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In recognition of his distinguished service to this Law School and the State of Missouri, the editors respectfully dedicate this issue to the memory of Professor Richard B. Tyler.

A Tribute to Professor Richard B. Tyler

*William B. Fisch**

Dick was one of the good guys. I knew that even before I met him, when my first wife Jan reported about his recruiting visit to campus in January of 1972. I was in Germany that week taking my oral examinations for my doctorate, but Jan was able to attend one of the social events connected with his visit and reported very favorably about a nice guy with a cute straggly beard. By the time I did meet him he had shaved off the beard, but other facts about him compensated for this betrayal. First, he had the good sense to leave Princeton, which everyone in Cambridge knows is not a serious institution— even if the Harvard Law School occasionally admits a Princeton graduate as part of its affirmative action program. Second, although he left Princeton to go to West Point, which everyone everywhere knows is far too serious an institution, he had parlayed that into some juicy assignments in Germany and Thailand, among other places. Third, after making the most of those assignments, he had ditched the military, moved to the Midwest, and taken up law as a second career. I found out a fourth redeeming fact after he came to town and became our back-door neighbor: that he had found the right girl in Germany and they had four delightful children. We began our friendship with a shared love of Germany and of John le Carré's novels; I found out that he had actually been a spy-runner himself across the Iron Curtain, and I have thought of him ever since as truly the spy who came in from the cold.

* Isador Loeb Professor of Law, University of Missouri-Columbia School of Law. Originally, this eulogy was delivered at the memorial service for Professor Richard B. Tyler on January 24, 1998, at the Unitarian Church in Columbia, Missouri.

As a fellow law teacher I don't recall many high-flown theoretical discussions with Dick about legal philosophy. I think that for him, our profession was above all about people. Just as life was about family and friends, law school was about students and colleagues—in that respect he made no distinction between faculty and staff—and law was about people and their more difficult interactions. He was a dedicated teacher who saw each student as an individual, had many of them as friends, and delighted in helping them understand the human dimension of the cases and problems they studied. He brought with him from the military a jaunty, slangy way of talking about seemingly ponderous events and situations, which brought him a lot of teasing but also a lot of affection, and helped to demystify the law. He wanted his students to be able to distinguish between the builders and the blood-suckers, even if the law didn't always seem to care.

Above all, Dick wanted to serve and be a helpful teacher and colleague. He taught a variety of courses, often filling in where there was a need, in addition to the corporations and securities regulation courses that were his favorites. He participated more than most, I think, in the student advocacy programs as a judge, and supervised many law review notes and comments, often on topics he suggested. He served on many of the law school's important committees, including the law review and the library, had a turn as the law school's representative on the campus Faculty Council, and served on many university-wide committees, including international programs. He was active in the bar association and contributed to law reform, particularly in the field of corporations. His door was always open for all of us, and he always had time to field a question or help out with a problem.

Among the strongest values animating his service were a lively sympathy for the underdog, and a healthy skepticism about people who are either in or aspiring to positions of power. He represented or advised many faculty members who had grievances against the administration, and he tended to side with students seeking readmission as well as faculty seeking tenure or promotion. His sense of fairness in the use of the power given to him as a teacher led him, with the expert help of his wife Marg and his oldest son Tom, to devise a computer grading program that most of us rely on, or at least consult every semester. Whether he got these values from his mother's milk, from his experiences at Princeton or in the military, from law school, or from his stint in private practice doing antitrust cases, I can't say, any more than I can say whether or not they rose to the level of a "thing about authority"—I can say, at least, that for me it helped make him one of the good guys.

In short, Dick's was a good life well lived. It was too short, but he made the most of the time he had. He was a loyal, caring, and supportive friend who gave far more than he took. He was there for me in the most difficult times of my life, when I lost Jan and during Suzi's illness; even when he was dealing with his own cancer, he always shifted our talks to how Suzi was doing. I and my family will always be grateful for that friendship. He will be missed.

