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A Tribute to Joseph Edward Ulrich

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A TRIBUTE TO JOSEPH EDWARD ULRICH

Introduction

Brian C. Murchison*

This tribute honors Joseph Edward Ulrich, who in thirty-one years on the W&L law faculty and in recent years as one-called-out-of-retirement, attained legendary status amidst fellow giants Roger Groot, Uncas McThenia, and Lash LaRue.

Joe has been a teacher in the truest sense. For him, the fifty-five minutes of class were not for traditional parsing of cases but for probing the lawyer's role in all its sticky and subtle variations. As one of his Torts students commented on a course evaluation: "Very interesting. Class time never dragged. Tried and succeeded in making Torts seem real. He put forth much effort to let us experience the real world through 'trials,' 'conferences,' 'arguments,' and guest speakers. He did not allow the course to be simply a class." Another student similarly recognized Joe's design: "Practical approach to becoming a lawyer. Very effective. I've learned things that I will remember in twenty years." A third summed up, "I personally consider him one of the finest professors I have ever known and I hold him in the highest estimation."

With these comments, we can see Joe in the front of his classroom. We can hear that inimitable voice, sense his wit, and relish his hands-in-the-pockets refusal to wrap up ideas in tidy deceptive packages. Joe wanted more. He wanted his students to think in ways they had not thought before, and he saw value in their occasional discomfort as they developed the habits of professional

* Charles S. Rowe Professor of Law, Washington and Lee University School of Law. I want to thank W&L Law School Archivist John Jacob for gathering the materials I have quoted herein.

work. In a 1987 edition of the Law News, Gene Cutright affectionately profiled Joe's strategy, pointing out "how often Ulrich says, 'I just don't know what to tell you,' or 'We just don't know' in analyzing problems in the study of law." Cutright added, "He also is noted for his use of the 'reverse Socratic method': 'I'll give the answers, and you ask me the questions.'" Perhaps this is what a student recalled when writing on another evaluation form: "Felt a lot of pressure at first, which I guess was good. . . . Halfway through semester, pressure let up and class became delightful. Best 'thinking' training out of all my classes."

But it was not only students who recognized the genuine difference that Joe Ulrich offered, it was the faculty, too. How many young teachers, new to the challenges of law teaching, were helped and encouraged by this unassumingly generous lender of books, notes, and ideas? When I remember my first years at W&L, I think of Joe's regular walks around the hallways of the fourth floor of Lewis Hall and his visits to the offices of junior faculty members buried in class preparation. Joe would bolster his young colleagues' spirits in chats about the latest Mozart biography, or Thomas Mann's *Joseph and His Brothers*, anything by Nietzsche, Leon Green's concept of strict liability, the puzzles of *Palsgraf*, or the topic of his own latest article. He built us up by sharing his enthusiasms. We loved the originality and irreverence of a mind so engaged by the variety and improbabilities of human experience.

Sometimes he recalled his exploits as a six-year man at Washington and Lee, or as a lawyer in Louisville, or as a JAG Corps lawyer and golfer in the Air Force in Korea. Other times he would ruminate about teaching and about revitalizing the curriculum. Besides specific proposals, he advocated a general approach. "Class time should be spent training [the students'] minds," he wrote in a memorandum to the faculty, "so that they may teach themselves the law. Teaching themselves encourages very early a worthwhile sense of independence from teachers." He predicted that if W&L merely kept following the "Harvard model with some local variations," it would fail. "We will not out duel Harvard, et al. at this game," he warned. "Rather we must decide whether to continue drifting with the mainstream or become one of its tributaries." It would have been easier for all concerned to follow the conventional three-year plan, but Joe thought U.S. legal education could be better, and he stubbornly proposed that we take the lead. Whenever the faculty innovated, he was among the first to volunteer in the experiment. The trenches were where he liked to be.

The pieces collected here—from colleagues, former students, members of the bench and bar—warmly evoke Joe Ulrich's contributions to the University

and to the law. You are invited to reflect on the character and heart of an exceptional man.

