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# WASHINGTON AND LEE LAW REVIEW

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## A Tribute to Edward O. Henneman

Mark H. Grunewald\*

Ned Henneman's retirement from Washington and Lee marks the end of a full one-third of a century of service to the University—full not just in time but also in breadth and distinction.

In 1972, it was far from predictable that Ned, born and raised on the Upper West Side of New York City, would spend the heart of his career at Washington and Lee. There were, however, Virginia connections. His father's family was from Buckingham County, and Ned spent the last two years of his secondary education at Woodberry Forest School in Madison County. But from his graduation there in 1955 until 1972, his ties to Virginia seemed broken. He had gone to college at Yale and then to law school at Harvard and then become associated with first one and then another highly regarded New York City law firm, working in their trusts and estates departments. His deep devotion to all things New York, particularly the Mets, made a move seem even more unlikely. Yet by 1972, Ned and Penny, whom he had married in 1960, had three young children, Neeltje, Teddy, and Bobby, and Virginia took on new appeal.

At that moment, the Development Office at Washington and Lee was looking to hire its first Director of Planned Giving. Ned's trusts and estates background provided the technical qualifications for the position, but those who met him then were also taken with his charm, wit, and intellect, as would be those who came to know him in so many different University capacities thereafter. Thus began Ned's career at Washington and Lee.

While successfully directing the Planned Giving program, Ned also taught Trusts and Estates courses in the Law School for a number of years as an adjunct professor. In 1978, he was appointed to a fulltime position on the law

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\* James P. Morefield Professor of Law, Washington and Lee University School of Law.

faculty. He continued to teach the Trusts and Estates courses over the years but expanded his repertoire to include Property, Real Estate, Family Law, and Elder Law.

In 1981, Dean Roy Steinheimer asked Ned to take on the additional assignment of Associate Dean. At that time, there was only one Associate Dean, and he did it all: Admissions, Academic Affairs, Student Affairs, and various other catchall administrative duties. Ned performed them all extraordinarily well and, despite a facade of gruffness, endeared himself to faculty, students, and staff alike with his practical yet humane approach to administration. Perhaps most remarkably, Ned held the position of Associate Dean for eleven years, a record unlikely ever to be broken. Even as Ned shouldered his administrative duties, he continued to teach half time, accumulating several "best teacher" awards while he was at it. After he finally finished his tour of duty as Associate Dean, he continued to perform important administrative functions in the Law School, the University, and the Bar, serving on, and in many cases chairing, important committees.

As full and rich as Ned's career as lawyer-teacher-administrator has been, it has always coexisted with his broad and deep commitment to civic responsibility. He has served as member and as chair of the Lexington School Board, board member of the Stonewall Jackson Hospital, Lexington Meals-for-Shut-Ins, Threshold, Rockbridge Area Relief Association, and Virginia Skyline Girl Scouts Council, among others. He currently serves as a member of the Rockbridge County Electoral Board and the boards of Kendal at Lexington, Yellow Brick Road, and the Rockbridge County Democratic Committee. He is also a Vestryman of the R.E. Lee Memorial Episcopal Church, where he has also served as Senior Warden and Chair of Mission/Outreach. Ned even made a brief foray into politics, running for mayor of Lexington. While he did not win the election, he succeeded, as he had intended, in refocusing attention on the importance and the needs of the Lexington city school system.

In retirement Ned will continue to serve where needed no doubt, but will now have time for the travel he and Penny enjoy, for his newly discovered talent for bridge, and most importantly, for his children and grandchildren. As his colleague and friend, I take pleasure for Ned and his family in these things, but it is a pleasure tempered by recognition that the Law School and the University are losing an irreplaceable combination of wit, insight, and conscience.

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Roy L. Steinheimer\*

Ned Henneman came to Washington and Lee to serve as the Associate Director of the Development Office. His credentials were impressive—Yale undergrad, Harvard Law School, and law practice in the trusts and estates area with two prestigious New York City law firms. I had more than a passing interest in him because Ned would be participating in the solicitation of funds for the Law School.

