

October 1987

## A Farewell Toast to Ron Degnan

Charles Alan Wright

Follow this and additional works at: <http://scholarship.law.berkeley.edu/californialawreview>

---

### Recommended Citation

Charles Alan Wright, *A Farewell Toast to Ron Degnan*, 75 CAL. L. REV. 1587 (1987).  
Available at: <http://scholarship.law.berkeley.edu/californialawreview/vol75/iss5/1>

### Link to publisher version (DOI)

<http://dx.doi.org/https://doi.org/10.15779/Z389F02>

This Article is brought to you for free and open access by the California Law Review at Berkeley Law Scholarship Repository. It has been accepted for inclusion in California Law Review by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact [jcera@law.berkeley.edu](mailto:jcera@law.berkeley.edu).

# California Law Review

---

---

VOL. 75

OCTOBER 1987

No. 5

---

---

Copyright © 1987 by California Law Review, Inc.

## A Farewell Toast to Ron Degnan

Charles Alan Wright†

Professor Ronan E. Degnan died October 10, 1987. With his untimely death—he was barely 63—Boalt Hall, the American Law Institute, and legal scholarship generally lost a powerful mind. I lost a dearly cherished friend.

In September 1950, I was preparing to begin as a very callow 23-year-old assistant professor at the University of Minnesota Law School. A faculty colleague brought Ron Degnan into my office and explained that Ron would be my research assistant, adding that he hoped Ron would not be too liberal for me.

Thirty-seven years later, I still do not know whether Ron was too liberal for me. There were so many more important things to talk about that we rarely, if ever, discussed politics. All areas of the law were fair game. So was gossip—sometimes amusing and sometimes malicious—about the law school world. Ron's professed rule was that if he were told something in confidence, he could repeat it to only those who would be interested in knowing, while if he were told something in absolute confidence he was free to tell it to only one or two people. (I say that was his "professed" rule since I do not believe for a moment that he acted on it. I am certain that if I told him something and said it was in confidence he would keep it to himself.)

Our conversations sometimes turned to sports. I well remember that in the early spring of 1951 he told me that the Minneapolis Millers had the most exciting player he had ever seen, a kid named Willie Mays, and that we ought to go out and watch a game because Mays was too good to stay long in the minor leagues. We had a fine afternoon at the ballpark, and Mays was every bit as exciting as Ron had said.

---

† William B. Bates Chair for the Administration of Justice, The University of Texas Law School.

Ron went directly into law teaching after graduation from Minnesota, and after two years at Drake was back at Minnesota as a visiting professor. During the year of 1953-54, and again in 1955, when he spent the summer in Minneapolis after a year of graduate work at Columbia, he was much more than merely a valuable colleague. I was involved as an attorney in outside litigation, and the pleadings and briefs in a number of cases bear the name "Wright & Degnan, Esqs.," even though there was never formally a firm with that name.

In the fall of 1955, Ron moved on to Utah and then, after seven years, to Berkeley, while I went to Texas, where I have stayed ever since. But distance did nothing to diminish our friendship. I had summer teaching assignments both at Utah and at Boalt Hall while Ron was at those places, and he came twice to teach summers at Texas. Ron was active in the Association of American Law Schools, and served on its Executive Committee. One of the principal reasons that I went to AALS meetings for many years was the opportunity to be with Ron, to listen to whatever gossip he had accumulated, and to discuss with him the latest project that he or I was working on.

From 1973, until completion of the project in 1980, Ron and I served together as Advisers on the American Law Institute's *Restatement (Second) of Judgments*. That was an exciting project to be associated with. With strong leadership from the Reporter, Geoffrey Hazard, and with an Advisory Group composed of persons as congenial as they were capable, we all enjoyed ourselves. The end product—for which Professor Hazard rather than the Advisers should get most of the credit—seems to me a very bright feather in the ALI's cap. Ron made very useful contributions at the meetings of the Advisers, and his own thinking about the project and his discussions with the others led to his seminal article on how the rules of claim and issue preclusion apply in a federal system.<sup>1</sup> His principal thesis, that federal law determines the preclusive effects of a judgment of a federal court, was quite novel when he announced it, but his exposition and logic were so powerful that it now has wide judicial and scholarly acceptance, although there are still some commentators who are reluctant to carry it as far as Ron urged.

