

Memories of Dick Effland (1916-1989)

Walter B. Raushenbush

Richard W. Effland, friend and mentor to two decades of Wisconsin Law students, died on October 17, 1988, in Arizona. He died as he lived, happy and at work—of a sudden heart attack while painting his mountain cabin near Flagstaff. He was 72, recently retired from the Law Faculty at Arizona State University, where he had gone in 1967 as one of the founding faculty members of the new Law School. He was a star of the faculty at ASU, as he had been at UW. A memorial program in Dick's honor was held in Tempe, Arizona, on January 21, 1989; I had the honor of representing the University of Wisconsin Law School.

The basic facts of Dick's career are impressive enough: A native of Moline, Illinois, he grew up in Pine Bluff, Arkansas, and Milwaukee, then came to Madison and earned his bachelor's degree in 1938 and his law degree in 1940. A brilliant student, he achieved the third highest average in the entire history of the Law School. He went on to an LL.M. at Columbia, brief private practice, and then key wartime service in Washington: State Department Liaison to the War Production Board, 1941-44; Secretary and Counsel for the Export-Import Bank, 1944-46. He then joined the Wisconsin Law faculty, where he served for 21 years.

Dick taught many courses, but became an expert in Property, Trusts, Wills, and Estates, and did most of his teaching in those subjects. With Professor Jim MacDonald, he rewrote the Wisconsin probate statutes. The work led MacDonald and Effland to be key figures in drafting the Uniform Probate Code promulgated by the National Conference of Commissioners on Uniform State Laws. Dick also was the reporter/draftsman working with the State Bar of Wisconsin on a major redraft of Wisconsin's property, trust, landlord-tenant, and conveyancing statutes.

At Arizona State, Dick was a popular teacher and a faculty leader. Before long he had redrafted the Arizona probate statutes. He added Community Property, a part of Arizona law, to his teaching responsibilities. His expertise brought him back to Wisconsin as a major consultant during the formative years of what became the Wisconsin Marital Property Act—one of the major property law developments in recent decades.

But those who knew Dick will agree that a list of achievements does not do justice to the man. When I came to the Law School in September 1950, he was in his fifth year of teaching, already reputed to be tough, fair, and fun. In the second semester, he was my teacher for Real Property. He taught rather a classical property course, but in a modern and memorable way. Would we remember the Statute *Quia Emptores*? Perhaps even the Statute *de Donis Conditionalibus*? At the time, it seemed the prudent thing to do. But we learned the latest problems in landlord-tenant law, too, and had more work in applying statutes as well as cases than many law school courses then offered. The next autumn, with many others, I enrolled in four credits of Trusts. Just Trusts. Not wholly rational, perhaps—but Effland was teaching it! And it was tough. But we all showed up for the exam, on the very last day of the exam period. There he was at the podium, looking at us through those thick spectacles with a characteristic look, equally quizzical, kind, and amused. He said, "You've had the rest, now it's time for dessert!" A voice from the rear: "Couldn't we just skip dessert?" He laughed with us, not at us.

Dick taught seven of my faculty colleagues, at times ranging from the late 1940's to the mid-1960's. Their recollections mirror mine: The image that abides is of a gentle, helpful, tolerant, patient man—but also of a persistently demanding teacher. He represented the best of the Wisconsin Law School teaching tradition.

Five years after graduating from the Law School, I became Dick's colleague on the faculty. Our teaching interests overlapped. No one could have been a more constructive and supportive colleague and friend. We who worked with him on the faculty especially valued his role in the governance of the school. A moderate conservative, he relied not on ideology but on thoughtful examination and considered judgment as to the merits of any proposition. His strong presence as a wise and helpful faculty meeting voice and a devoted committee worker was a comforting constant at the Law School. It was a shock when he chose the new challenge of Arizona State. But the ensuing four years saw the worst of the Vietnam War era troubles on the Madi-



Prof. Richard Effland

son campus. I remember feeling glad for Dick that he was not here. The disruptions, whatever one thought about their causes, would have been especially hard for one of his kindness, civility, and tough educational standards.

My next memory of Dick is writing to him in late 1975, asking about the possibility of a visiting semester at Arizona State in 1976-77. My wife's mother was ill in the Phoenix area; a semester at Tempe would give us a chance to see more of her. And in January 1977, there I was teaching at ASU for a semester made especially enjoyable by the hospitality of Dick and Virginia Effland and their colleagues. It was gratifying, even if entirely predictable, to see at first-hand the high regard for Dick there too.

We were occasionally in touch after that. And then I followed Dick to the West again, to California and Pepperdine University School of Law, in 1987. A spot was open there, because Dick had been asked to come to Malibu for the 1986-87 academic year as Distinguished Visiting Professor of Law. Dick and Virginia preferred to visit for one semester, so Dick recommended me for the other. During my first week at Pepperdine, I remarked to a law faculty leader that I was grateful to Effland as well as to Pepperdine for the chance to be there. He looked meaningfully at me, and said "That's a hard act to follow; Dick was really loved here." I had an answer. I nodded: "That's been his custom."