The Honorable Ross W. Krumm*

I first became aware of Joe Ulrich in June of 1972. Having just finished three years at the University of Virginia School of Law, I found myself packed into a large classroom one afternoon to listen to Joe review creditors' rights under Virginia law as part of the bar review course. Although Joe's presentation was thorough and concise, I cannot, in candor, say that I took anything remarkable from the session other than the hope that creditors' rights would not rear its ugly head at the bar exam. The most remarkable thing about the day of Joe's lecture was that there was a major hurricane headed in the direction of Charlottesville. Maybe I was distracted. Little did I know then that Joe's work that day would be very important to me in the future. As it turned out, I got lucky and creditors' rights did not show up on the exam. However, less than two years later as a young associate in a small Charlottesville practice, I was up to my neck in creditors' rights and, in particular, Chapter 11 Reorganization work. Joe, if I had listened more carefully to all you had to say that day in June 1972, the learning curve in 1974 may not have been as steep.

I did not actually meet Joe until sometime in the early 1990s. I cannot remember the exact year, but I do remember another hurricane was involved. This time we were in Richmond, I was on the bench, and Joe and I were part of the faculty for the Mid-Atlantic Institute on Bankruptcy and Reorganization Practice given annually by Virginia Continuing Legal Education. Joe was the only academic on the Planning Committee for the Institute. By this time in my career, I knew better the importance of paying closer attention to what Joe had to say. Eventually, I became the first judicial member on the Planning Committee and for a number of years worked closely with Joe in the planning of the Institute and in the presentation of materials at the seminar.

Joe brought a unique combination of talent to the Institute because he had practice background and academic acumen. In planning sessions and on panels, he brought balance to points and positions offered by a faculty composed largely of seasoned bankruptcy practitioners. He had an uncanny ability to counterpoint a position or to offer a different perspective such that

* Chief Judge, United States Bankruptcy Court, Western District of Virginia.

what could have been a one-sided and somewhat colorless presentation became a spirited panel discussion that benefitted those who came to learn. On the Saturday morning session of each Institute, we presented a panel for three hours based on a complicated Chapter 11 fact situation designed to raise and discuss multiple issues relevant to day-to-day practice of our audience. Typically, Joe was one of the primary authors of the fact situation and he never failed to bring his academic expertise to its creation. As a member of the panel presenting the case, Joe was always my pick to serve as a counterpoint to my portion of the presentation. Joe took some delight in somehow always failing to give me advance notice of all of his counterpoints. He would save his "zinger" until just the right moment and then deliver it with just the right mixture of professional sobriety and good natured ribbing. He always made his point and had fun doing it.

The Planning Committee was a close-knit group. We came together professionally but became personal friends. We shared our lives on an annual basis in a very compressed time frame, and Joe was a part. I learned a lot from Joe beginning in 1972 and continuing until his departure from the Institute. He taught me about the law and different ways to look at it. He cared a lot about preparation and presentation. He also cared about the people he worked with, and he showed it. To my knowledge he is the only academic ever to serve on the Planning Committee of the Institute. Joe's contribution over the years was just irreplaceable. Joe understood the culture of bankruptcy and how it should be practiced. He passed that understanding to many bankruptcy students and attorneys throughout his tenure at Washington and Lee University School of Law. His reach throughout the bankruptcy community is broad. He knew it was important to "get it right" and to "do it right." It was important to him that this be passed from one generation of bankruptcy lawyers to the next.

Over the years, Joe was kind enough to evaluate the Washington and Lee students who applied for a clerkship in my chambers. His evaluations were of great benefit to me in making a selection because Joe knew me and he knew the students. He always delivered a balanced evaluation of each student and only after some pushing and prodding from me would he opine as to the "better fit." My experience with Washington and Lee is that it produces individuals well prepared for entering the practice of law or a judicial clerkship. Joe's contribution to that quality in the area of bankruptcy and creditors' rights has been valuable to me.¹

1. When Joe departed W&L, his role in evaluating candidates was capably assumed by Sally Wiant, who has also directed student interns to me under W&L's Judicial Intern Program. As a result of their efforts, a majority of my judicial clerks have come from W&L.

Thank you, Joe, for your service to the academic community, to your students, to the bar, and to the judiciary. You will never know how many lives you have touched.

James Jennings*

Handball, baseball, and the pursuit of excellence in the legal profession have a theme: Joseph E. Ulrich. I played a lot of handball with Joe; watched and learned a lot about baseball with Joe and argued about players; and spent the past forty years discussing, working with, and listening to Joe on how to improve the study of law for the simple purpose of making better lawyers. In his career at W&L Joe has devoted himself completely to his students and to the improvement of the legal profession.

Joe graduated from the college in 1959, where he played on the golf team, and finished law school in 1961, where he was an Associate Editor of the *Washington and Lee Law Review*, a nice cerebral progression in extracurricular activities. He joined the faculty of the law school in 1968 and became Professor of Law, Emeritus in 1999.

