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## Professor of Precision

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# PROFESSOR OF PRECISION

WILLIAM F. FRATCHER\*

During the academic year 1947-1948, the University of Missouri School of Law had 309 students, most of whom had recently completed several years of wartime military service, crowded into a building designed to hold a maximum of 150. The faculty consisted of a dean, one part-time teacher, and eight full-time teachers, two of whom were new and inexperienced, beginning teaching after years in the Army. At 35, the youngest full professor, who had joined the faculty in 1938, left for Army service, and returned after V-J Day, was Willard Leland Eckhardt, who had received a law degree from the University of Illinois and spent a graduate year as a Sterling Fellow at Yale Law School.

My first contacts were with Eckhardt the teacher, who was precise, thorough, and demanding, and Eckhardt the needler, whose goad was not reserved for students. Willard Eckhardt taught six courses that year, Personal Property, Rights in Land, Real Property, Conveyances, Future Interests, and Mortgages. I was assigned to teach a section of Personal Property and Rights in Land. My experienced colleague was generous with suggestions, which were of real help. After all, the Personal Property casebook was edited by Dean Harry A. Bigelow of the University of Chicago and Willard Leland Eckhardt. It was in discussions about that course that I became aware of his passion for precision, his insistence on exactitude in his own thought, speech, and written work, and his zeal for imparting that passion to his students. My years as a fly-specking title examiner and appellate brief writer in Detroit had involved a like passion. We were colleagues who could understand and appreciate each other.

Classes met six days a week that year, and being prepared for them was full-time work. Within a few months, I came to realize that my colleague Eckhardt was moonlighting. In addition to long hours, seven days a week, in Tate Hall, he was doing other things in Read Hall and Jesse Hall. As a member and later chairman of the Committee on Student Conduct, he did a great deal of difficult and frequently unpleasant detective work that took much time, energy, and emotional strain. As a member and later Chairman of the Committee on University Policy, which became the Faculty Council on University Policy, his passion for precision served well when he

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drafted the University Tenure Regulations of 1950 and the University Retirement Plan and contributed to the Medical Benefits Plan.

The Tenure Regulations established a Faculty Committee on Tenure with one member elected by the faculty of each school and college. Willard Eckhardt was the member elected by the Faculty of Law and the chairman elected by the committee from 1950 to 1969. As Chairman of the Committee, he was able to demonstrate to nonlawyer administrators the worth of due process of law. A dean had fired a professor for incompetence. The professor demanded a hearing before the committee. At the hearing it became apparent that the professor was an excellent, hard-working teacher with high standards and that the dean's action had been based on complaints by students who had failed his courses because they did not do enough work. The dean withdrew the charges and recommended that the professor receive a raise.

No matter how early I came to work, Willard Eckhardt had always come in earlier. At first I thought it was just to work on the several law review articles that each of us wrote every year. Then I heard that he was drafting title standards for The Missouri Bar and that he was Chairman of the Property Committee of The Missouri Bar. After awhile, it became known that he and our part-time colleague, Paul M. Peterson, were getting to Tate Hall before dawn every day to work on their publications: first the eighty-three-page *Possessory Estates, Future Interests and Conveyances in Missouri*, which appeared in Volume 23 of Vernon's Annotated Missouri Statutes; then on the two-volume, 1262-page Missouri Legal Forms. Paul Peterson was also a stickler for precision. It would be hard to find two lawyers as well qualified to write the introduction to that work, entitled "Basic Principles of Good Drafting."

Through former students on the bench, in the legislature, and at the bar, and as a member and chairman of the Missouri Bar Property Committee, Willard Eckhardt has had a substantial and wholesome influence on the development of the law of property in Missouri. Abolition of the destructibility of contingent remainders, facilitation of the creation of survivorship tenancies, and reform of the Rule Against Perpetuities owe much to his support. His influence has not been enough, however, to prevent the development of some strange anomalies. Under Missouri case law, a female joint tenant cannot convey her own undivided half of the jointly owned property,<sup>1</sup> yet a male joint tenant can convey not only his own share but those of his co-tenants.<sup>2</sup> A son adopted regularly by strangers may take as heir of the

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1. *Hunter v. Hunter*, 320 S.W.2d 529 (Mo. 1959). See Annot., 69 A.L.R.2d 1058 (1960). This case is discussed in Eckhardt, *Property Law in Missouri*, 24 MO. L. REV. 456 (1959).

2. *First Nat'l Bank v. Munns*, 602 S.W.2d 910 (Mo. App., E.D. 1980), noted in *Joint Savings Accounts: Rights of Nondepositors While Original Joint Tenants Still Alive*, 46 MO. L. REV. 666 (1981).

body of his natural father,<sup>3</sup> but a daughter adopted by her step-father may not take as heir of her natural father, even though the adoption was procured by fraud on the court.<sup>4</sup> A widow who takes half of her deceased husband's estate pays no part of the federal estate tax;<sup>5</sup> a widower who takes half of his deceased wife's estate must pay half the estate tax.<sup>6</sup> Willard Eckhardt does not approve of all of these decisions, but his great respect for the courts and insight into their work enables him to explain them in a manner that is creditable to the judges. Few others could do this.

Willard Eckhardt accepted the deanship in 1969 with reluctance. He was sorry to give up the chairs of the Faculty Council on University Policy and the Faculty Committee on Tenure, to reduce his teaching load, and to commit to administration much of the time that could have been spent on research and writing. After thirty years in Tate Hall, he felt an obligation to preside over the school that he had served so long when it needed him. As dean he pursued vigorously what he conceived, correctly, to be the chief function of a dean, to recruit and retain good teachers and provide facilities, conditions, and an atmosphere that encourage and support good teaching. He performed that less-pleasant function of a dean, getting rid of teachers who did not prepare thoroughly or teach effectively. He expanded the program for placement of graduates and set up a staff for the conduct of continuing legal education of members of the bar and their assistants. Hard-working teachers and students enjoyed his administration; others did not.

Willard Eckhardt left the deanship in 1977 and returned to full-time teaching with enthusiasm. For forty-four years his office door has been open to students and colleagues. They flock through it for help in their studies and advice on their problems. His telephone rings frequently as former students call him for guidance in handling the affairs of clients who have or seek property. He has a facility that I have long admired and envied for knowing the name and background of every present and former student. When I am asked about an alumnus who graduated in 1949 or 1981, I turn to Eckhardt to ascertain his grade-point average, how he worked his way through school, how many wives he has had, what sort of legal work he has done, and what I should tell the inquirer about him. I am one among many who hope that that office door will remain open for many years to come.

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3. *Morris v. Ulbright*, 558 S.W.2d 660 (Mo. En Banc 1977).

4. *Webb v. First Nat'l Bank & Trust Co.*, 602 S.W.2d 780 (Mo. App., S.D. 1980). *See also* *Smith v. Benson*, 542 S.W.2d 571 (Mo. App., K.C. 1976).

5. *Jones v. Jones*, 376 S.W.2d 210 (Mo. En Banc 1964); *Hammond v. Wheeler*, 347 S.W.2d 884 (Mo. 1961).

6. *St. Louis Union Trust Co. v. Krueger*, 377 S.W.2d 303 (Mo. En Banc 1964).

