northwestern University (M.B.A. 1955) and Stanford University

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1. Dean and James W. Mifflin University Professor, University of Washington School of Law.

(LL.B. 1961). He was promoted quickly to the rank of professor in 1967 and taught continuously through 2010, primarily in the area of corporate law. Professor Kummert was honored in 1994 with the D. Wayne and Anne Gittinger Professorship and in 2007 with the naming of a classroom in his honor.

As Professor Hjorth notes, we always had to proceed carefully and often indirectly in recognizing Professor Kummert because he had little time or appreciation for being in the spotlight. Instead, Professor Kummert believed in institutional service for the sake of it. He was a role model in this regard, doing so much of everything that “needs doing” around the law school over the course of his career. He cared deeply and passionately about his students, his profession, and his school—not about getting credit or building a resume. Professor Kummert was the advisor to the *Washington Law Review* for over 40 years, a position in which he played a vital mentoring role to so many of our student leaders as his former student, now Professor, Robert Gomulkiewicz explores in his poignant tribute. Professor Kummert served several deans as an Associate Dean, a demanding and critical role in the law school. He also served for years as Executive Director of the Law School Foundation and was a driving force in helping to maintain that Foundation’s health and autonomy. Perhaps most significantly, he led our admissions process for decades. In that latter role, as Professor William Andersen’s insightful tribute explains, he was at the vortex of complex and challenging anti-affirmative action litigation that involved important and nationally recognized litigation to the U.S. Supreme Court.

Professor Kummert’s influence extended beyond the law school into the Washington legal community. He was (and through his published work will remain) an influential expert in corporate law, having founded and served as a guiding force on the Washington State Bar Association’s (WSBA) Corporation Act Committee for nearly three decades. He was recognized with the President’s Award by the WSBA in 1989 for his contributions to revisions to the Washington business corporation act. As Paula Littlewood, a former student and colleague, and now Executive Director of the WSBA notes in her tribute, Professor Kummert’s wisdom and insights were always in demand.

As the current dean of this great law school, I share Professor Kummert’s love for the institution and all of its constituents. My regret is that we were not colleagues together longer, for I know we would have come to share much common ground. One of a dean’s most sacred duties is to hold in trust the welfare of the institution for the long term—to think of the present, yes, but to steward also with the interests of former and future students in mind as well. As we pay tribute to

Professor Kummert in this issue, I pledge to continue to advance the law school with many of the values he held dear—values of integrity, of service, and of dedication to the common good. And I close with a favorite poem from Maya Angelou that I hope helps to show how much his life's work here will reverberate: "We can be. Be and be better" because he existed.

*When Great Trees Fall*  
by Maya Angelou

When great trees fall,  
rocks on distant hills shudder,  
lions hunker down  
in tall grasses,  
and even elephants  
lumber after safety.

When great trees fall  
in forests,  
small things recoil into silence,  
their senses  
eroded beyond fear.

When great souls die,  
the air around us becomes  
light, rare, sterile.  
We breathe, briefly.  
Our eyes, briefly,  
see with  
a hurtful clarity.  
Our memory, suddenly sharpened,  
examines,  
gnaws on kind words  
unsaid,  
promised walks  
never taken.

Great souls die and  
our reality, bound to  
them, takes leave of us.  
Our souls,  
dependent upon their  
nurture,

now shrink, wizened.  
Our minds, formed  
and informed by their  
radiance,  
fall away.  
We are not so much maddened  
as reduced to the unutterable ignorance  
of dark, cold  
caves.

And when great souls die,  
after a period peace blooms,  
slowly and always  
irregularly. Spaces fill  
with a kind of  
soothing electric vibration.  
Our senses, restored, never  
to be the same, whisper to us.  
They existed. They existed.  
We can be. Be and be  
better. For they existed.<sup>2</sup>

### *Memorial Remarks*

William R. Andersen<sup>3</sup>

Dick was a loyal colleague who contributed in many, many ways to his students, his colleagues, the law school and to legal education generally. In setting after setting, he proved himself adept, consistent, reliable, and hardworking, all the while bringing absolute integrity to all he touched. In addition, he was likeable. He was so likeable in fact that he was forgiven—unusual in academia—for being smarter than the rest of us.