My first real encounter with Joe after I entered the law school in 1969 was when I found myself in the basement of Tucker Hall in the evening, and instead of studying, arguing with Joe over whether the major league baseball union was going to win the concessions it was seeking and ruin baseball doing it. I did not realize he was new to the faculty because he had the presence of one who had helped design and construct the pillars on the Colonnade. He correctly assured me that the union would win and baseball would thrive. From that encounter flowed a mentor-student relationship that those who have had the good fortune to study under or work with Joe also experienced.

On the handball court we discussed recent United States Supreme Court decisions and what they meant to the practicing lawyer; watching baseball we talked about the skills necessary to be a good trial lawyer; and in whatever else we have done together his focus has been on improving skills of lawyers and providing support for law students to find their way in the profession.

Some professors have the talent for imprinting on their students concepts captured in phrases that are recalled in the midst of an intense project or trial. Joe is one of those. His former students often describe how they have recalled

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a phrase or a concept planted in their psyche by Joe that came back exactly when needed. To achieve this, one not only has to have command of the subject matter and the ability to communicate, but the touch to make it stick, like a slam into the base of the wall in the corner of the handball court.

Joe frequently brought practicing lawyers into the classroom, not to tell war stories or describe areas of practice, but to participate in teaching using the Socratic method. Along with a plaintiff's lawyer I was invited to a torts class to teach proximate cause using the *Palsgraf* case. We were there to assist Joe in teaching how to approach proximate cause from the perspectives of both plaintiff's and defendant's counsel. Joe had found the transcript of the trial and used it to examine counsel on each side on what evidence was important and how to present it. He held counsel to the facts as set out in the transcript, but his questions to the students would have made Socrates smile.

While Joe has been a firm taskmaster, he has a keen sense of areas of concentration his students have the potential to pursue with success, and in putting students through rigorous classroom work he visualizes how his students will perform in the practice of law. Over the years Joe has assisted firms with hiring and placing his students in areas of practice using his talent of observing people's skills and understanding how to use their strengths. Much like a successful baseball manager, Joe can assess what firm would be a good fit for the position a law student can best handle.

Joe has also made major contributions to practicing lawyers. His work with the Virginia Association of Defense Attorneys as Editor of the *Journal of Civil Litigation* for many years increased the stature of that award-winning periodical significantly. Through that position he worked with trial lawyers in Virginia to improve civil litigation. Even though the *Journal* is a publication of a defense lawyers' organization, Joe endeavored to make the articles in the *Journal* helpful to all lawyers and the bench. He succeeded.

Joe is the embodiment of Washington and Lee's dedication to excellence. He also embodies a salutary characteristic of the school: civility. We are fortunate to have had Joe become a mainstay of Washington and Lee, and he deserves the tribute that the *Washington and Lee Law Review* extends to him.

Robert M. Connolly, '80L*

As I found a seat at my first class of law school, I never imagined that the professor would become my friend. That first day of class I cowered in fear as he employed the Socratic method to ask fumbling students to explain cases they either had not read or had not understood. What made it all the more overwhelming and terrifying was that we had to stand as our limited comprehension was exposed.

Joe's infectious enthusiasm for the subject, Torts, soon changed my attitude about class. Despite the unreasonably early starting time (8:00 a.m.), Joe awakened our minds with a fuller appreciation of the realities of the practice of law than most professors were able to provide. For example, one day at the end of class, he explained to us why he was using the Socratic method and why he was making us stand. He said if you are not comfortable standing here among those of us who truly want you to succeed, you will never stand before a judge who doesn't care about your client's cause and before opposing counsel who is attempting to undermine your arguments. That perspective changed everything. Most of us were able to leave behind our fear of being caught unprepared or the embarrassment of providing a wrong answer and begin to step up to the excitement of seeing ourselves as real lawyers engaged in adversarial debate. Over the course of that first semester, his humor and laughter made his class one of my favorites.

I think of Joe as a teacher because he was never a distant or autocratic professor. While he expressed disappointment when students were unprepared, I never saw him belittle or humiliate anyone. He was very patient as he prodded us to think more carefully and clearly. Almost every class ended with a session of his taking questions and re-explaining points he had covered in class.

