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The Perpetual Influence of the Master of the Rule Against Perpetuities: A Tribute to Fred Schwartz

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THE PERPETUAL INFLUENCE OF THE MASTER OF THE
RULE AGAINST PERPETUITIES:
A TRIBUTE TO FRED SCHWARTZ

Lawrence K. Hellman*

Every lawyer remembers learning—or trying to learn—the intricacies of the rule against perpetuities as a first-year law student. The doctrine is so complex that, at one point, the California Supreme Court held that a lawyer should not necessarily be held liable for malpractice on account of flubbing its application in practice.¹ While that California decision has since been limited,² the rule against perpetuities usually triggers a giggle and shrugged shoulders from most lawyers when it comes up at a professional or social gathering. Not so for Fred Schwartz. And not so for those who have been fortunate enough to have been his student.

For Fred, the rule against perpetuities is an interesting puzzle easily solvable by clear thinking, fidelity to the meaning of words, and logical analysis. His much appreciated book, *A Student's Guide to the Rule Against Perpetuities*,³ has brought comfort to generations of students while illustrating how any problem of statutory interpretation should be approached. Fred's book has been described as “understandable”⁴ and “invaluable”⁵—two words that describe Fred Schwartz, the person.

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1. Lucas v. Hamm, 364 P.2d 685, 690 (Cal. 1961).

2. See Horne v. Peckham, 158 Cal. Rptr. 714 (Cal. Ct. App. 1979).

3. FREDERIC S. SCHWARTZ, *A STUDENT'S GUIDE TO THE RULE AGAINST PERPETUITIES* (1988).

4. *A Student's Guide to the Rule Against Perpetuities* (1988), LEXISNEXIS, <http://www.lexisnexus.com/store/catalog/booktemplate/productdetail.jsp?pageName=relatedProducts&skuId=SKU10639&catId=119&prodId=10639> (last visited Nov. 11, 2010).

5. *Customer Reviews: A Student's Guide to the Rule Against Perpetuities*, AMAZON.COM, <http://www.amazon.com/Students-Guide-Rule-Against-Perpetuities/>

There are other descriptors that apply to Fred: quiet, humble, polite, considerate, unassuming, precise, articulate, calm, reflective, and undemanding (of his colleagues and dean, if not his students). Fred possesses a tremendous vocabulary and comprehensive knowledge of proper grammar. I am but one of many of his colleagues who have turned to him for an informed opinion regarding a question of word choice or phrasing. Fred rarely volunteered a comment during the scores of faculty meetings he attended during his twenty-two-year career at Oklahoma City University, but when he did speak, it was usually to point out a previously unrecognized ambiguity in a rule or motion that would have later caused problems had the language not been corrected.

Fred was not one to seek power and influence on the faculty, but he could always be counted on to perform any task assigned to him with distinction—from serving as faculty advisor to the Law Review to chairing an important committee. But, mostly, Fred was totally content to mind his own business, teaching, writing, and counseling students.

By teaching students to respect precision and clarity, Fred earned the students' respect. As his retirement approached, he was honored by our Merit Scholars Organization for having done so much to help beginning law students in his Property course learn how to read and apply the language of the law. He was even sought out by students from the Class of 1985 at Marquette's law school, where he began his teaching career, to join them for their 25th class reunion in 2010. Why? Because, after a quarter-century, his teaching was considered by those former students to have been the most valuable for their careers.

This explains the title to this tribute. A good law professor's impact on his or her students does not end when the professor's course is complete. The students take with them not simply the knowledge that they have gained in the professor's subject, but also the professor's way of approaching and analyzing legal questions. In this way, Fred's influence will go forward in perpetuity for those students who studied with him, and it will escape the operation of the rule against perpetuities by being passed on by those former students to new lawyers who weren't born within twenty-one years of those students' influential encounter with Fred. Indeed, Fred's influence on those students, their clients, their

2010]

*Perpetual Influence of the Master***545**

colleagues, and the offspring of those clients and colleagues will, in some sense, be perpetual.

So, too, it is for Fred Schwartz's influence on Oklahoma City University School of Law. After devoting twenty-two years of his life to this institution, his passion for clarity and precision in the use of language is solidly entrenched in the work of the faculty he leaves behind. Indeed, the law school from which he retires is much better for his having been here. His subtle, but important, imprint on it will be perpetually remembered and carried forward.