Later speakers will describe other areas of Dick's work, but I would like to cite as an example a single field in which Dick's qualities can be clearly seen. To do this, I may get a little technical on you, but I can't

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2. MAYA ANGELOU, *When Great Trees Fall*, in THE COMPLETE COLLECTED POEMS OF MAYA ANGELOU 266 (1994).

3. Judson Falknor Professor of Law Emeritus, University of Washington School of Law.

think of any other way to illustrate the nature and magnitude of Dick's contribution. Besides, if I am technical, concrete and specific, Dick would have liked that.

I would like to talk briefly about Dick's contribution to the law school admissions process, both locally and nationally. For those of you outside the school, admissions may look like a pretty straight forward administrative function: you receive applications from interested applicants, identify those applicants that seem able to do the work, send them letters of acceptance and everyone lives happily after. But it turns out to be a much more complex—and much more controversial—process. And at no time has it been more so than in 1970s and '80s when Dick was helping us create a modern admissions program.

*Three reasons* for this complexity and this controversy in those years:

*Firstly*, at UW—as at most good law schools in the country—this period saw an astonishing growth in the number of applicants. In those years, we were starting to get some 2000 applicants for a first year class of 150. That meant we were picking not just the qualified—more than half our applicant population was qualified—but picking from among the qualified a smaller subset. This required more nuanced selection criteria.

*Secondly*, the traditional selection criteria used by American law schools came under attack during those years.

Standardized test scores such as the LSAT turned out to be—in the face of rigorous statistical analysis—not always reliable in predicting law school grades. To be sure, applicants with extremely high LSAT scores tended to do better in law school than applicants with extremely low LSAT scores. But in the middle—where most of the hard decisions had to be made—the test was not that useful a predictor.

Similarly, undergraduate grades were not very consistent predictors of law school grades, largely because of variations in the rigor of undergraduate institutions, majors, or a given applicant's selection of courses.

And, of course, there was a growing sense that predicting law school grades was not even the best admissions criterion—i.e., there is not a very convincing correlation between law school grades and professional success. This is especially true if professional success is itself measured by considerations other than income or “making partner.” When broader considerations such as community contribution and service were added, law school grades didn't always correlate with success.

*Lastly*, beyond the increase in numbers and the growing unease about our admission criteria, the third element was the emergence in these years of a growing recognition that some groups in our community were

historically underrepresented in the legal profession. This was a problem for the profession in many respects—inadequate representation in the courts, poor understanding of minority issues by lawyers and judges, absence of minority role models, etc. Among these concerns was that the de facto exclusion of such groups deprived law schools of the kind of diverse student body that enriches preparation for our profession.

The relation to law school admissions was clear: if some groups were historically underrepresented, law school admissions criteria could be both an important part of the problem and a necessary part of the solution.

Incidentally, this underrepresentation concern was powerful, and affirmative responses to it could be seen at many of our best law schools. Still, the idea was fraught with controversy. Inside the academy, it created much debate, and outside it brought criticism, legislative action and even litigation. The UW case, *DeFunis v. Odegaard*,<sup>4</sup> went all the way to the U.S. Supreme Court.

For these three reasons, the 1970s and '80s demanded skill and steadiness in designing and operating an efficient, responsive and fair law school admissions process. And we were fortunate to have had, in Dick Kummert, exactly the qualities the times demanded. Let me suggest a couple of those special qualities.

*Mastery of the most difficult technical issues:* Dick's expertise in statistics was recognized by his selection as member and chair of the Test Development Committee of the Law School Admissions Council and later as a member of the board of trustees of that Council. I especially like being in meetings where high powered statisticians were holding forth. If one of the credentialed experts began talking about "negative skewness" and I looked blank, Dick would lean over and say "where the normal distribution curve is bent out of shape: like in Lake Woebegone where all the children are above average." He not only understood the jargon, but could explain it.

