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## William F. Fratcher

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# MISSOURI LAW REVIEW

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## DEDICATION

### WILLIAM F. FRATCHER

The *Missouri Law Review* is proud to dedicate this issue to Professor William F. Fratcher, who is retiring this May after more than thirty-five years on the faculty of the University of Missouri-Columbia School of Law.

Professor Fratcher has served on the faculty for nearly a third of the School of Law's 111-year history. Few members of that faculty have equalled—and none have surpassed—his dedication to the legal profession, the University, and the students. His work in the areas of probate, trusts, and real property has had a major impact in Missouri, the United States, and much of the common law world. No one has brought greater credit to the School of Law than he. Through the years, however, he has been, first and foremost, a teacher, and it is as an outstanding, dedicated teacher that he will be best remembered by his students.

The respect and affection in which Professor Fratcher is held by his colleagues is demonstrated not only by the tributes that follow but by the articles included in this Symposium. That such an outstanding group of scholars would participate in this special issue is itself a testimonial to Professor Fratcher's stature.

While the staff of the *Review* is sorry to see Professor Fratcher retire from teaching, we are pleased that he will continue to work at his office in the School of Law. We are also happy that we have the opportunity to honor him with this special issue. It is most richly deserved.

### A BRIEF BIOGRAPHY

William Franklin Fratcher was born in Detroit in 1913. After graduation from Detroit Central High School, he attended the College of the City of Detroit, where he received an A.B. with distinction in 1933. He went on to the University of Michigan Law School, where he demonstrated outstanding scholarship. He served as Student Editor of the *Michigan Law Re-*

*view* and was elected to the Order of the Coif. He received a J.D. with distinction in 1936.

The young lawyer went into private practice in 1936 with the firm of Lewis & Watkins in Detroit. He soon became involved in local bar activities, serving as Chairman of the Committee on Legal Studies of the Junior Bar Section. While in practice, he received an M.A. in political science from Wayne State University in 1938 and served as Michigan annotator for the Restatement of Property in 1940. He was cited by the Detroit Bar for outstanding public service in 1941.

In April 1941, war was approaching. Captain Fratcher went on active duty with the United States Army, serving with the Military Intelligence Service and as a staff officer before joining the Judge Advocate General's Department. He graduated from the Army's Command and General Staff School in 1944. When the war ended, Colonel Fratcher was appointed Chief of the War Crimes Branch, Legal Division, of the United States Office of Military Government in Berlin. For his service, Colonel Fratcher received the Legion of Merit and the Army Commendation Medal.

Leaving the Army in 1947, he joined the faculty of the University of Missouri School of Law. He earned an LL.M. in 1951 and an S.J.D. in 1952 from the University of Michigan, and his thesis, *Perpetuities and Other Restraints*, was published as a book in 1954. Except for visiting professorships at the University of Michigan (1952), New York University (1954-55, 1963, 1965), and Hastings College of the Law (1976), and a year as a Ford Foundation Law Faculty Fellow at the University of London (1963-64), he has served continuously on the faculty of the School of Law. In 1971, he was honored as the School's first R.B. Price Distinguished Professor of Law.

Throughout his career, Professor Fratcher has been active in the field of legislation. He served as Reporter for the Uniform Probate Code from 1963 to 1970. He has been the Reporter for the Subcommittee on Revision of Missouri Probate Laws since 1973, Reporter for the Subcommittee on Revision of Missouri Guardianship Laws since 1975, and Reporter for the Subcommittee on Revision of Missouri Trust Laws since 1980. In addition, he has been Research Counsel to the New York Temporary State Commission on Estates and has served on the American Bar Association Special Committee on the Uniform Trustees' Powers Act and the Committee on Revision of the Model Probate Code.

Professor Fratcher has been involved in a wide variety of professional organizations. He has been Chairman of the Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries; Chairman of the A.B.A. Committee on Current Literature Relating to Real Property Law; Vice Chairman of the A.B.A. Special Committee on Military Justice; Vice Chairman of the A.B.A. Committee on Significant Probate and Trust Literature; and Chairman of the Military Justice Committee of the Missouri Bar. He has been a member of the Executive Council of the Probate and Trusts Committee of

the Missouri Bar and has served on numerous other professional committees. He has been the Missouri State Correspondent for the Selden Society since 1954, the United States Correspondent for the Society of Public Teachers of Law since 1977, and an Academic Fellow of the American College of Probate Counsel since 1971. He is a past President of the Missouri Chapter of the Order of the Coif.