When I first met Ned, I was fascinated by his manner of speech—a torrent of words spilling out of partially locked jaws in a rapid staccato fashion. This onslaught of words was often accompanied by a sort of bubbling chuckle for, as I learned, Ned is a man of great wit with a fine sense of humor. As I became better acquainted with Ned, I found that this wit and humor overlays a rather cynical and suspicious view of the world and its inhabitants. This dim view of the world is probably explained by the fact that Ned is a native of New York City—anything west of the Hudson River is suspect.

Shortly after Ned came to Washington and Lee we teamed up to make some calls on potential law school donors in Charleston, West Virginia. This trip was before Interstate 64 existed so the drive from Lexington to Charleston would take five or six hours via U.S. 60, a tortuous, two-lane mountain road. But in my Beechcraft Bonanza the flight to Charleston would take less than an hour. So I invited Ned to fly to Charleston with me. He accepted the invitation. We had "severe clear" weather for the flight, so it was, I thought, uneventful. We rented a car at the Charleston airport, made our calls, and headed back to the Charleston airport for our return flight. At this point Ned announced that he had decided to drive back to Lexington in the rental car after he dropped me at the airport. No apologies, no excuses, no explanations. I prefer to think that Ned's actions were not a mute appraisal of my skills as a pilot.

As I lurched from crisis to crisis during my deanship, Ned came to my rescue several times. There was the occasion several years after Ned came to Washington and Lee when we had a temporary but urgent need for a Trusts and Estates teacher in the Law School. I turned to Ned for help. He had the necessary expertise to teach in this area and he had a desire to try teaching so he took on this temporary teaching job. The temporary job then became a permanent opening for a teacher in this area. Ned's performance as a

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temporary teacher had been so outstanding that he was asked to join the law faculty on a full-time basis.

Several years after Ned became a member of the law faculty, I lurched into another crisis. The Assistant Dean of the Law School suddenly resigned shortly before the start of the fall semester. In this critical situation, I again turned to Ned for help. He had become an effective and respected member of the law faculty. He also had the qualities needed by an administrator—organized and decisive with an abundance of common sense. My need was so urgent I didn't ask Ned if he would consider an appointment as Assistant Dean. I "drafted" him for the job. I was happy to see that Ned didn't show up in the Assistant Dean's office wearing the faculty-designed T-shirt bearing the message "I've been Royed." I am fortunate to have had Ned as a friend and colleague.

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Rick Kirgis\*

Edward Olmstead Henneman, known to all as Ned, is recognized for his long and devoted service to Washington and Lee University and to the community in which he resides. I began working closely with him in 1983, when I became Dean of the School of Law. Ned had already served for three years as Assistant Dean, having served previously as Washington and Lee's Associate Director of Development. He graciously agreed to stay on as Assistant Dean, giving continuity to the administration of the law school. He was on tenure track, which meant that he was teaching in the regular law school curriculum even as he carried the heavy load of recruiting prospective law students, doing paperwork connected with their applications for admission and for financial aid, making many of the decisions on those applications, and serving as our dean of students (without benefit of the formal title). In other words, he was doing the work that occupies at least five full-time law school staff members today.

A year later he was elevated to the newly created post of Associate Dean. That relieved him of admissions responsibilities, but it left him with the task of handling virtually all student problems while he taught a full load of law school courses in the Property, Wills, Trusts and Estate Planning fields. Thus, he had

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to do the full-time jobs of merely two people, instead of five. Students respected him as a knowledgeable teacher with a dry sense of humor and as an administrator who dealt with their concerns and problems firmly, but with compassion when compassion was called for. He earned and carried their respect right up through his retirement from the active faculty in the summer of 2005.