*An impressive work ethic:* No one has ever even tried to count the hours Dick devoted to reading individual admissions files, attending interminable committee meetings, and other discussions at the local and national level.

*Ironclad integrity:* Dick was simply unwilling to be swayed by passing fashions or pressures.

*Unfailing civility:* In what were sometimes trying circumstances, Dick was always able to conduct the proceedings with reason and politeness.

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4. 416 U.S. 312 (1974).

*Sense of humor:* Dick didn't tell jokes, but an underlying quiet humor would occasionally surface, usually to lighten a tense moment with a wry comment—like Carol.

*Pragmatic not ideological:* This is seen most clearly in how we dealt with the fact of historic underrepresentation of minority groups. In working with this problem, there were two instincts in Dick's make-up that produced a dilemma.

There was on the one hand a deep sense that we had an obligation to act. Others would defer action, calling for long run solutions. They would suggest that with enough improvements in public education and a stronger economy, the time would someday come when all groups would arrive at the law school admission gate with similar credentials. By contrast, Dick felt we had an obligation to act now if we could.

On the other hand, Dick was constructed so that softening, or lowering quality standards was simply not possible. He had the most iron-willed dedication to excellence of anyone I've ever met.

Dick's resolution of this dilemma was pragmatic, not ideological. Recognizing from his statistical analyses that numerical indicators were not always precise predictors of law school success, and understanding that with our huge applicant population, we were obliged each year to reject many qualified applicants, Dick concluded that if we could find in that collection of qualified, but rejected, applicants a *few especially promising* members of underrepresented groups, we could *contribute something* to law school diversity and at least *make a start* in addressing the problem *without any significant reduction* in quality.

If you'll note the italicized phrases in that last sentence, you'll discover that the UW approach had Dick Kummert's stamp all over it: it would be responsive to the problem, but would be slow, careful, objective, incremental, and temporary. As it happened, some 30 years later, the U.S. Supreme Court finally reached the issue and approved a similar program involving the University of Michigan Law School, the Court putting special emphasis on precisely the kinds of careful qualities Dick built into our program.<sup>5</sup>

Well, enough about admissions. But from this one window you can see something of the nature and magnitude of Dick's contribution to the school and to legal education, locally and nationally. Dick was indeed an extraordinary asset, and was a treasured colleague whose legacy will continue in the ongoing life of the School.

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5. *Grutter v. Bollinger*, 539 U.S. 306 (2003).



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## C. Kent Carlson

I'm Kent Carlson. I was greatly honored when Ted Kummert asked me to participate this afternoon. I've known Dick for a long time: as a professor, as a mentor, as a friend, and as a colleague for forty-five years.

What I want to focus on this afternoon is Dick's role and his impact on the law in the State of Washington and, specifically, his impact on corporation law. Let me start by going back to 1966–67. As a student, I took courses in Corporations and Business Planning from Professor Kummert. Professor Kummert and Professor Hjorth had a big influence on the direction of my ultimate practice in terms of corporate and tax law. However, it was when I was on the *Washington Law Review* that I really got to know Dick. He was the Law Review's advisor during that period, and that's when I got to know the "Rock." I thought we coined that term, but it could have been the old guys in the Class of '66. It was a nickname we used for him because of his initials, "ROK," and because it really described his character. I think the sort of support and mentoring he gave the Law Review members fit that nickname. So many of the things I recall about my Law Review experience speak to Dick's integrity and character.

As an example, a faculty member had written an article for the Law Review on the international rules of evidence and world peace that had 3200 footnotes. We rejected the article. You don't just reject articles from existing faculty. There was quite a dispute about the fact that we had turned that article down, but Dick fully supported the Law Review. There was a lot in that about integrity—he was a young faculty member after all—and about work ethic. His attitude was that if you were going to write about something, then you ought to do a really good job of writing about it. As I look out to the other people here who were on the Law Review, I know that these are the lessons that have stayed with us.