*Melody Richardson Daily**

When I think of Dick Tyler, I picture his light-up-the-room smile, and I recall this definition of success:

To laugh often and much;
 to win the respect of intelligent people
 and the affection of children;
 to earn the appreciation of honest critics
 and endure the betrayal of false friends;
 to appreciate beauty; to find the best in others;
 to leave the world a little better,
 whether by a healthy child,
 a garden patch,
 or a redeemed social condition;
 to know even one life has breathed easier
 because you have lived.
 This is to have succeeded.**

By every measure, Dick Tyler was indeed a success who left the world not just a little better, but much improved. As a devoted husband and father, he brought joy to the lives of his beloved Margaret and to his children and grandchildren, all of whom he bragged about shamelessly; as an advocate of legal reform, he worked with then-Representative Chris Kelly to amend the Missouri Constitution's provision concerning cumulative voting for corporations,** a

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** The poem "Success" is generally attributed to Ralph Waldo Emerson, but with no reference to its published source. Apparently, Emerson did not write the poem, and its author is unknown.

*** At the Memorial Service for Dick Tyler held on Saturday, January 24, 1998, at the Unitarian Universalist Church in Columbia, Missouri, Chris Kelly, Chair of the Labor and Industrial Relations Commission, explained Professor Tyler's influence:

[T]he reason the Missouri Constitution is different—is because when I was in law school, Tyler nagged me—I was in the legislature, too—and he nagged me about changing the law. Nobody else knew the law was bad except Dick. I went to the Chamber—the Chamber of Commerce—and asked, "What about this?" They said, "Yes. It's terrible. It hurts us from recruiting corporations from all over America."

Well, we changed the law. Dick told me how to do it. He told me what to do, told me where to stand, told me what to read, told me each change to make. I was the hot air, but Dick was the legal and philosophical underpinning of that change in the Missouri Constitution, which the Missouri Chamber of Commerce still uses as a tool to bring business to the State of Missouri. It is a good example of . . . the quiet,

change that has enabled the state to more effectively recruit businesses; as a West Point graduate and an active member of Veterans for Peace, he challenged all of us to question the morality of war; and as a law professor dedicated to teaching, he prepared hundreds of law students to better serve their future clients.

I first met Dick Tyler in 1984 when I reluctantly took my seat in his Business Organizations class, a course I dreaded because I was so woefully ignorant of all things corporate. As a former English teacher who knew more about bluestockings than blue chips, I feared that Business Organizations would be frightfully boring or totally incomprehensible or both. Fortunately, I was wrong on all counts. Professor Tyler made the materials fascinating and clear. He fully understood that the students seated in his classroom included everyone from unenlightened English majors to savvy MBA's, and in the tradition of all great teachers, he patiently answered even the most basic questions (which he steadfastly refused to characterize as dumb). At the same time, he enthusiastically engaged us not only in learning the law but also in understanding why it had developed as it had, and in considering how it could or should be changed in the future. It was clear that Professor Tyler enjoyed teaching and liked his students, whom he invariably treated with the courtesy and respect of one professional for another.

Dick Tyler lived to help others. When I began teaching at the law school as a part-time adjunct, he immediately stopped by my office, welcomed me to the faculty, and insisted that I call him Dick rather than Professor Tyler. After that welcome, he continued to serve as my unofficial mentor, the person whose advice consistently reflected his sound judgment and good heart.

Dick's desire to assist others evidenced itself in countless ways. Whenever scholars from Russia or Rumania visited at our law school for a semester or a year, Dick chaired the Welcome Wagon; he was typically the first to invite our visitors to lunch, to recommend grocery stores and doctors, and to conduct tours of the law library, the campus or the town.

When our law faculty struggled with the tedious process of converting raw examination scores to final semester grades, Dick collaborated with his son Tom to develop a computer grading program that instantly calculated means and standard deviations. He also installed the program on our individual computers, taught us how to use it, and wrote detailed instructions so we wouldn't have to embarrass ourselves by asking to be retrained every semester.

When student organizations recruited faculty volunteers, Dick always said "yes." He collected cans for the Student Bar Association (SBA) food drive, donated a home-cooked Thai meal for the Women's Law Association (WLA) auction, and took his turn as a target at the Missouri Equal Justice Foundation

unassuming point guard that nobody sees. All of a sudden, when you don't see him, you chalk up another win.

(MEJF) pie-throwing contest. His efforts on behalf of Board of Advocates (BOA) were particularly notable. In addition to coaching our Client Counseling teams and traveling with them to regional competitions, he also regularly volunteered to judge local Moot Court, Client Counseling, Negotiation, and Trial competitions. Dick's generous spirit was legendary, and the BOA judging directors knew they could rely on him to pinch hit if a competition judge canceled at the last minute. In 1990, in recognition of his years of extraordinary service, BOA students presented him with the BOA Faculty Achievement Award, which honors the faculty member whose contributions have been essential to the Board of Advocates.