In addition to his professional accomplishments, Professor Fratcher has contributed much to the School of Law and to the University of Missouri. He has been Chairman of the University of Missouri-Columbia Faculty Committee on Tenure, the Committee on Civil Defense, and the Committee on Honorary Degrees. He has served as a member of the University's Library and Forensics Committees. He has also been Chairman of the School of Law's Curriculum, Library, and Promotion and Tenure Committees.

This long career of service to the legal profession, the state, and the University was recognized in 1982. Professor Fratcher was honored with the University-wide Distinguished Faculty-Alumni Award for his career achievements and with the School of Law's first annual Loyd E. Roberts Memorial Prize in the Administration of Justice for his work on the Missouri and Uniform Probate Codes.

This short biography demonstrates the breadth of Professor Fratcher's interests and achievements. The tributes that follow, written by three of his colleagues, attest to his stature in the legal community. They reflect his work in three major endeavors: the development of the Uniform Probate Code, the *International Encyclopedia of Comparative Law*, and the significant overhauls of Missouri probate, trust, and guardianship laws.

## PROFESSOR FRATCHER AND THE UNIFORM PROBATE CODE

PAUL E. BASYE\*

William F. Fratcher (better known as Bill to his many friends) has been a member of the University of Missouri Law Faculty since 1947. It has been my privilege to know him, to read and appreciate his writings, and to work with him during a large part of that period.

In 1962, the Section of Real Property, Probate and Trust Law decided to reconstruct and revise its Model Probate Code, which had been completed in 1946. Bill Fratcher was one of the first pioneers selected to participate in that task. We met at New York University Law School at the invitation of Dean Russell Niles, with Joseph Straus of the Philadelphia Bar and Harrison Durand of the New York City Bar. Along with eight or ten law teachers and others who had written in this field and were conversant

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\* Professor of Law, University of California, Hastings College of the Law.

with its problems, Bill worked for some eight years to rewrite and offer, through the Commissioners on Uniform State Laws, a Uniform Probate Code to simplify and improve probate procedures throughout the country. Of all those who participated, none had a clearer picture of the many problems and their solutions than Bill Fratcher. He had a firm grasp of the historical background of the issues and an uncanny ability to shed a new ray of light on every aspect of the subject.

Bill was one of the law teachers and practitioners selected as reporters to prepare the draft of the new Code. One summer, all of the reporters met together at the University of Colorado in Boulder to pursue the task assigned them. Some problem would often arise which required the drafting of a statutory solution for consideration the next morning. Bill would have that answer in legislative form to submit to the group before the deadline. And he was always amenable to alteration when it could effect an improvement. As the final product neared completion, every member of the group recognized the contribution that Bill Fratcher had made to an important bit of architecture for the improvement of probate laws, an improvement that ultimately was to find its way into the codes of the several states.

Bill Fratcher has been one of the giants of the University of Missouri Law Faculty, and there have been several in that category. His writings in the fields of property law and probate and trust law are numerous. His command of these subjects is enormous. He can solve a problem with a penetrating analysis and provide a practical solution that can be appreciated equally by a student, a faculty member, or an appellate judge.

During all this time he has served on numerous committees, always contributing a thorough and timely report. In addition, he has found time to prepare at least one casebook, one or two treatises or supplements to them, and articles in law journals almost beyond counting. These articles were not only put together with thought and analysis, they were the product of a true craftsman of the law. I have read and reread most of his writings. Most, if not all, are in my own library and are used for reference whenever the occasion requires—which is frequently.

Bill Fratcher eminently fills the post of R.B. Price Distinguished Professor of Law at the University of Missouri-Columbia. He is one of the University of Missouri's most distinguished faculty members. He has given a very considerable momentum to the task of finding avenues for the improvement of laws, a momentum that will not diminish in quality with time.

## PROFESSOR FRATCHER AND THE COMPARATIVE LAW OF TRUSTS

F.H. LAWSON\*

I first encountered Bill Fratcher in Hull in 1963, at the annual meeting of the United Kingdom National Committee of Comparative Law, where he was, as always, a welcome visitor. His participation in the discussions led me to invite him to help in the production of the *International Encyclopedia of Comparative Law*.