During that period, in the late '60s, Dick was also working on what was *the* article on the financial provisions of the Model Business Corporation Act. Washington had adopted the Uniform Commercial Code in 1965 and substantially revised the financial provisions of the corporation act. Dick wrote a two-part article that really explained the amendments and, as far as I'm concerned, became the leading piece on the financial provisions in the Model Business Corporation Act. To this day it remains the best explanation of the changes from the prior law. As Bill Andersen was saying earlier, if you want to talk details, Dick would love to talk about the details in the details. That was an outstanding

article. It also started Dick down the path of really being *the* academic leader of corporate law in Washington and also a significant force in the development of the Model Business Corporation Act.

Dick also realized that corporate law was not like the rule against perpetuities. It wasn't static. It needed to be attended to, reviewed, and updated. What needed to be done was to put a group together from the Bar and academia that would regularly look at the Act and revise it. Along with Cam Devore, Alan VanDervert, and others, Dick was a co-founder of what became the Corporate Act Revision Committee of the Washington State Bar Association. This group has worked since the early 1980s to revise the state's corporation act. The initial major accomplishment was a complete re-write in 1989 of RCW Chapter 23B—a process that took about five years. Dick was the leader and completely revised the statute, bringing it up to the state of the Model Act in the rest of the country. One of the things Dick insisted on was not just revising the statute but also writing the commentary. He insisted that Washington have a set of comments that would describe the changes the Committee had made and the consequent differences between Washington's act and the Model Act.

One of the themes throughout Dick's work was that those who practice heavily in the corporate area can take care of themselves, but we need a statute, and comments to go with it, that work for the whole Bar—particularly those who aren't corporate experts. "There should be no traps for the unwary." Dick used this phrase repeatedly as we reviewed the Act and looked at adjustments. The Committee has regularly revised the Act. That meant a lot of trips to Olympia. I can recall on one of those trips that a member of the Senate, who was holding the hearing, said, "Professor Kummert, you and your colleagues come down here every year with changes, when are you going to get it right?" Dick's answer was, as you might expect, measured, maybe a little delayed (if you called and left him a message on his answering machine, you know what I mean by that), but effective.

The other major contribution Dick made to corporate law in Washington is the Sourcebook. The Sourcebook is a bible for corporate lawyers. The idea was to have one volume that would have the current statute, the predecessor provisions, the explanations, the comments about why the changes were made, and relevant case law. Now the Sourcebook is in its fourth edition, and Dick was the reporter from the beginning until his passing. A really significant contribution. He understood Washington would never have a body of case law like Delaware's. Accordingly, he stressed how important it was to have the legislative history, statutory developments, and official commentary in a

widely available source. I remember Ron Hjorth regularly saying what it was like to be a dean of a law faculty: it was like herding cats. Well if you can imagine having eight or nine practitioners and trying to get them to coordinate and timely get their comments in, it was very similar. Dick did a great job of getting us together and getting the editions completed. It's not by accident that Washington has a great corporation act, one that's competitive with any of those around the country.

We will certainly miss Dick as a friend and as a colleague, but he left a great legacy to the state in terms of Washington's corporate law. He also put in motion a tradition and process of review and revision that will hopefully endure. Thank you.

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Robert W. Gomulkiewicz<sup>6</sup>

Many of the Tributes to Richard O. Kummert in this volume will recount his contributions to the University of Washington School of Law<sup>7</sup> and to the practice of corporate law in the state of Washington.<sup>8</sup> I want to do something else. I will tell a few stories that give a picture of what it was like to meet him in the flesh. For those who did not know him, I hope you get a glimpse of why he was so beloved. For those who did know him, I hope you simply nod and smile as you remember this great and endearing man.

When I joined the *Washington Law Review* as a second-year law student, I knew that Professor Kummert served as our faculty advisor, but I did not meet him until I took his course on corporations. It was a large section class that filled a spacious, bland concrete room in old

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6. UW Law Foundation Professor; Faculty Director of the Law, Technology & Arts Group; Faculty Advisor for the *Washington Law Review*.