Dick loved teaching, and he never stopped trying to improve his own teaching methods. Because he and I shared an interest in teaching writing, we frequently had long conversations about rhetoric. We sent each other articles about composition theory, and we debated every aspect of writing pedagogy: criteria for drafting a good writing assignment, guidelines for effective peer review, techniques for conducting productive student conferences, and the merits of holistic grading. Rather than berate undergraduate colleges, high schools or elementary schools for failing to teach students how to write, Dick focused on what he could do to teach his students the practical writing skills every lawyer needs. Last summer, Dick handed me a copy of the most recent writing assignment he had designed for his Business Organizations class, an assignment that required his students to draft a partnership agreement for five people involved in the import, manufacture, and sale of clothes. With his typical modesty, Dick asked me to read through his assignment and make suggestions for improving it. I read the assignment, but I couldn't improve on it.

Dick Tyler was my teacher, my mentor, and my friend. Because of him I know a little more about business organizations, and a great deal more about what it means to lead a successful life. Thanks, Dick.

*Peter N. Davis**

My friend and colleague, Dick Tyler, died on January 20, 1998. He died of complications from treatment for lung cancer, presumably resulting from nearly a lifetime of smoking. He had quit smoking a few years before his death as a Christmas present to his wife, Marg.

We were friends from the time he came to Mizzou in September 1972. He was part of the group of four faculty members who came that year—Dave Fischer, Bill Knox, and George Wallach—being the second to last of the group to leave the service of the law school. While we didn't have substantive professional conversations very often, we shared the academic life together. Dick liked ice cream and organized daily trips to Arbucks at the Ag school for an ice cream fix. He had a metabolism which digested anything without noticeable effect; alas, that was not true for the rest of us and eventually we had to taper back or our doctors would frown, we were sure. Dick, Bill Fisch, and I and our wives spent quite a bit of time together socially—going to concerts at

Jesse Hall, dinners, and parties. We were part of a mostly MU faculty group called Questers who had monthly gatherings together and who often had a joint Thanksgiving feast. Dick and I shared a love of music, frequently car pooling with our wives to the Jesse Hall concert series. Our wives, Marg and Mary Lou, shared a love of choral singing in MU's Choral Union, were part of a faculty reading group, and had monthly lunches with Kay Westbrook and others. Dick remained physically fit all his life, taking Tae Kwon Doe and working out mornings at Wilson's Gym. At noon, he could be found in the faculty lounge lunching from his St. Louis Cardinals lunch bag he acquired at a game several years ago. Brown-bagging was a lunch option he and Bill Knox started in the 1970's as an alternative to trekking over to the Union cafeteria. The same group continues to brown-bag, discussing everything from sports to the latest outrage from the courts to matters of high academic policy. Evenings he walked his ancient Labrador, Tracer. Summers, he and his family went to the Quetico for extended canoe trips. And for the few years when they occurred, he was part of the annual Fall law faculty float in the Ozarks.

Dick was a graduate of West Point (B.S. 1954) and served in the U.S. Army for 11 years in Germany, Thailand, and the United States. During his military service, he received an engineering degree from Purdue (M.S.E. 1960), and thereafter served in the Corps of Engineers as a military engineer. After leaving the Army, he obtained his law degree from Minnesota (J.D. 1967), and then spent several years in private practice with Oppenheimer, Brown, Wolff, Leach & Foster in St. Paul, Minnesota (1967-69, 1971-72), and as Assistant Commissioner of Securities in Minnesota (1969-71). Dick came to the law school in 1972 as an Assistant Professor, was promoted to Associate Professor in 1978, and to Full Professor in 1979. He visited at Washington & Lee in 1981-82, and retired as Professor Emeritus in June 1997.

