



January 2002

My Friend Flittie

Roy Ryden Anderson
Southern Methodist University, Dedman School of Law

Recommended Citation

Roy Ryden Anderson, *My Friend Flittie*, 55 SMU L. REV. 1395 (2002)
<https://scholar.smu.edu/smulr/vol55/iss4/2>

This Tribute is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in SMU Law Review by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

MY FRIEND FLITTIE

*Roy Ryden Anderson**

IT really wasn't that long ago, was it? Not quite thirty years. Back then, a law professor was expected to be crusty and unapproachable, certainly so when it came to law students and, so it seemed, when it came to very junior faculty. At the time, I was one of the latter, and not long removed from being one of the former. A law faculty simply did not provide much of a "nurturing" environment. When it came to our work, particularly our teaching and our scholarship, as a group we functioned much like the proverbial ships passing in the night.

The faculty had recently decided that I would be allowed to move "up" from my position as associate dean to the exalted rank of most junior of faculty members. I would be allowed the opportunity to make the grade by achieving tenure. Given the times, I could expect it to be a lonely quest. It thus came as quite a surprise that, one by one, so many of my senior "colleagues" came by my new (much smaller) office to wish me good luck, to express cautious optimism regarding my candidacy and, without exception, to offer their condolences. Condolences for what? For FLITTIE! It seems that my colleagues had chosen Professor Flittie as chair of my tenure committee, a position that then, even much more than now, largely influenced the particular candidate's likelihood for success in traversing that lonely vale of tears we call "the tenure track."

The choice was the only logical one. My primary field of interest was the law of contracts, and Bill Flittie was then our senior professor in the area. As Dean Galvin has accurately said in these pages, Flittie was an "individualist." As Charley's anecdotal story so strongly suggests, Flittie was easily the most crusty of our crusty lot. I was told that he did not suffer fools at all, a "fool" being defined as anyone having the temerity to disagree with him. I was warned not to get on his bad side, to keep a low profile, and to work hard. The trick, it seemed, was to perform simultaneously the countervailing tasks of keeping my nose both clean and to the grindstone. I was advised not to expect much in the way of help (not from Flittie, nor from my senior colleagues), but cautioned that Flittie would be watching, most probably from afar.

At the time, I did not know Bill well. In retrospect, I wonder if I ever came to. As best I recall, our conversations had largely been in the nature of a "dressing down" for something I had said or a position I had

* Vinson & Elkins Distinguished Teaching Fellow and Professor of Law, Southern Methodist University. B.A. 1966, Texas Christian University; J.D. 1969, Southern Methodist University; LL.M. 1975, Yale University.

taken. Our only extended conversations had occurred when I dropped by his office, in my role as associate dean, to discuss his teaching schedule for the coming semester. Those “talks” were mainly his telling me what he would teach and when he would teach it—and my saying “Yes, sir.” But just three short years earlier, I had had Professor Flittie as a teacher. And as a teacher I loved him. His classrooms were demanding places, where he not only taught us the law but also showed us how to work through legal problems. As a teacher, he was a very stern taskmaster. As my tenure chair, he would undoubtedly prove to be the same. “Worried” is not the right word. I was truly “scared.” I desperately wanted a career as a law teacher. And Professor William J. Flittie had thus joined the ranks of the most important people in my young life.

I apologize at this point if this story seems much too much about me. It is not meant to be. It shares my most vivid of recollections when I hear someone say “Flittie.” And I think it fairly conveys how Bill was perceived by me and by other members of our faculty. Tough Guy. Hard Guy. Opinionated Guy. But never, at least that I ever heard, Bad Guy. We approached Bill as we would a vial of nitroglycerin, a cocktail to be neither shaken nor stirred. In so doing, most of us passed on the opportunity to know Bill well. But I don’t think he would have had it any other way.

No, this is not the point in the story where you hear that beneath the crusty exterior beat a proverbial heart of gold. Frankly, beneath Bill’s crusty exterior lay a fairly crusty interior as well. As things turned out, however, no young faculty member could have had a better tenure chair. Bill was definitely “hands on” when it came to the task of being my “advisor,” which is how he labeled the job. Did he question my actions? Constantly. Did he criticize my teaching, my writing, and my thinking? Often. Did he yell and scream at me? Oh, yes! But was it constructive? And would I have had it any other way? Most certainly, and definitely not.

