Washington & Lee University School of Law
Washington & Lee University School of Law Scholarly Commons

Faculty Scholarship

1-1-2005

# A Tribute To Edward 0. Henneman

Robert T. Danforth
*Washington and Lee University School of Law*, danforthr@wlu.edu

Follow this and additional works at: http://scholarlycommons.law.wlu.edu/wlufac

Part of the Biography Commons

Recommended Citation
Robert T. Danforth, *A Tribute to Edward O. Henneman*, 62 Wash. & Lee L. Rev. 1423 (2005).

This Article is brought to you for free and open access by Washington & Lee University School of Law Scholarly Commons. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Washington & Lee University School of Law Scholarly Commons. For more information, please contact osbornecl@wlu.edu.

rare opportunity to refer to Professor Henneman, with his Ivy-Ivy pedigree and Wall Street suits, by his first name). Within days, and for years to come, Decedents' Estates and Trusts enjoyed student buzz: "I know it's hard to believe, but he makes it interesting. He's an academic practitioner. Great hypotheticals. You'll laugh 'til you hurt."

Few Washington and Lee graduates since 1979 conjure the Rule Against Perpetuities without recalling Mr. Henneman's straightforward and truthful admonishment: "It doesn't have to make any sense if you understand it." Under his guiding hand we did come to understand most of it and appreciate all of it—future interests, tax planning, philanthropy, dysfunctional families. He was practical and thorough. And, much to his pleasure, he never missed an opportunity to examine—more accurately, skewer—California law.

Several years after graduation, having taken all of Professor Henneman's classes, one of the signatories to this essay prevailed in her argument to the Virginia Supreme Court that a holographic will was valid, relying at least in part on a California case. "I'm convinced the assembled Justices found the case marginally credible, and I did acknowledge that Professor Henneman generally characterized California as 'one big hypothetical.' Perhaps that is why the vote was 4-3."

Teaching is but one of many ways that Professor Henneman has contributed to the stature and collegial culture of our law school, as the essays in this tribute confirm. But for us, Ned and the Dead, and Ned's teaching of it, holds the greatest ongoing significance. As attorneys who chose to pursue careers in Trust and Estate law, we thank him for the introduction. We salute his encouragement, his professionalism, and his charm. He taught us well.

---

Robert T. Danforth*

My life at Washington and Lee began in the fall of 1996 with a phone call from the then-Chairman of the Law School's Faculty Appointments Committee. Little did I know at the time how much the owner of the unassuming voice at the other end would positively affect my professional future. Before that phone call I knew Ned Henneman only by reputation, but since then it has been my good fortune to know him as a colleague, a mentor,

* Associate Professor of Law and Alumni Faculty Fellow, Washington and Lee University School of Law.

and a friend. Simply put, I would not be where I am today were it not for Ned; I owe him a tremendous debt of gratitude for the many ways in which he has helped to shape and advance my career. The story of Ned's role in my life at Washington and Lee is a microcosm of his larger role at the law school, where he regularly placed the interests of students, colleagues, and the institution ahead of his own.

I am reasonably certain that I would not be at Washington and Lee were it not for Ned. As chairman of the Faculty Appointments Committee, Ned lobbied hard and selflessly for hiring a fellow faculty member in the trusts and estates, tax, and estate planning areas. Ned provided me with advice and encouragement throughout the interviewing process (though he left me on my own to devise a concise explanation of the Rule Against Perpetuities). Fortune smiled, and I received an offer to join the Washington and Lee community. As it turns out—and fortunately for me—Ned's help and encouragement during the hiring process foreshadowed the role he would play as my colleague on the faculty.

Sometime during my first semester at the law school in the fall of 1997, Ned agreed to serve as chair of my Tenure Support Committee. Each semester during my first four and a half years at Washington and Lee, he undertook the job of periodically observing me in the classroom. It was more than a little intimidating to have Ned sitting in on my classes. Not only did he know more than I could hope to learn about many topics that came up in class, but he was also an extraordinary teacher whose wit and ability to capture the attention of his students were legendary.[1] Our "post-mortem" discussions of my teaching were not always painless—Ned has a remarkable gift for blunt, though humorous, criticism—but they were always helpful, and I know that I am a better teacher because of them.

As chair of my Support Committee, Ned also faced the unenviable task of reviewing and providing advice about my scholarship during the pre-tenure period. Let me remind the reader that the subject matters of my work—income taxation of trusts and estates, estate tax apportionment, and the like—have been known to have a soporific, if not terminal, effect on the reader. (No reviewer alive has ever called one of my pieces "a real page turner.") During this period,

1. Nor was this talent unused during faculty meetings. Among many memorable moments, one in particular comes to mind. As chair of the Appointments Committee it often fell to Ned to read aloud from letters recommending particular candidates. One such candidate had graduated from a well-known law school in New England. The faculty recommender seemed enormously pleased with this fact, as if it uniquely qualified the candidate for consideration. Ned did no more than read the letter verbatim, placing the slightest stress on the words, "The _____ Law School," each time he came across them, which was often.

Ned read literally every word I wrote—often including multiple drafts—never failing to offer helpful and instructive comments that undoubtedly improved the quality of the finished product.

Ned's common-sense advice was also uncommonly helpful in charting the course of my scholarship, smoothing as much as possible my path to the tenure I enjoy today. Recognizing that I might be inclined to write on practice-related subjects because of my many years of experience as a lawyer, Ned astutely guided me toward topics with more significant policy implications.[2]

When the time came for the case for my tenure to be made, it was fitting that the Dean selected Ned to serve as a member of my tenure committee. It is no surprise to me that the process went as smoothly as it did; Ned understood and appreciated my teaching and my scholarship better than anyone else possibly could. He was tremendously supportive—and, as circumstances demanded, appropriately reassuring, critical, directive, or silent—throughout the period of my tenure decision.

For all these reasons and more, I owe Ned more than these few paragraphs can express. So do the rest of his colleagues, decades of his students, and the law school as whole. We owe a collective debt of gratitude to Ned for helping to guide the school to the prominence it enjoys today.

2. An anecdote aptly describes his role in this regard, along with his characteristic wit: During the meeting of the tenured faculty to review my first year pre-tenure work, Ned assured his colleagues that, despite the highly practical nature of my work product thus far, I would soon begin work on an article that would be "of no interest to anyone."