The most striking thing to me about Ron as a scholar was the breadth of his interests. His writings cover a wide spectrum. Although evidence was his principal interest, he published articles on topics as varied as bankruptcy, property, trial and appellate procedure, commercial law, and legal history. His writings, however, do not reflect the full scope of his mind. I never participated in any discussion of a legal mat-

---

1. Degnan, *Federalized Res Judicata*, 85 YALE L.J. 741 (1976).

ter, in any field of the law, in which he was not an interested and useful participant.

In December 1974, Ron was elected to the Council of the American Law Institute. Later that month he suffered a serious heart attack, but he prevailed on his doctors to let him take his seat on the Council when it met in February 1975. One consequence of his illness was that it made him reluctant to speak out to a large group. He remained as vibrant and witty as ever in conversation with a few people, but he did not take the floor often at Council meetings or at ALI Annual Meetings. When he did speak, however, people listened carefully, because they knew that what he had to say would be important.

One need not be talkative to make a valuable contribution to scholarly endeavors of that kind. Ron would make incisive points over lunch or at the cocktail hour, and then he would return to Berkeley and set out his views to the Reporter in a detailed letter. A quick glance through my files shows letters not only to Professor Hazard, as the Reporter for Judgments, but also to the Reporters for Corporate Governance, Foreign Relations Law, Contracts, Conflict of Laws, Restitution, and Complex Litigation. There were probably letters to other Reporters that I have overlooked or of which Ron did not send me copies, although, widespread as his interests were, I would be surprised to hear that he ever corresponded with the Reporters for the ALI project on International Aspects of U.S. Income Taxation.

Letter writing is almost a lost art, but Ron was a master of that art, and not only on legal matters. He enjoyed travel overseas and would write long letters, first to his "Mom," and then after her death several years ago, simply to his family. I was glad that he sent me copies of those, because they were travel writing at its best, telling of all the good and bad and funny things that can happen on a trip. Ron was a gourmet, a superb cook himself, and one who plotted carefully which restaurants he would visit on a European trip. In 1972, he took me to task because my wife and I were planning to sail to England, spend two days there, and sail home. Far too short, he said, and of course he was right. In words that I have never forgotten, he urged me particularly not to miss Canterbury. "In a former altar boy, St. Peter's in Rome evokes strong feelings. Next to those emotions, however, are the ones aroused by walking into a deserted Canterbury Cathedral as the only visitors in the place." We did not get to Canterbury in 1972, but we have been there often since, and know what he meant.

This year has brought less happy letters from Ron. On January 27th, he wrote his family telling them that the doctors had confirmed the existence of lung cancer in an untamable form, and predicted that he might live six to twelve months. "My plan is to live my remaining life

about as closely as possible to the way I lived before, and I have just turned in to the *California Law Review* a short manuscript which is an outshoot of a longer article in process.”<sup>2</sup> He sent me a copy of that sad letter, with a covering note that said he was telling very few people. “As long as I feel well, I want to avoid being an object of pity or even idle gossip, so I am being very guarded.”

On May 1st, he felt that the time had come when he had to inform his Boalt Hall colleagues. He did so in a memorandum, since “it is easiest to deliver unpleasant news in written form.” He stated calmly and flatly the dire verdict that had been pronounced on him and ended by saying: “I hope you will gather that I am writing to you precisely because I don’t want to talk about this. Unless you are a medical magician, the only way you can help is by not raising the subject with me.”

Ron came to the ALI Annual Meeting in Washington in May. To look at him and to enjoy his usual thoughtful remarks on a variety of subjects made it hard to believe that he was fatally ill. As long as he was physically able, he continued to work. During the summer, he and his wife, Dean Mary Kay Kane of Hastings, completed an article on suits against alien defendants.<sup>3</sup>

I did not say goodbye to Ron when we parted in Washington in May. I was less realistic than he, and hoped that some reprieve might be possible. It was not to be, and so now I must say my last farewell to a dear friend. Over the years, Ron and I raised many a glass together, and now I raise a lonely glass in a final toast. To Ron, thanks for being such a warm and gentle person, thanks for your Irish humor and your zest for life, thanks for the example of your courage and dignity when you knew you were facing death, and thanks especially for being my friend.