During one of the more memorable classes, he left behind our typical analysis of cases and asked us to explain what the tort system was all about. Many of us, caught up in the idealism that led us to law school, attempted to articulate lofty principles of justice. He laughingly shouted out, "It's about money." He then proceeded to explain, point by point, how money affected all aspects of the tort system. It both opened our eyes and helped us understand how the legal principles we were struggling to comprehend fit in a larger system. One day after class, Joe invited me to join him in the faculty lounge for a cup of coffee. I had no idea that students were ever brought into the inner

* Partner, Stites & Harbison PLLC, Louisville, Kentucky.

sanctum. It was the first and only time I have ever drank a cup of coffee. I don't think I have ever told him how much I hate coffee. But I wasn't about to explain that and jeopardize an opportunity to hang out with my favorite professor in the faculty lounge.

Joe and I discovered a shared passion for the game of handball. Even though Joe was almost twenty years older than I, he was a tough athlete. Joe had a doubles partner (Jay Cook) who was an undergraduate professor. They were a formidable team. I usually was paired with either Dan Westbrook or Tom Schetelich (both of whom were talented at handball). Unfortunately, the old guys usually beat us.

When I look back on the reasons why Washington and Lee School of Law was a special place, high on the list is Joe Ulrich. Whenever you spoke to him, he let you know that talking with you was the most important thing he could be doing. He never acted hurried or rushed, and his door was always open. Joe generally treated students as equals. He may have understood more about torts and bankruptcy law, but he was genuinely delighted when a student asked a difficult question or made an observation that surprised him. By the time of graduation, I realized how fortunate I was to have been in his classes and to have learned from him. I was even more fortunate to count him as a friend.

Rebecca Buehler Connelly*

I probably would not have my job if not for Joe Ulrich. I probably never would have considered a career in bankruptcy law or a judicial clerkship with a bankruptcy judge. It was Joe Ulrich's support, gentle assistance, and guidance that led me to my bankruptcy clerkship and ultimately a career as a bankruptcy trustee.

In Joe's Creditors' Rights class during my third year, I learned what a bankruptcy trustee does. And more significantly, through his teachings, I was able to comprehend the mystery of "exempt property." No wonder he was so influential with the Virginia General Assembly as they drafted our state exemption laws in past years. Yet, it was his time outside the classroom that had the greatest impact on me and my classmates.

* Standing Bankruptcy Trustee, Western District of Virginia, Washington and Lee University School of Law, J.D., 1988.

Joe called you by surname in the classroom but by first name outside the classroom. He welcomed you to join him in his office after class to further the class discussion, review an exam, or most often, deliberate over career choices. His was more than an idle curiosity about our plans after law school; he cared enough to serve as sounding board. And when he could, he offered a helping hand in the job search. Our success as lawyers was important to Joe. Therefore it is no surprise that one of his pursuits was as our bar exam coach. Joe wanted all of us to pass the bar exam. During my days at Washington and Lee University School of Law, Joe spent his summers shepherding us through the brutal and unpleasant grind of those bar review lectures and outlines, with his typical candor and gentle encouragement.

Yet, more than passing the bar, or tackling a particular job after graduation, Joe wanted us to learn how to think as lawyers. And he started those lessons in our first-year classes. Torts in Joe's class was more than reading cases with bizarre sensational facts; torts was the foundation from which we learned how the law governs our civil conduct. We learned that critical skill of identifying when a cause, regardless of whether fair or right, is actionable. Joe's words, "But Mr. O'Brien, where's the damage?," still echo in my memory twenty-three years later.

Joe connected with the bright stars and *Law Review* editors just as well as he did with the struggling and challenged students. He seemed to enjoy working with those who needed extra help as much as he did with those who demonstrated remarkable promise. His efforts paid off. At year end, the stragglers had exceeded their expectations and gained an understanding of crucial legal concepts. Maybe it was the cardigan sweater, or maybe it was the way he pointed to the student with one hand while pointing to his nose with the other (for those readers born after 1980, this is the way to express a correct answer in the game Charades), or maybe it was the endearing undulating inflection of his words, but unquestioningly, it was all "Joe Joe" that made my generation fall in love with W&L Law. I am sincerely grateful I was a student of Joe Ulrich.

Sam Calhoun*

Because others will speak to Joe's expertise and impact in the area of bankruptcy law, my comments will focus on Joe as a colleague and friend.

When I joined the faculty in 1978, Joe had already been at the law school for a decade. He joined several other "old-timers" in generously devoting time to help the new recruit. Beyond his warm collegiality, he also modeled conscientiousness in his approach to various faculty governance issues. One could always count on Joe to speak his mind forcefully and provocatively. On some matters his ideas were too radical to be accepted at the time. Our new third-year program, for example, in large part reflects concerns about shortcomings in legal education that Joe has decried for years.

