



IN MEMORIAM

Jesse Dukeminier
Professor of Law, Emeritus
Los Angeles
1925–2003

Born in a small agricultural town in Northern Mississippi, Jesse Dukeminier exemplified the possibilities of urban culture at the turn of the 21st century. A wounded and decorated veteran of World War II, he abhorred violence. A great scholar of the oldest doctrines of the oldest branches of the common law, he continually delighted colleagues with his interest in the new and the current. One of this generation's great teachers of law, he often inspired generations of colleagues when, in response to questions about his technique of pedagogy, he would reply, "I can't teach without my writing, and I can't write without my teaching."

Jesse shared with most males of his generation the experience of a war that took him far from home, beginning a journey to a different world. On a convalescent discharge after being wounded in action during the Second World War, he visited a cousin in Philadelphia, who convinced him to apply to Harvard College. With his customary charming directness, Jesse shortly afterwards appeared in the office of Harvard's director of admissions, whom he informed that he "really wanted to go to Harvard." When the director put him off, Jesse replied, "No you don't understand. I really want to go here, and if you can't help me I'll take the train to New Haven." After a very short chat with this intelligent and determined young Southerner, the director informed him he was admitted.

At law school and in a period of practice with a law firm, Jesse began a life-long fascination with the two branches of law thought by many law students to be the most arcane and least interesting subjects in the curriculum: real property and trusts & estates. Both fields share medieval roots and both abound in technical doctrine whose complexity defies clear generalization. For Jesse both subjects were a canvas on which a millennium of human creativity, aspiration, greed, affection, and weakness revealed themselves. The antiquity of these subjects presented itself as a strength because it made the tapestry broader and more varied.

Jesse was recruited to UCLA in 1963 by Richard Maxwell, one of the great deans and property scholars of his generation. Jesse repaid Maxwell's faith in him: by becoming the School's first recipient of the UCLA Alumni Award for Distinguished Teaching; by a lifetime of scholarship on some of the oldest and newest aspects of property; by texts that transformed the teaching of both his fields; by devoted and effective attention to the School's several building projects over several decades; and, fittingly, by becoming the first holder of the Richard C. Maxwell Professorship of Law.

"Old" property, the first strand of Jesse's scholarship, arose from his life-long scholarly interest in a centuries-old doctrine of common law – the Rule Against Perpetuities. A principle defining the number of lifetimes in which a piece of property could be held, the Rule for many students and lawyers became emblematic both of the dead hand of time and the arcane complexity of law. The Rule's greatest scholar of his generation, Jesse explained in a series of articles stretching over several decades of his career, how the Rule limited the time family dynasties could block change and impose their will over future generations. For Jesse, a central principle of life was openness to change, and his lifetime fascination with this principle of law grew from this deep belief.

This openness to the present led Jesse into one branch of "new" property, the transferability of body organs. Written with Dr. David Sanders, the resulting articles, published both in the *New England Journal of*

Medicine and UCLA Law Review, combined the depth of Jesse's understanding of property systems with the medical and psychiatric insights of David to produce, decades before the current wave of scholarship, a pioneering investigation of property in the body.

Jesse's spirit of irreverence and curiosity imbued a pair of casebooks (the typical teaching tools of law schools), both of which dominated and transformed their fields. Jesse took three traditional courses – in wills, in trusts, and in estate planning – and reconceived them as Family Wealth Transactions, not merely combining but re- conceptualizing the subject. His text on property, written with James Krier, a UCLA colleague, did the same, pulling together the often- disparate strands of the field into a presentation that held students' imaginations as well as their minds. Several years after Jesse taught his last law school class, students of the UCLA School of Law class of 2003 knew and admired this remarkable man so well through his books that they recognized his teaching with a special award – an honor, conceived before his death, to an inspiring teacher whom they had never met.

Jesse shared his deep engagement with life, not only with students and colleagues, but also with his family, and especially with his partner of forty years, Dr. David Sanders. Jesse and David not only collaborated as scholars, but led a life of deep engagement with each other and with modern culture. They traveled frequently to attend opera, concerts, art museums, and exhibits. They enjoyed living well and were connoisseurs of good food and fine wines. Their appreciation for emerging ideas and for each other inspired an admiring and broad circle of friends. We shall remember Jesse as a man whose natural brilliance and scholarly achievements joined with insatiable curiosity, great enthusiasm, generosity of spirit, and unfailing politeness to create a genuinely civilized modern man.

Benjamin Aaron
Susan Westerberg Prager
Stephen C. Yeazell