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## Tribute to Frank J. Trelease

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## Tribute

*George A. Gould\**

Frank J. Trelease was the acknowledged master of water law for several decades. His writings on the subject are extensive; some six books, over fifty articles, and scores of papers and reports cover virtually every facet of the subject. This issue of the *Land and Water Law Review* contains tributes by several noted legal scholars, commenting on the significance of this body of work. But Frank J. Trelease was more than a legal scholar. He was a teacher, a dean, and a wonderful human being. Rather than simply compounding superlatives regarding his scholarship, I shall focus my comments on Frank J. Trelease as a person. Shortly before his retirement, Frank likened his participation in academia to Lewis Carroll's Cheshire Cat, disappearing slowly and gradually. Although Frank's participation in academia is now ended, his scholarship will endure, and others may judge its significance for themselves. The memory of Frank as a person will fade much more quickly. Perhaps, in an inadequate way, this tribute will preserve part of it.

My association with Frank Trelease spanned more than twenty years. He admitted me to law school and was my professor for torts and water law. Later, he was a faculty colleague, first at the University of Wyoming and then at McGeorge School of Law. Finally, he did me the great honor of asking that I join him as a coauthor of the fourth edition of his water law casebook. Thus, I have had a unique opportunity to see him from several different perspectives. As one might expect, my attitude toward Frank was an evolving one. It began as one of awe, bordering on fear, became one of respect and admiration, and finally one of respect, admiration, and friendship.

Frank Trelease was a teacher of the old school. He insisted that his students come prepared, and those who were not were offered the opportunity to excuse themselves from class. This was, I might add, an offer which could not be refused. Frank's reputation preceded him in this regard. Seldom was it necessary for him to actually ask a student to leave class. A demonstration every few years to reinforce the institutional memory of the students was sufficient. The experience of "walking the long mile," as Frank put it, was reputedly a humbling one. On this, I must take the word of others. I never personally experienced it. This was not because of my diligence as a student, but because I was a coward. The thought of not preparing for Dean Trelease's class never entered my mind.

Frank was master of the "socratic" method. He did not accept generalizations or "fuzzy" responses. The experience of a Trelease grilling could be devastating. However, unlike some professors, this was not a tactic born of meanness or ego. Frank was training lawyers and this was, he believed, the way to do it. Frank's methods reflected his belief that

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as lawyers his students would find no friends in the courtroom. He felt students must learn to think and function in hostile circumstances.

Despite their awe and fear, students recognized his consummate skills as a teacher, as evidenced by several outstanding teaching awards which he received. I remember particularly the dinner which was given in Frank's honor when he left the University of Wyoming. The dinner was something of a "roast" with his former students—now judges, legislators, government officials, and seasoned attorneys—doing the roasting. As one might expect, all manner of "Trelease stories," some undoubtedly apocryphal, were told. Beneath the poking of fun, however, was a wellspring of respect and affection. It was obvious that these people, who had put lessons learned from Frank to the tests of time and experience, realized their good fortune in having been taught by a true master.

It was also at this dinner that Frank talked of his commitment to teaching. He indicated that boredom had never been a problem, even when he had taught a course many times. Although the material might be old and familiar, these were new minds, he said. The challenge and excitement of teaching new minds never left him.

In addition, it was at occasions such as this that Frank's classroom persona was exposed as something of a fraud, and the personal interest he took in his students became apparent. Stories were told of how "Dean Trelease" had challenged a student to make something of himself, of how he had convinced a student that he really was capable of completing law school, of how he had found a job for a student or a student's spouse so that the student could remain in law school, or of how he had written letters to find a student employment after law school.

When I returned to the University of Wyoming as a teacher, Frank was no longer dean. If the dean of a law school is first among equals, Frank was clearly second. His stature and experience were partially responsible for the respect his opinions received, but it was his great common sense and the ability to cut to the essentials of a situation which most set him apart. On minor matters about which law school faculties frequently bicker, Frank's opinions probably received no more respect than those of any other faculty member. However, when truly important issues were before the faculty, his was always one of the first opinions sought and his views weighed heavily in the final decision.

At McGeorge, Frank was something of an elder statesman. By this time his reputation as a teacher and scholar was long established. He had no axes to grind and nothing to fear. Thus, he could be counted on to give frank, no-nonsense opinions. In particular, the younger faculty members enjoyed talking with Frank and sought his insights on scholarship, writing, and teaching.