Joe has been a good friend. I have enjoyed the many facets of our relationship—from golf to history to metaphysics. He is perhaps the most well-read person I know. As one example, I recall a discussion we had on the theology of Jonathan Edwards. Since I am a Presbyterian, it is not unexpected that I would have read Edwards. But it is truly surprising that Joe, who does not embrace the Reformed faith, has done so.

Joe feels free to challenge my views. I once remarked that I did not admire Napoleon. Joe suggested that the reason was that I had read only British historians, which was in fact the case. Joe also has been a helpful sounding board for my various scholarly efforts to evaluate how cultural and legal normative assertions are ultimately grounded. We have had pointed disagreements at times, but they have done nothing to impair our relationship. A friend who speaks his mind in a spirit of helpfulness is a rare gift that I value greatly.

Lyman Johnson**

Joe Ulrich is a man of many interests and diverse talents. He is an avid reader. If he spotted a book in my office he hadn't read, he would take it for a few days and then bring it back with a review of its quality. He is a gifted athlete. He once guarded future-NBA star Oscar Robertson in a high school

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** Robert O. Bentley Professor of Law, Washington and Lee University School of Law.

basketball game before *Brown v. Board of Education*. He grew up golfing with future-PGA star golfer Frank Beard. As a golfer myself, I played only one round with Joe, unfortunately, due to a bothersome wrist injury he developed. His grace, strength, and athleticism were evident that day.

Joe also was a great storyteller. He had remarkable recall, a fine appreciation of the numerous characters who have passed through the Law School, and a wonderful sense of timing in telling a good story, especially if it involved humor or yet another display of the unexpected or sheer irascibility of the human animal. His recounting of Charlie Laughlin's asking Lash LaRue to explain in a faculty meeting what Lash meant in describing a teaching candidate as an "a_____" is priceless. And often his stories involved students he admired—like the law student who daringly took on the whole W&L track team by himself in several track and field events—or students that simply befuddled him, something hard to do with worldly Joe.

But when I think of Joe, I best remember him as a teacher and a friend. No one cared more about or paid more attention to the annual arrival of the "new professor" at Washington and Lee University School of Law than Joe. He would amble by the office several times a week to chat, but he was also checking in to make sure everything was okay. He was a one-man support committee before we invented and formalized that concept. Back in the mid-1980s, we had about a one-sentence tenure standard. Joe boiled it down even further with his advice to "just do a good job." Several of us now-senior types were watched over by Joe in our early days, and we are very grateful for him. Many others on our faculty today are there because Joe went to bat for them with his colleagues.

Joe not only was a loyal mentor, he was a devoted friend. When I went through a time of trouble, he'd come by and listen. He could read my inscrutable Nordic face pretty well and could generally get to the story that wasn't being volunteered. And that was because I trusted Joe. I also knew he had keen insight, even as he routinely disavowed it and expressed (to show camaraderie, I realized) the same puzzlement I had about certain matters in life and law, and I knew that he honored confidences entrusted to him. Plus, Joe is just very easy to be around. He likes people and truly appreciates the varied strengths and idiosyncrasies of those around him.

Most memorable to me, however, is Joe the teacher. I have had far more conversations about teaching law with Joe than with any of my other colleagues. Joe likes to think about and discuss how we can be better teachers, a subject as to which Joe has always been a "free thinker." He spurred significant and enduring curricular reform in the late 1980s by a series of provocative memos that led to robust and far-reaching faculty discussion of—

and eventual changes to—the curriculum. He volunteered for the new Introduction to Lawyer's Role course, a sound course conceptually but difficult to pull off, and one that involved high-risk teaching if ever there was. He often told me that he and I should jointly teach a 12-credit course that would pull together corporate, securities, bankruptcy, antitrust, UCC, and other subjects so that students would see how things "fit" together. Joe was a consummate professional, always seeking to help students see more clearly what it was going to be like to grapple with complexity as lawyers must. He thought we professors should grapple along with our students—rather than be the "sage on the stage"—and model for them how lawyers deal with unavoidable uncertainties and unknowns, and show them how the one who asks good questions ends up knowing the most.