Few people could do five, or even two, full-time jobs for very long, especially if they were also active in community service, as Ned indisputably was. But he persevered. In addition to his law school teaching and administrative responsibilities, he was (to give just a sample) the Vice-Chair and then Chair of the Lexington School Board, a member of the Board of Stonewall Jackson Hospital, a member of the vestry of Robert E. Lee Memorial Episcopal Church, and a member of the Virginia Bar Foundation's Continuing Legal Education Committee. All the while, he was active in Democratic Party politics. Finally, in 1992, he stepped down as Associate Dean, but he pressed on as a full-time teacher and an active participant in community affairs, including serving on the planning committee for, and then the Board of Directors of, the Kendal retirement facility on the outskirts of Lexington. Now, with relief from his teaching duties, he can be expected to focus his multiple talents on community service even more than before. It is good news for the community.

As any of Ned's students or colleagues can attest, Ned has a sharp, dry wit—biting, at times, but never ill-intentioned. In his unofficial role as law school pundit, he could bring any flights of fancy in the classroom or faculty meeting right back down to earth with deft, good-natured retorts. Nobody ever takes offense; it's just Ned, and in any event he is probably right.

Ned is a baseball fan. Specifically, he is a New York Mets fan—a legacy, no doubt, of his time spent practicing law in New York City before he came to Washington and Lee. The Mets do not always meet his high expectations, but instead of letting it get him down, he takes them to task with the same sense of humor he puts to good use in faculty meetings. And he never—well, hardly ever—points out that my team, the Cubs, is usually doing worse than his Mets.

One might ask, who can step in and be the multifaceted administrator, teacher, and Lewis Hall wit-in-residence, now that Ned has retired? Surely, at least three persons will be needed to fill in for him. That is just one way to say that he will be missed.



Randall P. Bezanson\*

Nothing pleases me more, or seems more suitable, than the dedication of an issue of the Washington and Lee Law Review to Ned Henneman. Ned is a close and very good friend. He served as Associate Dean during the first four years of my time at W&L, and survived the excitement. He was a great faculty colleague, a demanding, compassionate, and very creative teacher, and an unending source of good judgment and sound advice throughout my tenure at W&L. I have missed him greatly. So will the law school.

My purpose here, however, is not to list all of Ned's accomplishments and talents, nor his many, many contributions to the University and the law school. Instead, my purpose is to capture him in a more personal way: the way we teach our students, the way we respect and encourage each other as colleagues, the demands of character we place on ourselves, and the way we count ourselves as the smallest and the most educationally committed of the nation's leading law schools.

I arrived at the Law School in 1988 with much enthusiasm and many ideas, most of which originated in conversations with faculty colleagues and "dreams" spawned by the fertile imagination of University President John Wilson. I had outlined the aspirations and dreams in a letter to the faculty some weeks or months before my wife, Elaine, and I arrived. Very shortly after our arrival, Ned and Penny invited Elaine and me to dinner, just the four of us. Ned's purpose was not to reveal all of the secrets and personalities, though some did come up. Nor was it to discourage me in any way. But he saw me, I think, as something of a dreamer. He saw himself as a more grounded person who could offer some practical support for the many changes that lay ahead (and in the support of which he never wavered). In this he was partly right; under that professional and direct Wall Street exterior lay a dreamer, too, and an effective gatherer of consensus or, at least, consent, among the faculty and students. Our difference was perhaps best described this way: Ned saw the shortest distance between two points as a straight line. I saw it as a series of concentric circles. We complemented each other exceedingly well. And we had a great deal of fun and satisfaction doing so.

Ned regularly "thought out of the box," a quality I greatly admired. He conceived of and developed the Elder Law curriculum at the law school, an idea we now take for granted but was ahead of its time in 1988. He instituted

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serious and sustained drafting courses in his field, bringing talent from outside (yes, a big New York firm) to challenge students in the fields of trusts and estates, estate planning, and tax, often co-teaching the drafting classes with the people Ned attracted from the real world of sophisticated practice. He saw the need to change the law school's nondiscrimination policy to include sexual orientation, not because doing so was required by our accreditors, but for a better reason: because it was the right thing to do.