On a personal level, Frank was a wonderful colleague. He was a warm and humorous person, who showed great concern for the well-being of other faculty members. He particularly enjoyed the Friday afternoon social hour at the McGeorge Faculty Club. The respect and affection of other faculty

members for Frank was obvious. I cannot recall ever hearing another faculty member at McGeorge or at the University of Wyoming make an unkind comment about Frank.

Frank wore his fame well. There was no false modesty about him. He had achieved great stature and he was aware of it. At the same time, Frank was never a prima donna. I was in a particular position to know. Early in my teaching career at the University of Wyoming, I became the associate dean. As everyone knowledgeable about law schools is aware, the title far exceeds the importance and power of the position. An associate dean is generally not much more than a glorified secretary, whose responsibilities in the preparation of class schedules and other administrative matters often earn the disfavor of other faculty members. As a respected, senior faculty member, Frank Trelease might well have attempted to intimidate someone of my junior status when things were not to his liking. However, he never did so. When he had a request, he asked rather than demanded. Despite his fame, he expected no special favors.

Another vivid memory I have of Frank Trelease is of his office. The piles of books and papers—in short, the mess—was in a class by itself. Yet somehow he could always find things. He would lift a pile of books, shuffle through a stack of papers, and, shortly, come up with what he was looking for. He once told me that he sometimes pondered whether it was more efficient to take the time to put things in order so that materials could be easily found when needed or to tolerate the disorder and spend time searching for things. Clearly, Frank had made the choice to do the latter, whether more efficient or not.

The state of his office was partly due to his continual quest for information and understanding. He saved anything, including newspaper clippings and magazine articles, related to subjects in which he was interested. I believe this habit made a significant contribution to his writing. Rather than dry, scholarly tomes, his articles were generously sprinkled with examples drawn from real life.

Several other memories of Frank Trelease illustrate the quality of thought which so distinguished him. One involved an occasion in which he introduced Glenn Saunders, a long-time practitioner of water law in Denver, Colorado, who was to give a luncheon speech. Rather than the typical introduction, Frank described the first time he met Glenn Saunders, many years before in a small Colorado town where an important water law case was being tried. His description of this meeting provided a much more evocative picture of Glenn Saunders' place in Colorado water law than would have been provided by the usual sterile recitation of his education and experience. Another occasion I remember was at a dinner at McGeorge honoring Frank Trelease shortly before he retired from teaching. Frank received a sculpture of the scales of justice as a memento. Frank commented that he had never liked the usual depiction of a blindfolded goddess holding the scales of justice. He said he wanted his goddess of justice to have the blindfold pulled down and one finger on the scales. "Blindness" was not Frank's idea of justice. These are just

two of many occasions where I saw Frank Trelease turn an ordinary event into something extraordinary.

During the last eighteen months of his life, I worked with Frank Trelease on the fourth edition of the casebook on water law. During this period, my respect for Frank increased enormously. Despite declining health, his insight and understanding of the law remained as clear and as profound as ever. I was constantly amazed at the breadth and depth of his knowledge of water law. On any aspect, he was able to recall obscure cases to illustrate a point. I was also struck by his ability to marshal his energies. As the deadline for submission of the manuscript approached and the inevitable "panic" occurred, Frank again exhibited the concentration and stamina which was responsible for his remarkable record of publication.

I once heard Frank attribute his success to "serendipity," which he defined as "dumb luck." It is probably true that he did not set out to become the leading authority on water law. Perhaps his focus on water law was simply "dumb luck." But his success in that endeavor was no accident. He was too intelligent, too energetic, and too dedicated not to have succeeded.

Frank's marriage was also indicative of his character. He and his wife, Mary, seemed to have a truly special relationship. Certainly, it was an enduring one. Frank and Mary, who were high school sweethearts, celebrated their 50th wedding anniversary before his death.

Frank once remarked that his father had said that the secret to success in life was to find someone to pay you for that which you would do for free. Frank Trelease took his father's advice. He said that a law professor had the best job in the world—except for grading exams. He found a way to get paid for that which he would have done for free, and he made the most of it. Perhaps that is why he was able to approach his death with such courage, calmness, and dignity. While his intelligence and understanding will be preserved in his writing, his sage advice, his wonderful sense of humor, and his warm friendship will be missed by all those who knew him.