



## St. Mary's Law Journal

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Volume 50 | Number 4

Article 2

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11-2019

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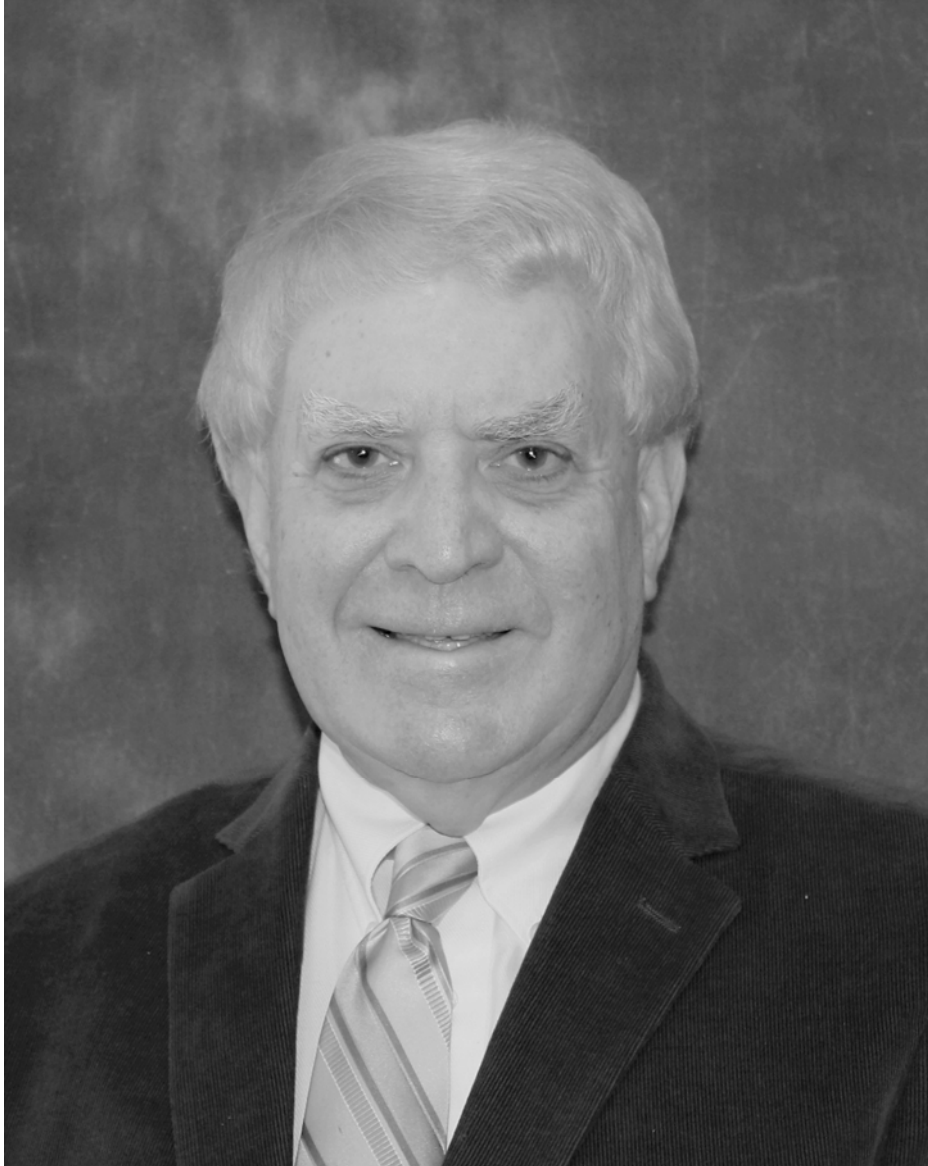
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#### Recommended Citation

Robert Summers, *Lee Hargis Lytton III: A Most Extraordinary, Interesting and Instructive Life*, 50 ST. MARY'S L.J. xiii (2019).

Available at: <https://commons.stmarytx.edu/thestmaryslawjournal/vol50/iss4/2>

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## TRIBUTE

### LEE HARGIS LYTTON III: A MOST EXTRAORDINARY, INTERESTING AND INSTRUCTIVE LIFE

ROBERT L. SUMMERS JR.\*

Lee Hargis Lytton III was born to Mary Elizabeth Chalkley and Judge Lee Hargis Lytton, Jr. on September 10, 1943, in San Antonio in the Great State of Texas. He spent a joyous childhood filled with glorious memories on one of the most legendary ranches in all of Texas, the grand La Parra, a magnificent 500,000 acre spread. Additional time was passed at the other family ranch, the San Pablo, a mere 25,000 acres, and the family farm in Mississippi. It was in these rural contexts that Lee discovered and embraced fundamental and enduring virtues and values. His virtues were the steadfast commitment to family, friends, Texas, and America. His values included hard work, courage, self-reliance, honesty and loyalty. These virtues and values would define Lee throughout his life.