7. See also Dwight Drake, *A Tribute to Richard O. Kummert*, 82 WASH. L. REV. 825 (2007) (quoting a former dean of the University of Washington School of Law: "in the history of the law school, no person has been entrusted with so much responsibility by so many deans").

8. See, e.g., WASHINGTON STATE BAR ASSOCIATION, WASHINGTON BUSINESS CORPORATION ACT (RCW 23B) SOURCEBOOK: ORIGINAL ACT, LEGISLATIVE HISTORY, AMENDMENTS, CARC COMMENTARY, SIGNIFICANT WASHINGTON DECISIONS, SIGNIFICANT DECISIONS IN OTHER MODEL ACT JURISDICTIONS (Richard O. Kummert reporter, 2d ed. 2007); RICHARD O. KUMMERT, PLANNING TRANSACTIONS FOR CLOSELY-HELD CORPORATIONS (1995); MISAO TATSUTA & RICHARD O. KUMMERT, CASES AND MATERIALS ON JAPANESE AND U.S. BUSINESS CORPORATION LAW (1987) (revised annually 1988–1997); Richard O. Kummert, *State Statutory Restrictions on Financial Distributions by Corporations to Shareholders Part I*, 55 WASH. L. REV. 359 (1980); Richard O. Kummert, *State Statutory Restrictions on Financial Distributions by Corporations to Shareholders Part II*, 59 WASH. L. REV. 185 (1984); Richard O. Kummert, *Stock Subscription Law for Practitioners*, 63 WASH. L. REV. 21 (1988).

Condon Hall. He walked from side to side as he lectured, always in the same pattern, always at the same pace. He spoke in long, compound sentences that always seemed to contain the words “with respect to which . . . .” Sometimes he placed an unusual emphasis on the word “that” (thaaat), and sometimes he shook his head at unexpected junctures in a sentence. It was at first unclear why he did this, but we soon noticed that it preceded the pronouncement of some particularly important point.

Many students did not seem particularly engaged and rarely participated. The class seemed as bland as a Condon Hall wall. Then, some of us began to detect a wry smile on his face and a twinkle in his eye. We had miscalculated! We realized that we were witnessing a master performance of education through dry humor. Thereafter, I smiled; I chuckled; I spoke up in class and dug into corporate law in ways I never thought I would. Not only was I learning, it seemed I was sharing an inside joke with one of the most impressive members of the faculty. I felt that we became colleagues as we shared our inside joke. He noticed who “got it” and who didn’t. And I even sensed that he appreciated that we appreciated his skillful performance.

That said, he was not one for excessive expressions of appreciation. I still remember receiving a rare compliment from him as I was riding up the elevator to the Law Review offices on the sixth floor of Condon Hall. He said something like: “Bob, congratulations with respect to your law review comment thaaat, as you may have heard, was cited favorably, I believe, by a recent opinion of the Washington State Supreme Court, which is, of course [head shaking at this point] a great honor.”<sup>9</sup> This compliment was so out of the ordinary that it caught the attention of a fellow *Washington Law Review* member who, to that point, had never noticed me and probably never would have but for Professor Kummert’s startling compliment. Lucky for me, because that student, Andrea Lairson, was impressed enough to agree to marry me several years later.

When I joined the UW law faculty in 2002, I experienced something more typical: a moment of faint praise that served as a reminder to keep raising the standards of quality. Professor Kummert asked me to give a guest lecture on trade secrets to his class on Advising Start-Up Businesses. I put everything into the lecture, as much to impress Professor Kummert as the students. I was on a roll. The students seemed engaged and applauded when I finished. I expected lavish praise from my mentor. Instead he said something like: “Thank you Bob, with

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9. *Dickinson v. Edwards*, 105 Wash. 2d 457, 475, 716 P.2d 814, 821 (1986) (Utter, J., concurring, citing Comment, *Recognizing the Liability of Social Hosts Who Knowingly Allow Intoxicated Guests to Drive: Limits to Socially Acceptable Behavior*, 60 WASH. L. REV. 389 (1985)).

respect to your lecture on trade secrets. Now, class, with respect to the materials on privately held corporations thaaat [head shaking at this point] . . .” No lavish compliment. I knew his faint praise was telling me: You’re doing fine but don’t rest on your laurels, keep getting better, keep raising the standard—just like he did.