Ned proved himself a magical builder of consent. The bane of deans and associate deans in American law schools is the annual determination (negotiation is a better word) of teaching assignments for the faculty. Ned completely relieved me of this burden. All of the faculty trusted him and respected his judgment. He listened to their plans and tried to accommodate them. He listened to student interests and needs and did the same. But most importantly, he made his case well: He was the keeper of the gate for the curriculum and the education of our students—the standard-bearer.

He is also,

- an old softie at heart,
- a true educator,
- a great administrator and leader,
- a dreamer, and
- the husband of dear Penny,

and, after four frantic, productive, and exciting years, he trained his successor, Mark Grunewald, very well. Washington and Lee's law school is a much better place because of Ned Henneman. I'm very grateful for that.

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L.H. LaRue\*

One can praise Professor Edward O. Henneman (known to all as "Ned") for many things, but I will limit myself to only one of his many fine qualities, although my choice will betray my personal preferences. To my mind, Ned's greatest contribution to the law school has been the wit and elegance of his prose style. Committee work moved on the pain-pleasure axis towards the pleasure pole whenever one's colleagues on a committee included the learned

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\* Class of 1958 Alumni Professor of Law, Emeritus, Washington and Lee University School of Law.



Henneman. When Ned was on a committee, he regularly wrote memoranda, and reading a Henneman missive always brought pleasure to my day.

Perhaps there are those who cannot understand why writing a witty memorandum could contribute so much to a law school, so let me digress. Our law school, like most academic communities, depends on committee work for its governance, and yet committee work is a burden on the soul. There have been times when the only hope that has kept me going is the hope that in Purgatory (if there is such a thing) committee work will be deducted, and I know that even those who do not share my unorthodox and implausible theology have constructed an equivalent fantasy that carries them through the day. (Of course, a somewhat better remedy for enduring committee work is to adopt some form of Stoicism.)

However one rationalizes one's plight, it is true that committee work must be endured. So imagine, if you can, living in such a world of grim necessity and receiving a Henneman memorandum. The intellectual content would be first rate, since Ned brings to the task a fine mind, sturdy common sense, and deep experience, and so one could be sure that the ideas presented would be worth considering and would probably be adopted. To be sure, there are many people who combine intelligence, good judgment, and knowledge of the world, and our law school is lucky enough to have more than its share. And yet, when most write, they do not persuade. Their prose stumbles and lurches, drags across the page, pounds each point home with a hammer, and one's soul is pained. But Henneman's prose was never dense, never boring, and always enlightening.

The best way to establish my thesis would be to quote him extensively, but I fear that quoting old committee memoranda would not quite work. To understand their wit and intelligence, one would have to resurrect the context, yet I do not wish to revive that which should be left safely buried. So let me quote from a memorandum that was written to the entire University community.

Our community has always been lucky in having an active group of enthusiasts who did the work of bringing good and unusual films to W&L. Unfortunately, virtue seldom comes bare, and some of these enthusiasts could be a touch pretentious. In the late '70s, the committee of film enthusiasts was headed by a young English professor whose prose style was thought by many to be precious and whose publicity announcements were a great source of amusement. Henneman decided to follow Oscar Wilde's dictum that one should never resist temptation, and so he published the following satire. It began with the salutation, "Dear Friends and Colleagues:" Like all good parodies, the opening paragraphs seem almost genuine:

Because of its theme, it has seemed appropriate to the W&L Film Society to postpone the showing of *The Murmur of the Heart*, originally scheduled for November 2 and 3, until November 9 and 10 (Parents Weekend). Luckily, we have another film to show this weekend (Friday and Saturday nights at 8:00 P.M. in Classroom A of Lewis Hall free of charge). We hope you will announce this change to your classes.