As Lee moved through his teenage years, he was sent to boarding school, the St. Edward's Catholic High School in Austin. Doubtless, it was his parents' hope that this new experience would help Lee focus on academics in preparation for university. This initiative was successful. However, besides performing well at St. Edward's and easily securing admission to the University of Texas (UT), Lee discovered his natural ability as a thespian. This discovery would eventually be central to Lee's success in the academy, but not before other interesting adventures would intervene.

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As Lee transitioned to UT, he found the mundane conventions imposed on him as a college student to be irreconcilably at odds with his desire to build a spectacular acting career in film and theater. Choosing the latter, Lee left UT. With bold optimism, he struck out for Hollywood, driving with a friend in a Corvette on the fabled Route 66.

Regrettably, as we all know, Hollywood is littered with the broken dreams of countless actors. Unfortunately, Lee would be no exception. As his frustration mounted, Lee began to reconsider his career choice. His decision to leave California was doubtless hastened by his distasteful secondary line of work as a valet, parking cars at LAX. Lee would look back on his California experience as an utter failure. With his penchant for self-deprecation, he would dramatically state that the minute you believe your own BS, the quicker you will go down. Lee would frequently quote this verity with great dramatic flair, as only he could do. It was a reality that helped him stay grounded throughout life. It also gave him insight into the egotistical excesses of others. Such insights would become essential to his overcoming the challenges of academia.

Leaving California in the rearview mirror, Lee returned to Texas, successfully sought admission to St. Edward's University and thereafter to our law school here at St. Mary's. As Lee once told me, he put his head down in the books and did not look up for seven years. On more than one occasion he stated that, despite his dedication, he found law school to be oppressive and intimidating. The law school was at the time made purposely arduous by the faculty and the dean. Then Dean Ernest A. Raba believed that the process of legal education should be a form of "boot camp" not unlike that sponsored by the United States Army which he and the future Dean, Jim Castleberry, had endured during the World War II. Despite the many rigors of law school, Lee pressed onward. As a result of his high intelligence and his new-found determination, Lee graduated third in his class in law school, easily passed the Texas bar exam, and prepared to commence what would be a remarkably eclectic career. Over time he would serve as a corporate lawyer, prosecutor, federal law enforcement officer, Texas State Bar counsel, oil and gas lawyer and entrepreneur, and eventually a law professor.

Upon graduation from law school, many options presented themselves to Lee and, he embraced them with brief but characteristic enthusiasm. First, he acquired a prestigious clerkship with the Chief Justice of the Texas Court of Criminal Appeals, Judge K.K. Woodley. It was there in the coffee shop at the courthouse that Lee met Susan Hagman. This was by all

accounts the luckiest day of Lee's life as he went on to marry Susan and commence a wonderful marriage of forty-seven years. From this union would spring a loving family which Lee valued more highly than anything else in life.

After his one-year clerkship with the Court of Criminal Appeals, he moved on to "Big Law" at Baker & Botts in Houston. Lee was the very first St. Mary's law graduate to be hired by that world-renowned law firm. Despite the promise of a bright future there, Lee grew weary of the tedium of corporate law practice. He soon opted for a very different experience and he took a position as an Assistant District Attorney in Harris County. There he was initially assigned to "Intake" where he encountered very different and diverse clients than he had at Baker & Botts.

Lee's year-long experience as a county prosecutor was positive and not surprisingly engendered in him a commitment to law enforcement. This led to his next adventure, that of acquiring Special Agent status with the Federal Bureau of Investigation. As a "G-Man" during the Vietnam conflict, Lee would recount how he "clapped the bracelets" on numerous Vietnam draft dodgers and other malefactors in Tucson, Arizona.

After a two-year stint with the FBI, Lee felt a strong urge to return to Texas. He first did a year as Assistant Legal Counsel for The State Bar of Texas. He next connected with a law firm in Corpus Christi and practiced law there for a couple of years before branching off with two partners to form the Risa Energy Company.

Risa Energy and the oil and gas business was most appealing to Lee because it offered him the opportunity to cut big deals. Lee and his partners enjoyed extraordinary success during the oil boom of the late 1970s early 1980s. Lee had become an entrepreneur, the role he most relished. He particularly enjoyed the sense of anticipation he experienced each time as he would stay up all night at a well site, checking the drilling logs, and waiting for the well to come in. Regrettably, success in the oil business can be short-lived as the market for that commodity can fluctuate precipitously. When the oil market cratered in the mid-1980s, Lee decided to seek a more predictable line of work. No doubt, Susan heartily endorsed this decision.