Professionally, Dick was important to the MU law school community. He taught Business Organizations, Agency & Partnership, Corporate Finance, Antitrust, and Securities Regulation for his entire career at Mizzou. He introduced the course in Client Counseling. During his career at Mizzou, he published six law review articles in the antitrust and state securities regulation areas.¹ He was a strong supporter of the law library and chaired the Library Committee for several years. His was a steady support, the depth of which is shown by his wish that donations in his memory be to the law library. He consulted with the Missouri Bar and Missouri Legislature on corporate organization matters and had an influence on legislative revisions of that body of law, particularly with respect to cumulative voting. In 1985, he became a hearing examiner for the Missouri Department of Natural Resources, where he could implement his concern for the environment. Having a great concern for

1. *Other Constituency Statutes* (Missouri), 59 MO. L. REV. 373 (1994); *More About Blue Sky*, 39 WASH. & LEE L. REV. 899 (1982), 15 SEC. L. REV. ANN. 645 (1983); *Exemptions under the Missouri Antitrust Law*, 26 ST. LOUIS U.L. REV. 775 (1982); *Private Antitrust Litigation: The Problem of Standing*, 49 U. COLO. L. REV. 269 (1978); *Goldfarb v. Virginia State Bar: The Professions are Subject to the Sherman Act*, 41 MO. L. REV. 1 (1976); *State Antitrust Laws: New Directions in Missouri* (with K.W. Almstadt), 39 MO. L. REV. 489 (1974).

matters of academic governance, he was active in the MU chapter of the American Association of University Professors.

Besides professional matters, Dick had several avocation interests. They included Missouri Veterans for Peace who each year marched in the annual Memorial Day parade—the parade directors placed them immediately behind the tanks and cannon. Also, he was active in the Sierra Club and the Columbia Swim Club. There are undoubtedly more, but since he seldom tooted his own horn, I don't know what they are.

Dick is survived by his wife Marg, three of his four children, Tom, Marnie, and Bob, and two grandsons, Nicholas and Jeremy, and by all his friends and colleagues. His son John was killed in an automobile accident in 1977. His son Bob practices law in Columbia.

We faculty keenly feel his absence in Hulston Hall. But because of his low key approach to life, we are hard pressed to say why we feel his loss so strongly.

W. Edward Reeves ('86) and Gayle Grissum Stratmann ('87)***

With Professor Richard Tyler's death, our Mizzou law school family lost a truly kind soul. We take this opportunity to reflect on our memories of Professor Tyler.

We were students of Professor Tyler's during the mid-80's in his basic business classes. Amid his very Socratic colleagues, Professor Tyler stood out as the professor who really didn't like to put a student on the spot by calling on him with a question. There were many long periods of silence in Business Organizations and Securities Regulation as Professor Tyler, after posing a question, would stare up at us, patiently waiting for someone to raise his hand. It seemed that Professor Tyler was willing to wait the entire hour for a volunteer in order to avoid putting an uncomfortable student in the hot seat. Thankfully, every class had someone who finally would break the silence by volunteering (Jack Walsh comes to mind) and Professor Tyler would get his answer and continue.

It was obvious to all of us in his classes that Professor Tyler knew more business law than we could ever hope to learn in a lifetime. He patiently taught us the basics with his tales of "Damn A, B and C" and their partnership and corporate "shenanigans". Who can hear the name "IBM" without remembering Professor Tyler's hypotheticals about "Damn Big Blue?"

Professor Tyler frequently referred to events in military history, probably because of his own distinguished military background. Douglas MacArthur was a personal hero of Professor Tyler's and he liked to refer to MacArthur's service in the Philippines before and during WWII. He once illustrated ABC Corporation's problem with a shareholder derivative action by saying that it was like the Filipino rebels in the years following the Spanish-American War "charging up the hill at a young Douglas MacArthur, trying to carve him up with their damn bolo knives."

* Ward & Reeves, Caruthersville, Missouri.

** Eveready Battery Company, St. Louis, Missouri. 1998

For law students, Professor Tyler was one of the most personable and approachable members of the faculty. Whenever there was a student social event, even just a happy hour at Harpo's or the Fieldhouse, Professor Tyler would be there. He was one of the "three amigos"—Professors Tyler, Wallach, and Henning. They never missed a function. Professor Tyler told many a joke and drank many a beer with his students.

For alumni, Professor Tyler was a constant at alumni events, even if it meant driving to St. Louis or Kansas City in the middle of a school week. At these events, he always made it a point to come over with a hug or pat on the back to say hello and visit about classmates, spouses, and children, most of whom he knew by name. It always seemed that Professor Tyler saw us as people first, and as students or attorneys second.

The next time we're together at a law school event, Professor Tyler, we'll lift a glass to you. You are loved and missed.