Please note the sure touch with which Henneman used the classic bureaucratic phrase, "it has seemed appropriate." We have all read thousands of documents that speak in this tone, the disembodied passive, and so one is lulled into the world of the joke. I freely admit that the bureaucratic tone fooled me, and so on first reading I missed altogether the delicate humor of rescheduling *The Murmur of the Heart* so that it would fall on Parents Weekend. The next paragraph, however, is another matter.

This week's program will be the classic Bulgarian musical *A Boy and His Goat* (1972). The film's lilting score, hauntingly performed on solo zither, bears an uncanny resemblance to early Gershwin. The largely indigenous cast, playing with a frothy innocence so typically Slavic, helps the viewer empathize with two engaging young creatures, experiencing the early stirrings of desire.

Rereading this paragraph, some 25 years later, I am still astonished with the virtuoso display. "How did he do it," I wondered, "how does he come up with such brilliant prose?" A solo zither for the music? Where did that come from? By the way, I have no idea what it would mean for a solo zither to bear "an uncanny resemblance to early Gershwin," but I laughed anyway. And consider the lovely phrase, "with a frothy innocence so typically Slavic." If one laughs, as I do, one laughs more because one does not understand (there is nothing to understand) rather than because one does. The parody is extraordinarily skillful. Ned has captured "ArtSpeak" perfectly—the words almost have a meaning. But let me move now to the two-sentence paragraph that came next in the memorandum: "John Belushi, at that time an undiscovered talent, plays both title roles in what has come to be widely regarded a cinematic tour de force. The stunning special effects are one of the epic achievements of Balkan filmmaking."

Note that this time the words do have a meaning; it is that which was meant that is astonishing. The more one tries to imagine how John Belushi could have played both roles, both the boy and the goat, the funnier it gets. And as one tries to imagine the "special effects," one agrees that if such a thing were possible, it would indeed have been "one of the epic achievements of Balkan filmmaking." My response is envy, the unseemly desire to be able to write as well as he does, even though I know that one must not question the judgments of divine providence, which distributes things good and bad in a way beyond our

understanding. But all good things must come to an end; here is the final paragraph, which recapitulates the bureaucratic tone of the opening; this time the humor is deadpan, not subtle. "The rare showing of this film is open to all members of the community, and we hope to see you there. A keeper will be provided (in Classroom B) for any pets who may accompany you."

Perhaps some day, an industrious scholar will produce the book that presents to the world the definitive canon of Henneman humor. When this is done, I am confident that *A Boy and His Goat* will be judged by all to be the high point of the canon.

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Edward O. Henneman, Jr.\*

I am both a father and an attorney. I cannot say that I became either because of my father, however I think my desire to be both is certainly a reflection of my feelings for him. Although this tribute is written upon the occasion of my father's retirement, and therefore is intended to honor his professional career and accomplishments, I have come to the conclusion that I cannot write a tribute to my father without a great deal of it honoring him as a dad, and our relationship as a father and son. I am proud of my father's professional and civic accomplishments, but, to be honest, others can probably speak more eloquently and accurately about my father's professional career; to me he is and always has fundamentally been a dad and it is in that role that I find myself learning from and emulating him daily.

That said, as a practicing attorney I have some perspective on the characteristics that we aspire to promote as a profession. I think it is incumbent on our profession to produce leaders within our society, and through his civic involvement my father has clearly exemplified community leadership. My father's list of civic accomplishments includes his service to R. E. Lee Memorial Church, where he has served on the vestry for many terms and has been very active in mission outreach committees, including the Yellow Brick Road Child Care Center. He is one of the initial planners, supporters, former Chairman of the Board, and current Board Member of the Kendal at Lexington retirement community. He participated in the establishment of Meals on Wheels in Lexington, remains a board member, and has delivered meals for over twenty years. He was a member of the Lexington School Board. He has been and

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\* Attorney, Hunter Maclean Exley & Dunn, P.C., Savannah, Georgia.

remains an active member of the Democratic Party in both Lexington and Rockbridge County, running for mayor of Lexington in 1988, and is currently an appointed member of the Rockbridge County Electoral Board. He has also served as a member of the board of directors for the Virginia Skyline Girl Scout Council.