---

2. Degnan, *Livingston v. Jefferson—A Freestanding Footnote*, 75 CALIF. L. REV. 115 (1987).

3. Degnan & Kane, *Exercising Jurisdiction Over and Enforcing Judgments Against Alien Defendants*, 39 HASTINGS L.J. 301 (1988).

## BIBLIOGRAPHY OF RONAN E. DEGNAN

- Second Thoughts on the Second Act of Bankruptcy: An Open Letter to the National Bankruptcy Conference*, 102 U. PA. L. REV. 884 (1954) (with C. Meyers).
- Severance of Joint Tenancies*, 38 MINN. L. REV. 466 (1954) (with R. Swenson).
- Book Review, 38 MINN. L. REV. 894 (1954) (reviewing M. FERSON, PRINCIPLES OF AGENCY (1954)).
- Rehearing in American Appellate Courts*, 44 CALIF. L. REV. 627 (1956) (with D. Louisell).
- Parol Evidence—The Utah Version*, 5 UTAH L. REV. 158 (1956).
- Book Review, 5 UTAH L. REV. 285 (1956) (reviewing E. MORGAN, SOME PROBLEMS OF PROOF UNDER THE ANGLO-AMERICAN SYSTEM OF LITIGATION (1956)).
- Some Light in the Twilight Zone: A Note on Guss v. Utah Labor Relations Board*, 5 UTAH L. REV. 336 (1957) (with S. Kadish).
- Non-Rules Evidence Law: Cross-Examination*, 6 UTAH L. REV. 323 (1959).
- Book Review, 12 J. LEGAL EDUC. 318 (1959) (reviewing W. MCCURDY, CASES AND OTHER MATERIALS ON THE LAW OF SALES TRANSACTIONS (1959)).
- The Feasibility of Rules of Evidence in Federal Courts*, 13 OKLA. L. REV. 20 (1960).
- Semi-Direct Action Against Liability Insurers: Current Problems*, 13 VAND. L. REV. 871 (1960).
- Enlarging Kansas Discovery*, 11 U. KAN. L. REV. 221 (1962).
- The Law of Federal Evidence Reform*, 76 HARV. L. REV. 275 (1962).
- Right to Civil Jury Trial in Utah: Constitution and Statute*, 8 UTAH L. REV. 97 (1962).
- Vouching to Quality Warranty: Case Law and Commercial Code*, 51 CALIF. L. REV. 471 (1963) (with A. Barton).
- Book Review, 18 VAND. L. REV. 344 (1964) (reviewing V. COUNTRYMAN, CASES AND MATERIALS ON DEBTOR AND CREDITOR (1964)).
- The Evidence Law of Discovery: Exclusion of Evidence Because of Fear of Perjury*, 43 TEX. L. REV. 435 (1965).
- Evidence*, in 1967 CALIFORNIA LAW: TRENDS AND DEVELOPMENTS.
- The Supreme Court of California 1970-71—Foreword: Adequacy of Representation in Class Actions*, 60 CALIF. L. REV. 705 (1972).
- Book Review, 87 HARV. L. REV. 1590 (1974) (reviewing 3 J. WIGMORE, EVIDENCE IN TRIALS AT COMMON LAW (J. Chadbourn rev. ed. 1970)).
- Federalized Res Judicata*, 85 YALE L. J. 741 (1976).

*Obtaining Witnesses and Documents or Things*, 108 F.R.D. 223 (1986).  
*Livingston v. Jefferson—A Freestanding Footnote*, 75 CALIF. L. REV.  
115 (1987).

*Exercising Jurisdiction Over and Enforcing Judgments Against Alien  
Defendants*, 39 HASTINGS L.J. 301 (1988) (with M. Kane).