I learned something important almost every time I was around Dick Kummert. He did not teach with pithy, memorable verbal nuggets, but his long, compound sentences got the message across: have integrity; treat people with respect; create opportunity; set high standards; be fair; serve loyally. I will never forget those things, with respect to Richard O. Kummert.

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Roland L. Hjorth<sup>10</sup>

Dick Kummert, Bill Andersen, John Junker, and I all joined this faculty in the summer of 1964 and have been colleagues ever since. Dick and I had similar teaching interests, but we had not met before coming to Seattle. I arrived here three weeks before Dick did (he sometimes told me I needed that much time to prepare for my first class). I was told I was to teach federal income tax. So I dug into the subject. When Dick arrived, I learned that he had a more substantial tax background than I had. He majored in accounting, was a certified public accountant, had earned a Master of Business Administration, and was a Stanford Law School graduate. Beyond that, he had engaged in a substantial tax practice at O’Melveny and Meyers in Los Angeles.

I sometimes think Dick thought he was going to teach tax, but he was a kind soul. He knew I had spent three weeks preparing for tax, and he agreed to teach corporate law instead. It could just as well have gone the other way. We would sometimes teach the same courses. Quite often when we needed another section of tax law, Dick would teach it, and when we needed another section of corporate law, I would teach that. Because of these common interests and duties, we collaborated a lot. During that collaboration over more than forty years, Dick Kummert became my closest friend on the faculty.

We shared many things. One matter important to us was what we called “grading insecurity.” We both felt that one of our most important functions was to assess student performance fairly and accurately. We felt that students’ careers and futures would be greatly affected by

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10. Professor of Law and Dean Emeritus, University of Washington School of Law.

grading decisions. But we were never totally sure we had done it correctly. So in those years when we taught many of the same students (he corporate law and I tax) in the same quarter, we compared our grades after the fact. We have always had an anonymous grading system, and we would never know the identity of student grades until after all grades were turned in. When we finally got this information, Dick and I would compare grades. It was always a great comfort to us to know that students who did well in Dick's class usually also did well in my class, but we never really got over our grading insecurity.

For more than forty years, Dick Kummert has been known by students and faculty as "ROK," or "the ROK." That name came into being after students saw memoranda written by Dick. His full name is Richard Osborne Kummert and he always initialed his memoranda "R.O.K." The name stuck because it so well described Dick's character. He was the rock of stability and integrity in the school for his entire career.

Many years later, when I was Dean of the Law School and Dick was chair of the admissions committee, a very senior administration official took great interest in one of our admissions decisions. A wealthy and potential patron of the University (not of the Law School) had indicated that he would make a very substantial gift to the University on the understanding that a relative would be admitted to the Law School. In answer to the senior administrator's interest, I said we would follow normal procedures, which we did.

The applicant was not admitted. I was then asked if there was anything I could do, and I answered that we would go through an appeals process, which we did. The applicant was not admitted, and some people outside the Law School were quite upset. It was then that Dick told me: "Ron, you could admit this person over other applicants with higher scores, but that would be wrong." That was the "ROK." The senior administrator was very unhappy and reminded me that many fine universities had "legacy" systems in which children of alumni and "friends" were given preference. It gave Dick and me great pleasure to reply that while there were many things at these great universities that we would like to emulate, the legacy system in a public university was not one of them.

Dick became the confidant of many students, staff and faculty on the Law School, and he became mine as well. He became this because we all knew that Dick would listen, he would care, and he would never be condescending. Because of these traits, there was no person on the faculty that inspired more staff loyalty, caring, and affection than Dick.