Joe has caused me to develop the habit of periodically rethinking and changing what I do as a teacher. To cite just one of many possible examples, one year I had a group of exceptionally talented students in my Business Planning class. Many of them were so bright they were able to excel by doing less than their very best. Joe had a solution for bringing out their best: Rather than spreading the talent among many teams, he suggested I pit the best against the best. As he put it, put your six best on two opposing teams of three each, and "let them go at it." He was right; they went at it to great effect because they pushed each other.

But Joe's influence went far beyond pedagogy and particular techniques and methods. It went to a mindset Joe embodied: the relentless pursuit to be better for our students and to be unafraid to change and take risks toward that end. Ultimately, that stemmed from Joe's immense respect and high hopes for his students, and his utter lack of sentimentality for a particular pedagogy just because it was longstanding. He probably had a higher regard for student potential for excellent work than they did, but he knew too that, ultimately, keen student desire is critical to effective learning. Joe completely supported those colleagues who likewise had high hopes and new ideas for better teaching and, conversely, he had little time for those pursuing individual agendas unrelated to the well-being of W&L.

And what were Joe's hopes for W&L law students? That is easy to state, but it encompasses a great deal: to be superbly trained lawyers. Joe Ulrich trained a lot of them. And he helped train a lot of law professors too. Thank you, Joe.



Ann MacLean Massie*

"Mr. W&L." That is how I have always thought of Joe Ulrich, virtually since the day I met him. I was hired by then-Dean Rick Kirgis to join the faculty on a half-time basis in the fall of 1985. My office was near Joe's, and from the beginning, he treated me as though I were a full colleague. He couldn't wait to hear how my first class went and took me out to lunch to celebrate getting through it. He taught Torts, while my class was Civil Liberties, but he always wanted to hear what I was doing, how it was going, and whether he could help me out in any way. He was full of tips and encouragement, and he and Roger Groot took me to a celebratory lunch on my last day of that semester as well as the first.

Joe has always cared passionately about this institution and about the students in it. He himself is a "six-year man," having completed his undergraduate and law degrees at W&L in the abbreviated time span that was then possible. Then he was off to the Air Force, after which, to hear him tell it, he and Karol were simply motoring through Lexington and stopped to visit; they never left. The dean at the time was astute enough to realize what a gold mine this man was, and Joe enriched the Law School for some thirty years. It has been our great good fortune to have him return as a visitor for the past several years.

Joe has always loved this place. His keenest interest has been in how to teach students most effectively to be the best lawyers they can be. Behind his cheerful grin and happy-go-lucky style lurks deadly seriousness about our mission and a brain full of ideas about how to go achieve it. He once spent a semester's leave concentrating primarily on curriculum ideas, and all of us benefitted from his wisdom. He has always thought that law school should do more to prepare students for actual practice, and he has been a major cheerleader for the new third-year program. Not surprisingly, he was one of the first to volunteer to teach a practicum even before the new curriculum was fully developed, after which he set down ideas of what worked and what did not in a lengthy and thoughtful memorandum.

Joe is a first-class raconteur and a treasure trove of law school history reaching back to his student days. Many a lunch has been drawn out into the afternoon as Joe regaled us with tales of the antics of former colleagues and students. Or he might reminisce about his days in the Air Force, telling us, with his typical self-deprecatory humor, about how he was always assigned to

* Professor of Law, Washington and Lee University School of Law.

play golf with visiting brass, and how he even got to design a course—his dream job!

Above all, Joe is a steadfast friend, as I have experienced over and over again. One particular memory stands out for me. The dean asked me to teach Torts in the first semester of my tenure year, a new course for me. Joe had traditionally taught it and was ready for a different challenge. But when he heard about the request, he immediately went to the dean's office and asked to take my place, so that I would not have the burden of a new class preparation while I was getting ready for my tenure evaluation. That gesture is typical of Joe's generosity of heart and willingness to help a friend.

We lost Joe to early retirement way too soon. An important part of our institutional memory and spirit went with him to the Pacific Northwest. What a delightful surprise it was for me to look up several years later and see that winning grin approaching me in the hall once more! Joe had come east on a business trip and stopped by to say hello. He had such a good time visiting friends here in Lexington that he was lured back as a visitor the following year.

Those were wonderful times for both my husband, Kent, and me, as we got to know Joe better than ever before. We developed a tradition of having him to dinner his first evening back and the last evening before he left, always accompanied by his loyal little dog, Lafitte, whom we also have come to know and love. Kent and Joe find each other enormously entertaining, and I get to enjoy the show! Joe and I also had lunch once a week during his visits, where I came to appreciate the scope and variety of Joe's interests and the depth and thoughtfulness of his reading. In many ways, those conversations were to me like a fun and interesting tutorial in history, philosophy, and jurisprudence.