This list is not exhaustive, but clearly illustrates my father's commitment to his community and environment. This commitment is purely genuine. As a law professor he has never been concerned with developing a client base; his commitment to community has never been a means to a further end. Instead, it has always been the end itself. My father simply is and always has always been an engaged citizen, compelled to contribute his time and talents to civic causes. There is no clearer example of leadership. He has exemplified the role legal professionals should take in our society.

My father is a teacher. He has been a law professor at Washington and Lee University since 1977. Although I never saw my father teach, his effectiveness as a teacher is evidenced by his being honored as most outstanding professor at the law school twice, and it was the act of teaching which always gave my father the most professional satisfaction. He placed great importance on his role in training future attorneys and enjoyed his relationship with students. He appreciated his students' wit and laughed at "Hennemanisms." He respected their opinions and was impressed by their talents.

I am sure there are many other examples of my father's success and proficiency as a law professor, and I will leave it to others with more firsthand knowledge to share those. I know enough of my dad's career to be proud of his professional accomplishments, and I am confident in his contribution to the legal profession. In my law practice I have met enough of my father's former students to understand the impact he has had on others. But it was as a dad and in his commitment to his family that my father has truly established his legacy.

My father always appreciated the delicate balance between family and profession. He left a successful law practice at Winthrop Stimson because he did not want to raise a family in New York City. He arrived in Lexington in 1972 and began teaching in the law school five years later. My father's career choice afforded him the opportunity to be home for dinner almost every night; to attend innumerable little league and high school soccer games, basketball games, swim meets and lacrosse games; to attend plays and concerts involving his children; and simply to be available to play catch in the back yard when his son wanted or needed to spend time with his dad. He provided support and guidance, freedom and discipline. He exhibited understanding and compassion.

My father has always made our family laugh. He communicates, teaches, and criticizes through his sense of humor and dry wit. His laughter is infectious.

My father appreciates his failings and is comfortable laughing at himself. He has a propensity to get flustered, but when he recovers he is quick to join in the laughter his reaction created.

My father has instilled in all of his children the importance of being a good person. Through his commitment to family, friends, and his community, Dad has shown us by his example that morals, ethics, charity, and altruism should be fundamental in our lives. In short, he has shown us that it is important to care.

My father has always made all of his children, and now his grandchildren, understand that we are important to him, and that what we feel, think, and accomplish is important. He expressed pride in our accomplishments as kids, whether on the playing field, the stage, or in the classroom; he challenged our opinions and encouraged our expression; and he pushed us to reach our potential. He gave us his time and full attention and made us his full-time commitment.

My father deserves to be commended at this time for a successful and distinguished career. He has served his profession and Washington and Lee University well. However, my father's professional career is but a part of his life's work, and as his son and now as a father myself, I am both grateful for and overwhelmed by his accomplishments as a dad. Like all parents, I find myself constantly redefining and examining what makes a good parent. My father is my constant guide on that personal journey. I respect and applaud my father for a successful career; I love my father for being my dad.

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Lesley Brown Schless\*

Susan May Eckman\*\*

Kirkland Malloy Kelley†

Elizabeth Turley††

*"Ned and the Dead"*

Within days, it stuck. It was not particularly clever or creative, but students often aren't in nicknaming classes. It was simple yet descriptive (and provided a

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\* Washington and Lee University School of Law, J.D., 1980.  
 \*\* Washington and Lee University School of Law, J.D., 1982.  
 † Washington and Lee University School of Law, J.D., 1982.  
 †† Washington and Lee University School of Law, J.D., 1980.

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.

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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,

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\* 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.<sup>1</sup> 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,

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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.<sup>2</sup>

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.

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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."





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# SYMPOSIUM

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