Everyone who knew Bill Flittie has stories to share. He was truly an individual and, as such, unique. Depending on his mood, the prevailing wind, and the alignment of the stars, Bill had the capacity to make even the most ostensibly mundane of life’s experiences quite memorable – as Dean Galvin’s aforementioned hospital story so well demonstrates. One of my many Flittie stories is about our first formal meeting concerning my tenure candidacy. Knowing that my journey home each day took me close to where he lived, Bill invited me to drop by one evening “for a drink.” So I did. He answered his door accompanied by a large, growling companion, a Weimaraner not much smaller than a Great Dane. After greeting me, Bill turned on his heel and headed for the back part of the house, inadvertently (I supposed) leaving me in the company of the dog. The dog proceeded to approach me, stick its head between my legs, raise said head, and increase the rumble of its growl. I, in turn and high on tiptoes, proceeded to squeak “Bill, Bill. . . .”. I’m sure only seconds went

by, though it seemed much longer, when Bill reappeared, assessed the situation, laughed, and said (presumably to me): "Come on in the back. I'll get us something to drink." With that, he once again left both me and the dog. After some time, during which I rationalized that Bill would not have left were I in any real danger (would he?), I did extricate myself with an effective combination of baby talk and ear scratching.

The ensuing meeting was an eye opener for me. So much for the stern curmudgeon judging me from afar. According to Bill, my tenure was to be "our" problem. "We" were going to get the job done right. The faculty would grant "us" tenure. Bill was going to be personally concerned with the task at hand. He showed me how much thought he had given the matter. He suggested the weaknesses I had to overcome (not the least of which were the ironic prejudice in our business against a school's granting tenure to its own graduates and the fact that I had been originally chosen as an administrator by the dean and not as a faculty member by the faculty). He formulated a battle plan for my scholarship. He suggested that I could improve as a teacher by attending his classes and discussing afterwards with him the methodology of his approach. He in turn would attend several of my classes, and we would discuss those as well.

A short twelve months remained before the question of my tenure would be considered by the faculty. The shortness of time was due to my having taught part time during my service as assistant and associate deans and having published what we call a "major" article during that period. The battle plan was for me to complete and have published an additional major article and to improve as a teacher. During the year, Bill reviewed and critiqued every draft of the second article and engaged me in hours of talks regarding my (and his) teaching. The time he devoted to me was extraordinary by any standard. Bill was a great teacher and an experienced scholar. I was a neophyte. To be taken under his wing was invaluable. I benefited greatly and learned lessons that stay with me today. No, all did not go smoothly. Yes, the experience was often humbling and frustrating. But this business of law teaching is not nearly so easy as it may appear to those not doing it. To have someone with the knowledge and experience of a Bill Flittie from whom to learn the ropes was invaluable to me in ways I do not have the words to express. I will always be grateful for his abiding concern in my career and for his guidance.

I will close with another Flittie vignette. Several months after our meeting at his home, spring break was approaching. I was close to completing the second article on which we had agreed, my classes were going reasonably well, and I was looking forward to the break. Bill stopped by my office as he often did those days. He inquired as to my plans for the break. I told him we were going to the coast for a few days. He said: "No you are not!" The days would be better spent, he "suggested," writing a short article for the Texas Bar Journal or similar publication on a narrow point of law that was causing the courts concern. Surely, he said, I knew

of such a point. I should "write it up." I did, and I did. Bill thought that the sacrifice would demonstrate a dedication to scholarship that would surely impress our colleagues and that taking a vacation so close to the upcoming tenure decision would be unseemly. The incident certainly demonstrates Flittie as a taskmaster. It also shows his meticulous concern for my situation.

Who knows if Bill was right that spring day. With Bill, your being right didn't matter much. The cost of disagreement with him would undoubtedly have been high. I do know that I have had many nice vacations since then. And a few short months thereafter, upon the enthusiastic recommendation of Professor Flittie (coupled with a detailed and complimentary written report), the faculty unanimously approved my tenure and awarded me the opportunity to pursue a career that has given me a lifetime of professional happiness.

Thanks, Bill!