Mastermind of legal reform

Pierce begins 19th year as head of NCCUSL

Professor William J. Pierce is something of an enigma—an inscrutable veteran of legal reform who has spent over 20 weekends a year for the past three decades hammering out the words, the phrases, the very punctuation of state laws.

To those who have worked with him, however, Bill Pierce is the mastermind of the National Conference of Commissioners on Uniform State Laws (NCCUSL). "No one can appreciate the full scope of his abilities without having seen him participate in a committee drafting session," notes Law School Professor Lawrence Sandalow, who has served as a reporter for a uniform act. "Bill has an uncanny ability to solve problems that have stumped the so-called experts, no matter what the subject matter."

"He's a marvelous generalist with a wide-ranging intellect," says Richard V. Wellman, the Robert Cotton Alston Professor of Law at the University of Georgia, who formerly taught at Michigan. Wellman explains, 'I've never met anyone who can come at whatever is under discussion from so many different perspectives and with so many different ideas.'

The National Conference of Commissioners on Uniform State Laws is an organization designed to promote uniformity in state laws. The conference is composed of commissioners appointed by the governors (and drawn from the ranks of lawyers, judges, legislators, and law professors) of each state, the District of Columbia, and Puerto Rico. The commissioners meet annually to consider drafts of proposed uniform legislation. Proposals are referred to a Committee on Scope and Program which makes an investigation, sometimes hears interested parties, and reports to the conference whether the subject is one on which it is desirable and feasible to draft a uniform law. If the conference decides to accept a subject, a special committee of state commissioners with expertise in the area under consideration is appointed to prepare a draft of an act.

Pierce's job as executive director includes overseeing the research and drafting processes, raising hypothetical problems, helping to select the reporters employed by the conference, and assuring that the proposed legislation is practical. "Bill attends every meeting of the drafting committees of the NCCUSL," notes Little Rock,

Sandalow appointed to Sunderland chair

Former Law School Dean Terrance Sandalow has been named the Edson R. Sunderland Professor of Law. The position was formerly held by Francis A. Allen, who retired as of June 30, 1987.

Sandalow, who was dean of the Law School from 1978 to 1987, is one of the leading figures in American legal education. He received his A.B. and J.D. degrees from the University of Chicago. He began his teaching career at the University of Minnesota, and joined the faculty of the University of Michigan in 1966.

Professor Sandalow's career as a scholar has covered the fields of municipal government and constitutional law. Besides numerous articles, he has co-authored a pathbreaking casebook, Government in Urban Areas, and co-edited Courts and Free Markets. In addition to his work at the Law School, he has frequently testified before Congress on pending legislation.

In recommending the appointment, Dean Lee C. Bollinger noted, "[Sandalow's] work is marked by his great breadth of learning and interest in virtually all of the areas of social science and the humanities that continually grow in importance in legal scholarship. As colleague and dean, Professor Sandalow has been a vitally important source in shaping the directions that will be followed by the Law School in years to come."
Arkansas attorney Phillip Carroll, immediate past president of the conference. "These committees seek statutory solutions to some of the knottiest contemporary problems facing state governments. While the solutions must be practical, obtainable, and constitutional, there are no other restraints on creativity. Thus, Bill is placed in an atmosphere where he functions best. He is the mastermind of the conference. He is our diagnostician of hidden flaws, our innovator when solutions seem out of sight, our pragmatist when fancy is about to take flight."

Pierce, who has served as NCCUSL's executive director for nearly 19 years, has been involved in the conference since early in his career, serving first as a reporter and then as a state commissioner. A 1950 graduate of the Law School, he was recruited as a faculty member because of his deep interest in and intuitive understanding of the legislative process.

A gray-haired man with a portly, Hitchcock-like bearing and build, Pierce approaches legal education and legal reform in a no-nonsense fashion. "I've always had an interest in law reform, in making the law better and more in tune with changing social and technological conditions," he says simply, a characteristic smile flickering on and off across his face. The smile fades into a slightly stern look as he continues, peering down from behind his massive oak desk in his spacious Hutchins Hall office.

"If you look at law review articles, how many say the law should be changed?" he asks. "Very few," he says emphatically. "And, of those, how many contain a draft of the statute and say how it should be done? One in a blue moon! Drafting an actual law is much more difficult than simply proposing change. The tough part is knowing how to do it."

Since its inception, the conference has drafted over 200 uniform laws on numerous subjects in various fields of law. Though it's hard to gauge the total number Pierce has worked on, those who have worked with him attest that he has, in large measure, shaped the conference's portfolio of uniform state laws. As Phillip Carroll put it, "Indirectly, Bill Pierce has played a major role in the development of the law of this nation. The thousands of commissioners who have witnessed his skill and wit salute him."

Vining participates in Mellon Seminar

Joseph Vining, the Harry Burns Hutchins Professor of Law, was a member of the Mellon Law Seminar held for four days in late 1986 at Dunwalke, a retreat run by Princeton University. The subject of the seminar was Law and Morality and, particularly, new directions for and sources of legal thinking for the future. Vining and six others presented papers for which there were respondents and discussants. The title of Vining's paper was "Law and Enchantment: The Place of Belief." The papers will appear in book form this year.

The gathering was unusual in its mixing of anthropologists, sociologists, philosophers, and political scientists with legal scholars, its bringing together representatives of the Islamic and Judaic with the English, American, and Canadian traditions, and its emphasis on theological as well as moral reasoning as a future source for developments in law.

Participants included Joseph Raz of Oxford, Fazlur Rahman of the Oriental Institute of the University of Chicago, Dean Izhak Englard of the Hebrew University Law School (Israel), Ernest Weinrib of the University of Toronto Law School, Steven Toulmin of the Committee on Social Thought of the University of Chicago, and Joseph Boyle from the Philosophy Department of St. Michael's College in Toronto.

Respondents included Alan Donagan from the California Institute of Technology, Lawrence Rosen, chairman of the Department of Anthropology at Princeton and also on the Northwestern Law School faculty, Roger Michener of the Department of Sociology at Princeton, and Judge John Noonan of the U.S. Court of Appeals for the 9th Circuit, formerly of Boalt Hall.