Those who knew Dick well knew that he was modest to a fault. He

could not tolerate praise. I have been at many occasions where praise caused Dick much discomfort. One occasion was a *Washington Law Review* banquet where Dick was to be recognized for almost forty years as the faculty advisor to the Law Review. One of our colleagues who had been an editor-in-chief spoke at the banquet. His tribute was one of the most wonderful I had ever heard. The remarks were funny, respectful, and praised Dick relentlessly. Dick became very uncomfortable and, in his response, poured cold water over the wonderful tribute. Yes, he was modest to a fault.

During our time here, Dick became my associate dean at the time we were raising money for a new law school building. In this effort, the school could name classrooms in honor of respected persons designated by donors. One of Dick's family members came and suggested that he make a gift to name a classroom the "Richard O. Kummert Classroom." I told the donor that involved a lot of money, but the donor already knew that. He wanted to honor his father. So now we have the Dick Kummert classroom in the Law School. I thought it would be most appropriate to have a public dedication of the classroom. Dick initially refused. But I told him: "Dick your family loves you. You really owe it to them to go through with this." So Dick finally agreed. We had a public dedication and we all had a great time—except for Dick, who had trouble tolerating the praise.

I was aware of this when Dick and I were co-administrators at the Law School. We had a tacit agreement that I would not praise Dick, and he would not be embarrassed. I kept this agreement fairly well until the last faculty meeting Dick attended. I realized Dick had been on the faculty for more than forty years and almost never missed a faculty meeting. So I rose to salute Dick, and as a result I embarrassed him at this last faculty meeting.

But now we can praise Dick without embarrassing him. He made invaluable contributions to this school as a teacher, scholar of corporate law, exemplar of service, and valued colleague.

Dick Kummert was a great friend to me and was a great colleague to all of us at the Law School. He had a huge influence in making this a better law school. He insisted not only that our academic standards be high, but also that our collective integrity be impeccable. He was a "ROK," and I will miss him greatly.

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Paula C. Littlewood<sup>11</sup>

Professor. Associate Dean. Executive Director. The D. Wayne and Anne Gittinger Professor of Law. Kummert. Dick. ROK.

The number of monikers we all have used over the years to describe Richard O. Kummert is representative of the multi-faceted traits—and I would say *gifts*—that Dick brought to our community.

I first met Dick as Professor Kummert when I took his Corporations class in law school. What possessed me to take the class, I don't know—because, as many of you know, I came to law school not wanting to pursue a traditional law practice. I had taken to heart John Haley's advice to me as a first-year law student to *not* take a class *just* because it would be on the bar exam.

And, yes, Ron, I know—I should have taken tax (a piece of advice Professor Haley also gave me I might add).

I sat in the back of the class—mainly, I suppose, because I was intimidated by the subject, and, perhaps, a little bit by the Professor who had this mind boggling grasp of the subject.

From my perch at the back of 109/129, I would wonder from time-to-time why I had chosen to take the class—but, at the same time, I found myself surprisingly intrigued and drawn into the material. Indeed, I've still been known at times to expound “we must proceed carefully here or they may pierce the corporate veil!”

I actually earned a high grade in the class, which probably put me in good stead with Dick as he and I entered down the path of a close working relationship not less than a year later as Assistant Dean and Associate Dean.

I should be clear, though—it put me in good stead not because Dick would have respected me any differently if I hadn't earned a high grade, but because it gave me some self-assurance that I could at least step in the arena with this intellectual giant.

It was in this capacity, as Associate Dean, that I knew and worked with Dick the most. We served together both under Ron's leadership of the school as well as for a short while under Joe Knight's tenure as dean.

For much of that time, I was head of the Law School budgets and Dick was serving as Executive Director of the Law School Foundation, so our coordination and work together was constant and daily. This was of course the time when we were working to secure the public funding

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11. Executive Director, Washington State Bar Association.



for the new law school building, as well as the required private dollars to complete this marvelous project.

Dick and I also undertook during this time an endeavor to literally tear down to its base the whole law school budgeting system and then rebuild it from top to bottom. The result was a system that broke down longstanding barriers that had existed between the Law School, the Foundation, and the law library—which in turn provided a solid foundation for the school to move forward into a new era of expansion and opportunity.