In a fortuitous meeting with Jim Castleberry, then Dean of the St. Mary's Law School, Lee and the Dean struck a deal whereby Lee would join the faculty in the 1986–87 academic year as a tenure track Assistant Professor. He would teach Property, Oil & Gas Law, and Texas Land Titles. Lee had found his niche. His outstanding academic record, prestigious clerkship, variegated law practice, and experience in the energy sector and ranching

made him the ideal candidate to teach St. Mary's law students who predominantly hailed from Texas. Lee was a gifted professor, a position he had unwittingly prepared for his entire life. His thespian tendencies and flair for dramatic oratory made him especially effective in the classroom. He was an unparalleled raconteur. Moreover, he possessed a modest and unassuming authenticity which endeared him to his students. His student evaluations consistently reflected the extraordinarily high esteem in which he was held. He would go on to serve on the law school faculty for the next thirty years, but not before he would overcome one significant barrier.

During Lee's early years at St. Mary's, significant decadal changes were afoot. The strong conservative administrations of Dean Ernest A. Raba and James Newton Castleberry were about to be replaced by new staunchly progressive leadership. Deans Raba and Castleberry had been very successful in these indisputable respects. Dean Raba, one of the longest serving deans in the history of American legal education, had acquired accreditation for the law school from the American Bar Association (ABA) and the Association of American Law Schools (AALS). Additionally, he had secured the funding for all four of the law school buildings in the law school complex. Dean Castleberry had saved the law school from probationary status imposed by the ABA for excessive tuition revenue routinely surrendered to the University administration, depressed law faculty salaries, and a substandard law library. These two deans had taught Lee when he was a law student and had been impressed with his potential. They were Lee's steadfast supporters and were pleased beyond measure with his performance as a faculty member. That support from the top would be short-lived.

The year 1989 witnessed a momentous change in the law school deanship. Barbara Bader Aldave was to be the new dean. Among other important innovations, she initiated a review of law faculty rules for promotion and tenure. These she intended to alter by adding the requirement for the publication of two law review articles as a prerequisite for promotion and tenure. These were reasonable rules adopted by the faculty and intended to elevate the quality of future faculty recruits. It was presumed, however, that these new rules would only apply prospectively to new applicants.

Unexpectedly, Dean Aldave required Lee to apply for promotion and tenure one year early and then sought to impose the newly minted rules for promotion and tenure on him, retrospectively. Lee's agreement with Dean Castleberry, of course, made no mention of such rules. Lee was deeply offended by the idea of the retrospective application of the rules in question

to him. He, therefore, drew a deep line in the sand, stood his ground, and refused to comply with the new rules. This line was not drawn as a protest to those rules promoting faculty scholarship, but rather because of the manner in which such rules were to be applied. This application was, he asserted, unethical, if not unlawful.

Undaunted, Lee surged ahead, applying for promotion to full professor with tenure. However, with the Dean of the Law School, the Vice President for Academic Affairs, and the President arrayed against him, the odds for Lee's promotion and tenure, as well as his very survival at the law school, were long. Yet, in a stunning and unanticipated announcement, the University Board of Trustees reversed the decision of the President, supported Lee, and granted him his professorship with tenure. In celebration of his victory, Lee soon thereafter published a book on Texas property law. The current edition of his original work is entitled *Lytton's Handbook on Texas Property Law*, 2016, iUniverse. To Dean Aldave's credit, she congratulated Lee on the initial publication of his book and told him that she believed his father, Judge Lytton, would have been proud of this accomplishment.

Four years ago, Lee chose a phased retirement from the law school. With a more flexible schedule, Lee once again entered the practice of law, but only briefly, and became a licensed insurance and stockbroker, and took up auctioneering. More importantly, as he neared the end of the retirement process, his focus shifted exclusively to his family. Susan too was retired after graduating from our law school and completing a successful legal career with the State of Texas. Lee and Susan and their two wonderful children, Andrea and Edward, and their children would steadily increase the number of family gatherings. Lee and Susan's new home in Blanco would become the Lytton family's new headquarters. Sadly, this was not to be. The family still gathers but must do so without Lee's enthusiastic, loving and supportive presence. They miss him greatly as will all of his many, many friends. I know I will never find a better friend and I am forever grateful to him for his special friendship and support as well as the many wonderful, laughter-filled times we spent together.

R.I.P. Lee Hargis Lytton III. You lived the great Texas life of rich adventure, filled with the love of family and friends, inspiring successes and extraordinary experiences.