That immense work, which is still in progress, is not an exhaustive account of the private laws everywhere in force, but instead contains an attempt to describe the characteristic solutions of typical problems, thus involving the comparison of typical concepts and methods. It is divided into twelve volumes, most of which deal with departments such as family law, succession, torts, labor law, and business organizations. The chief editors in charge of the several volumes and the writers of chapters have been drawn from many different countries; American lawyers who have taken part include Alfred Conard, Arthur von Mehren, and the late Hessel Yntema and Max Rheinstein. As chief editor of the volume on Property and Trust, I invited Bill Fratcher to write the chapter on Trust.

While I need hardly say that his treatment of the common law systems is that of a master, he also had to come to terms with other laws, whether they have had to accommodate the trust into civil law systems or have preferred to obtain similar results by other, widely different, means. From Maitland's time, the trust had attracted the attention of jurists as an object of comparison, but with tentative and fragmentary results. Professor Fratcher's was the first attempt—and a successful one—to cover the whole ground. He brought an acutely critical mind to bear on stubborn conceptual inhibitions and on practical problems thrown up in differing social environments.

He would be the last to expect that what he had done was final. Indeed, two years later he contributed a paper to a colloquium, held by the United Kingdom Committee at the University of Exeter, on trusts and trust-like devices, in which he drew attention to the many ways, largely unknown to English lawyers, that the American world of trusts differs from the English.

I am happy to be able to offer this brief record of a valued friendship.

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\* Professor of Comparative Law Emeritus, Oxford University.

## PROFESSOR FRATCHER AND LAW REFORM IN MISSOURI

JOHN A. BORRON, JR.\*

In July 1970, with the publication of an article entitled *Missouri and the Uniform Probate Code* in the *Journal of the Missouri Bar*, Professor William Fratcher helped trigger serious consideration of the need for reform of Missouri's probate laws. Thereafter, Professor Fratcher participated in a series of study projects concerning the adaptability of the Uniform Probate Code to the Missouri Probate Code. In December 1972, he became a member of the Probate Code Revision Drafting Committee and served as its reporter. Thus began a highly significant relationship that has produced a major revision of our Probate Code, a proposal for a massive reform of our guardianship laws, and substantial improvements in our trust laws.

Professor Fratcher's contributions to the work of the Probate Code Drafting Committee were monumental. He provided expertise in areas covered by the Model and Uniform Codes and in-depth background in Missouri law. His meticulous devotion to accuracy in the publication of committee minutes and drafts made it possible for a bar committee to develop comprehensive and complex revisions of the Probate Code. Without his support and his exceedingly hard work, it is doubtful that the project could have been completed successfully.

Professor Fratcher has also served as reporter for three generations of the drafting committee for revision of the Guardianship Code. Again, his in-depth knowledge of estate administration and his participation in the development of Article V of the Uniform Probate Code (relating to persons under disability) provided valuable resource material to the committee. Without his attention to draftsmanship and detail, development of the Guardianship Code revision would have been a vastly more difficult task.

With the enactment of the Court Reform and Revision Act of 1978, it became possible for probate divisions to exercise jurisdiction over the administration of trusts. This development afforded the Probate and Trust Committee of the Missouri Bar an opportunity to study and revise Missouri's trust laws. Professor Fratcher again accepted the responsibility to serve as reporter for the drafting committee, which has produced an extensive revision of those statutes.

In addition to his formal assignments, Professor Fratcher has performed a wide variety of services to a succession of chairmen of the Probate and Trust Committee and to the staff of the Missouri Bar in connection with the evaluation of legislation affecting probate and trust laws. Such

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\* Commissioner of the Probate Division, Circuit Court of Jackson County, Missouri.

services have been invaluable in providing consistency and continuity to such legislation.

Professor Fratcher's contributions to the Probate and Trust Committee are, of course, in addition to his regular duties as a professor of law. For thirty-six years he has steered students through real and personal property, estates, and trusts. He has, through his teaching, left an indelible mark on Missouri law. As a former student, I recall him as a superb teacher: dedicated, enormously knowledgeable, helpful, and concerned. The Missouri Bar and the citizens of Missouri have been exceedingly fortunate to have had his contributions. It is to be hoped that he will continue to participate in and contribute to the evolution of Missouri's probate and trust laws.

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