Last summer, Kent and I were able to visit with Joe during our trip to the Pacific Northwest. We met for lunch and spent the afternoon catching up on each other's news and, as always, discussing current political events. That evening, we were guests at a barbeque that included many of his friends. I am happy to say that I returned to Lexington feeling good about where Joe is in his life now, with a variety of interesting and congenial friends, six bridge games a week, and a relaxed outlook on life. Still, I would like to look up one day and again see that grin in these halls—it just isn't the same without "Mr. W&L."



Uncas McThenia*

Anne McThenia**

I am pleased to join this much deserved tribute to my long time friend and colleague, Joe Ulrich. We go back a lot of years. I first met him more than a half century ago. And I remember how way back then—when the earth was still cooling—he could so deftly puncture human vanity with a wonderfully expressive gesture by quietly rolling his eyes and blowing into his hands so as to avoid outright laughter. He used that same gesture in his classes when a student would make a particularly off the wall response to one of Smokin' Joe's questions. And in both cases I think the gesture was one of great respect and caring. He knew that we are all subject to puffery and that students ought to be expected to get it wrong. He just sees both aspects of life—vanity and error—as essential parts of being human.

And another part of Joe that is so wonderful for someone with his many talents is that he is absolutely without guile. I taught him to play handball years ago, and for the next little while beat him soundly and with regularity. That lasted about six months. And after he figured out the game and left his teacher nursing a bruised ego, he simply laughed and said maybe next time. He accepted the reality that he was naturally a damn good athlete and did not see any reason either to brag about it or try to make me feel better because he had bested his teacher.

I worried for a long time about this opportunity to pay tribute to Joe—I thought I couldn't quite say what I wanted to say, so I decided to talk with Anne (to whom I am married) to get some help from her. Joe had a pretty serious health issue a couple of years ago while he was back teaching at the Law School. He is fortunately well beyond the problem now, but at the time the medical people were hesitant to release him from the hospital as long as he was living alone. So he came to stay with us for a couple of weeks while he healed. Anne still counts those fall evenings sitting on the porch talking with Joe and listening to his stories of his growing up in Louisville as a special part of her life. She and Joe are soulmates.

Anne began to use words to describe Joe: gentle, modest, self-effacing, generous of spirit, good listener, respectful of others, intelligent. And the list went on. All the words she suggested are true and extremely accurate. But they don't give a full picture. She suddenly said, ". . . but the dots don't

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** Good friend of Joe Ulrich.

connect, we are missing something." And she was absolutely correct. We both realized that neither of us could go any deeper. Joe is an incredible paradox. He is open, generous, a great friend, etc., but he is not a person about whom one could say "what you see is what you get."

And I think the reason neither of us could connect the dots is that Joe sees things in life that are down deep and important, and simply beyond us. But what is really important to both of us is that he is a wonderful friend.

Uncas started drafting this statement. He consulted Anne and she supplied whatever, if any, insight the tribute offers. Neither of us knows how to write in the plural. But this is a joint product and we both want to say to Joe thanks for your friendship, so we have both signed it.

Joan Shaughnessy*

I have always admired Joe's priorities. Students always came first with him. He cared deeply about their education and their professional growth. He thought long and hard about how he taught his classes and about how we, as an institution, framed our instruction and our curriculum. He devoted countless hours, including at least one sabbatical leave, to the study of educational theory as it applied to legal education. The progress Washington and Lee has made with its curriculum, including the new third-year program, owes a great debt to the foundation Joe laid over twenty years ago.

Colleagues were a close second with Joe. He was a warm and supportive mentor to many junior colleagues, including me. We benefitted from his guidance, oversight, and interest. He fought hard for us when we most needed his help. He was, and is, a good friend to his contemporaries on the faculty. Washington and Lee has benefitted enormously from the strength and values of the core group of young people, Joe Ulrich, Lash LaRue, Uncas McThenia, and others, who came to Lexington and together devoted their lives to making the law school the very best it could be.

I have always admired Joe's wit. Joe is a deeply learned scholar, but he is very skilled at hiding his learning with his sharp, self-deprecating sense of humor. Joe never succumbed to the common academic disease of self-importance.

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Since Joe moved to Washington, I have been fortunate to have inherited his office, tucked in a corner, overlooking the Lewis Hall courtyard. I hope I have also inherited a bit of his wisdom. He has been a wonderful teacher, mentor, and friend to me and to hundreds who have made Lewis Hall their home over the last decades.