When I remember back to that Corporations class all those years ago and reflect on Dick's teaching style, I realize in retrospect that it is representative of how he conducted much of his work: quiet and unobtrusive, but powerfully present in impact and effect.

So for just a moment, I'd like to highlight what I think are some of the other monikers that come to mind when I think of Dick:

#### TRUTH SAYER

Dick had an uncanny ability to cut to the heart of an issue—I wouldn't say mercilessly, but *certainly* with the skill of an adept surgeon.

This attribute was driven home to me no more fully than after my husband and I purchased a home together shortly after we were married—this was the first house purchase for me. I remember coming back to the Law School and sitting in Dick's office as I excitedly told him we had just signed the papers for the closing on our new home.

I will never forget Dick looking at me, and with that flawless delivery saying “congratulations, you are now an indentured servant of the Law School.”

Well my face must have fallen markedly as the reality of his words hit me—I mean, having a mortgage is totally different from paying rent. He suddenly backed off of the comment and duly congratulated me on our new purchase.

But the comment stuck with me . . . and it stuck with me because of another trait I will highlight.

#### PERCEPTIVE

One of my favorite things Dick used to say when we were having discussions about navigating the intricacies of law school administration and faculty politics was:

“My wife doesn't believe me that I work in a building full of conflict averse people.”

The insight in that comment is profound. People assume that lawyers like to argue about everything, and that may be true, but we do that when we're advocating on behalf of someone else—engaging in conflict where it is for something for ourselves, though, is not always a place we like to go.

As the head of the organization that leads the lawyers of this State now, I often find myself channeling Dick as I coach non-lawyer managers to understand and navigate this community and environment that they are now operating in.

That perceptive insight by Dick so many years ago has helped me immeasurably as I've moved forward in my career—leading lawyers and non-lawyers alike in a lawyer community.

### CONCEPTUAL

They say you can take the boy out of the country, but you can't take the country out of the boy. So was this true with Professor Kummert. That is, you can take the professor out of the classroom, but you can't always take the classroom out of the professor.

As adept of an administrator as Dick was—and he was—he sometimes would engage in these duties through his professor lens.

I always enjoyed the intellectual jousts Dick and I would have around policy and the sometimes theoretical implications of the administrative decisions we were making—but at times I would find myself having to pull him back to the pragmatic so I could understand what it was exactly he thought we should do.

As you know, the role of the Assistant Deans in the Law School's administration is to oversee the staff and operations. Of course staff work closely with all of the Law School administration, so on occasion I would encounter a staff member emerging from Dick's office—and I think the best way to describe the look on the staff member's face might be bewilderment.

Having had enough mileage with Dick to have learned his cadence, my exchange with the staff member would often go something like this:

Paula: Did you just meet with Dick?

Staff member: Yes.

Paula: Not sure what he was saying?

Staff member: Not really.

Paula: You just need to tell Dick, during the conversation, "I don't understand what you're saying." And I promise, he'll restate it in a different way that you can understand.

This is how I had learned to pull him back down . . .

And I think my advice to these staff members really leads to the last

characteristic I'd like to emphasize.

#### KIND

As unintentionally intimidating as Dick was, he was one of the kindest people this community has ever known.

Dick was gentle, quiet, and welcoming.

And he had the rare ability to elevate the voice of those who might not otherwise be heard.

Compassion circumscribed every task he undertook, whether it was organizing the morass of quarterly class schedules, working through a thorny student issue, or reviewing admission applications.

Diversity and access were issues that Dick was well ahead of the curve on, and his thoughtful presence on these issues helped to bring this Law School into the vanguard of legal education institutions in this regard.

Over the years since leaving the law school, I often called on Dick to provide me with his wise and thoughtful counsel.

Dick was my teacher, my mentor, my colleague, and, deepest in my heart, a friend and constant source of professional and emotional support.

Words alone will never capture or express the important role he played in my life, in our community—and, indeed, for our profession.

But I take comfort knowing that his legacy will continue on, as it will continue to shape and bolster our ideals, our goals, and our values as a community.

Thank you, Dick.