

OLIN L. BROWDER

*Allan F. Smith**

Olin L. Browder, Jr. is my colleague, my collaborative author, and my most dependable source of wisdom on matters of property law which require sensitive and discerning analysis.

Let me speak first of his wisdom and his writing. His areas of expertise do not cause his writings to be often quoted in the Supreme Court of the United States, but those writings are nonetheless invaluable to the law teaching profession. It is the hallmark of his scholarship that he makes complicated and complex problems understandable and that he brings organization to the chaotic. I do not mean that he makes complex problems appear simple. That would be too easy. Rather, the strength of his writing lies in his capacity to choose the right words to expose the underlying complexity of a given problem, and then to bring to bear the historical, philosophical, or pragmatic considerations needed for its proper understanding. His articles have appeared in numerous law journals, but *Michigan Law Review* has been his favorite publisher, with nine articles over the past three decades. I think of his little article, "Running Covenants and Public Policy," appearing in 1978, as illustrative of his skills. The subject of covenants running with the land has baffled law students for generations and has produced much writing (some of which had better been left unpublished). In a short thirty pages, Olin explores a bit of history and then provides a lucid and meaningful analysis of the policies which might guide courts to rational and functionally effective decisions.

Olin joined the Michigan faculty thirty years ago in 1953. I recall that we were facing the retirement of Lewis M. Simes, and among other things, we sought a successor for whom the Rule Against Perpetuities was no mystery. We also sought teaching strength. Olin had just served as one of the authors of the *American Law of Property*, and had just been honored in Oklahoma as the outstanding teacher on that law faculty. It is hard to imagine making a more successful appointment. His teaching has included the whole range of Property courses, Trusts and Estates, Future Interests, and his writings have periodically enlightened fellow law teachers in every

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area. It is easy to be misled about his classroom capabilities, for he is a quiet person, not given to bombast or flamboyant declaration. But hundreds of students will attest to his extraordinary skill in articulating principle or problem, to his dry wit, and to his insistence upon clarity of expression by his students. He provided a model of legal scholar-teacher which will be hard to replace.

It is not surprising, in view of Olin's dedication to teaching, that part of his scholarly effort would be devoted to the preparation of teaching materials, and he is co-author of some very widely-used casebooks. From a first year Property book, through Family Property Transactions, and to Trusts and Estates, the name Browder has become a familiar author's name to a large number of students across the United States. Successive editions reflect his skill in case selection, his excellent note writing skill, and his judicious choice of extra-legal materials which serve to enlighten the subject being treated. I can attest, also, from personal experience, that he is willing to insist that his collaborative authors endeavor to approach his own level of quality. That they do not always succeed is attributable not to his lack of effort, but to their own shortcomings.

Olin has as much to offer to the future as to the past. His colleagues have enjoyed their association with him immensely, and we expect him to enjoy many years of productive scholarship.