Sarah K. Wiant*

Joe Ulrich and I became friends during his long career at Washington and Lee University School of Law. First, I knew him as his student and then as a colleague. He was a good teacher. He was different from the others, perhaps because he was so low-key. I quickly discovered that Joe knew something about everything. He was very bright and understood each field of law that he taught, from Torts to Creditors' Rights and Bankruptcy, with Antitrust thrown in for good measure. He was probably underestimated because he was so low-key. He made learning the law easier for me; he taught me to write a brief and argue a case. After I joined the faculty, he taught me to write exams.

As with any beloved faculty member, stories about Joe abound. Some of these stories are from classmates;¹ they echo my sentiments as well. No doubt many of you will recall similar stories. In Torts, we quickly learned from Joe that one didn't need to be somber to be serious. Joe used his wit to keep things interesting, and when you demonstrated that you understood the material, he was quick to point to you with one hand while putting his index finger on his nose. Joe's easy-going attitude was balanced by two different but effective means of keeping your attention on the matters at hand. For years, he made students stand when called upon. He wasn't trying to embarrass anyone, but you knew you were expected to respond thoughtfully. More importantly, he was always a few (at least) steps ahead of you as he skillfully questioned your reasoning and conclusions. The cases were fun, even those addressing causation, which did not come naturally. He had a way of closing an issue: Socratic as always, he would finish with, "Could be."

He was such an inspiring teacher that a "beverage-encouraged" a cappella group of first year students went to his home and serenaded him with its rendition of "The Twelve Torts of Christmas." Even more amazing, this was

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1. With appreciation to Jeff Willis '75L, Jeff Morris '77L, and Katherine Schleich, '78L.

during the days when Fall Semester exams were held after the Christmas break, so we faced the risk of disrupting an otherwise comfortable evening and provoking an even more "rigorous" exam than normal.

Many students took all of Joe's courses. In today's parlance, he was a "fan fave." He was young (unlike Eddie Graves); he was funny (unlike Bill Stewart); he was not scary (unlike the Dean); he did not pop in a chaw or spit in his cup just before answering a question (unlike Uncas McThenia); and, except for discussions of the proximate cause of Mrs. Palsgraf's injuries, he was straightforward (unlike Lash LaRue). Joe even provided an occasional Honest-to God answer to a student's question, though he was more apt to say, "Well, what do *you* think?" And, of course, he was most appreciated for not being a rigid adherent of the dreaded bell curve. So, for us it was all Joe, all the time—in that era, that meant Torts, 'Cosmic' Torts, and Antitrust. Many students wished that there had been a few other courses taught by him.

Perhaps the most inspiring aspect of Joe's teaching was that you could see the joy he felt when you demonstrated what you had learned. Joe thought teaching was important. He thought the faculty at W&L taught well, but he thought we could and should teach better. His intelligence and understanding of this law school and how it is perceived led him to think about what it should become. Years ago Joe challenged the faculty to consider adopting a curriculum that included capstone courses for the third year. His litany of reasons read much like the rationale of our current third-year program. Capstone courses would require students to be more responsive and more insightful. The student's role would be active rather than passive. The course focus would be on skills that develop students into young lawyers. Students would learn not only skills of writing more concisely, developing interrogatories, and identifying facts from opinion, but also the habits of being reasonable, using time wisely, handling complex issues, and costing out how much a client can afford. His proposal for intensive courses, in many ways, was the forerunner of the third-year experiential curriculum that the law school is now implementing. Joe was ahead of his time. Taking to heart his admonitions, I taught an advanced tort class and developed a wrongful death scenario featuring "killer" software and the negligence of a radiation therapist. Without his counsel and encouragement, the course might have failed; he kept me on task and guided the development of real and manageable problems.

He was always so accommodating; he made himself available to students and to colleagues. Sometimes he would talk about scholarly topics, but, as often as not, he would talk about basketball, golf, bridge, Mozart, or the latest interesting book he was reading. His interests ranged from science fiction to Genius.

Most of us would agree on his valuable contributions to legal education and to the practice of law, particularly the bankruptcy bar. To me, Joe Ulrich was an example of that that is good about Washington and Lee School of Law—a faculty that cares. I admire him and respect him for his commitment to the law school and the University community. I'm grateful for Joe Ulrich and that my life crossed paths with his.



ARTICLES
