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WILLIAM V. DORSANEO, III

Nathan L. Hecht*

I'VE spent years in class with Bill Dorsaneo. It's not that he wouldn't give me a passing grade. He didn't test or grade me at all (that he told me about). And class wasn't held at the SMU Dedman School of Law, where Professor Dorsaneo—oops, he prefers Bill (and I think likes his *nom de guerre*, “Wild Bill,” though he may not say so)—has taught Civil Procedure and other courses for more than forty-five years. No, Bill conducted the class I attended in hundreds of meetings of the Texas Supreme Court Advisory Committee, of which Bill has been a member for forty years. I've been the liaison to the Committee since 1989.

A word of history, of which Bill is a scholar.¹ The Court created the Committee in 1940.² A few months earlier, the forty-sixth Texas Legislature had “invested” the Court “with the full rule-making power in the practice and procedure in civil cases” for the first time in history,³ passing the Rules of Practice Act.⁴ At the time, almost all Texas civil procedure was statutory. The twenty-one-member Committee was charged with advising the Court on which statutory provisions should be retained in the *Rules* or repealed, what procedures should be borrowed or adapted from the new *Federal Rules of Civil Procedure* that had become effective in 1938, and what other provisions should be added or improved.⁵ The Committee finished its work promptly, and the Supreme Court issued its order adopting the *Texas Rules of Civil Procedure* on October 29, 1940, to be effective September 1, 1941.⁶

The Advisory Committee remains in existence to this day, still studying every aspect of civil procedure, as well as other operations of the justice system, and recommending improvements to the Court. In the past two decades, the Legislature has directed that changes be made in court rules and procedures rather than making them itself, demonstrating its respect for, and trust in, the Committee's work. For many years, Committee membership has hovered around fifty. Members are appointed from across the State and from all areas of practice and the judiciary. All are

* Texas Supreme Court, Chief Justice.

1. See William V. Dorsaneo, III, *The History of Texas Civil Procedure*, 65 BAYLOR L. REV. 713 (2013).

2. See *id.* at 734–35.

3. *Id.*

4. Act of May 15, 1939, 46th Leg., R.S., ch.25, § 2, 1939 Tex. Gen. Laws 201, 201 [HB 108], repealed by Act of June 12, 1985, 69th Leg., ch. 480, § 26(1), 1985 Tex. Gen. Laws 1720, 2048 (current version at TEX. GOV'T CODE ANN. § 22.004 (West 2021)).

5. See Dorsaneo, *supra* note 1, at 735–36.

6. See *id.* at 737.

experienced, thoughtful members of our profession, dedicated to improving the operation of the justice system.

Remarkably, Bill Dorsaneo has been a member of the Advisory Committee half its life. When I say it was his class, I mean that through his constant, always-prepared participation, meeting after meeting, Bill taught us all Texas civil procedure—its guiding principles as well as its technicalities (down to commas and semicolons), its inner workings and its goals, its flaws and its fixes. Though his knowledge almost always exceeded ours, like any great teacher, he participated as a student himself, ever learning from the experiences and practices of other members. The nature of a thing is defined by the rules that govern it, whether it be the physical world, human society, the justice system, or the game of chess. Knowing the rules of court procedure and understanding how they work exposes the policies they serve and ultimately, what justice means, and how its promises can be improved for all. The Advisory Committee's work begins with attention to the details of grammar, wording, and structure of rules but ends with improving justice.

Bill served the Advisory Committee throughout the modernization of the 1941 rules. The *Rules of Civil and Criminal Evidence* were adopted in the 1980s and combined in 1998.⁷ In 1991, the Supreme Court appointed four task forces to consider wholesale revisions to the *Rules of Civil Procedure*.⁸ While not all the recommendations were adopted, significant, substantial changes were made. Among the rewrites: the *Rules of Appellate Procedure* in 1997⁹ and the discovery rules in 1999.¹⁰ And as I've already mentioned, the formulation and implementation of rules effectuating legislative policy choices has been a more collaborative effort between the Legislature and Judiciary than ever before.¹¹ Bill not only helped with all these projects, he led or directed them.

All the while, Bill was teaching civil procedure to thousands of law students, shaping the practice through its annual entrants, and guiding both the application of the *Texas Rules of Civil Procedure* as well as their development through his multi-volume treatise, *Texas Litigation Guide*. Earning perhaps the ultimate recognition of the leading standard it is, the *Guide* is universally referred to simply as "Dorsaneo's."

The Supreme Court has recognized Bill Dorsaneo as the Advisory Committee's first ever emeritus member.¹² The legendary Houston Oilers Coach Bum Phillips was once asked whether the equally legendary running back Earl Campbell was in a class by himself. "I dunno," quipped Phillips, "but if he ain't, it don't take long to call the roll." For Texas civil procedure, the same can be said of Bill Dorsaneo.

7. *See id.* at 792–93.

8. *See id.* at 799–802.

9. *See id.* at 793–97.

10. *See id.* at 802–06.

11. *See id.* at 806–18.

12. Order Appointing Supreme Court Advisory Committee, Misc. Dkt. No. 21-9030 (Tex. Mar. 16, 2021).