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CENTENNIAL YEAR
1894/1895—1994/1995

DEDICATION

R. Bruce Townsend

**1994 SURVEY OF RECENT DEVELOPMENTS
IN INDIANA LAW**

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ARTICLE

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Lisa Clark Copp

Marcia Gonzales

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Report of the Debtor-Creditor Committee of the
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Reporting on and Recommending Adoption of the
INDIANA UNIFORM FRAUDULENT TRANSFER ACT
Introduction by Bruce A. Markell

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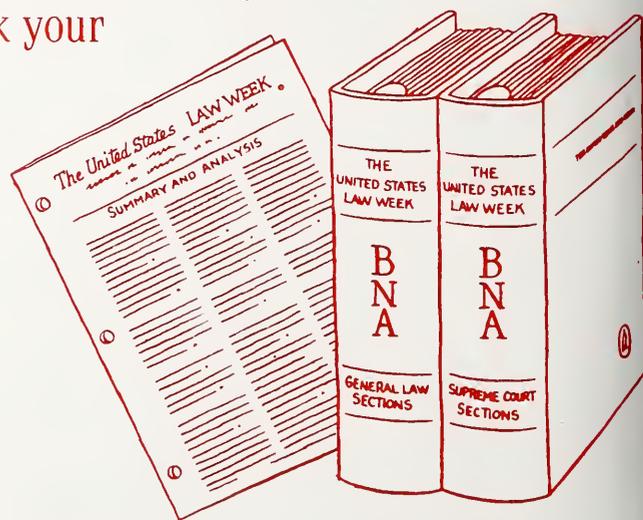
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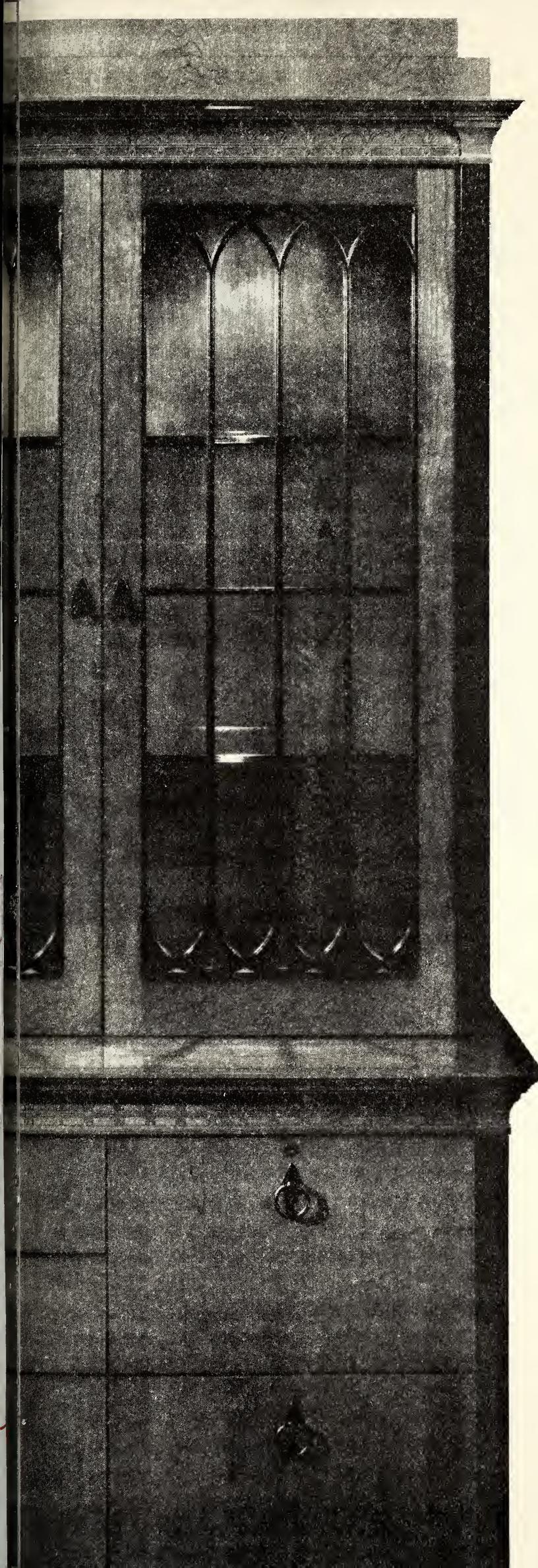
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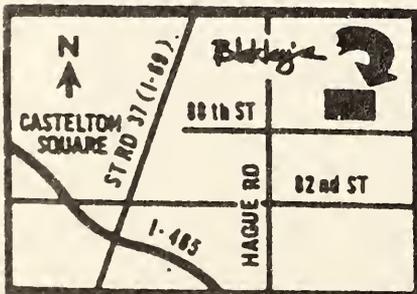
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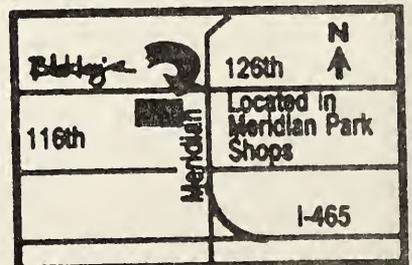
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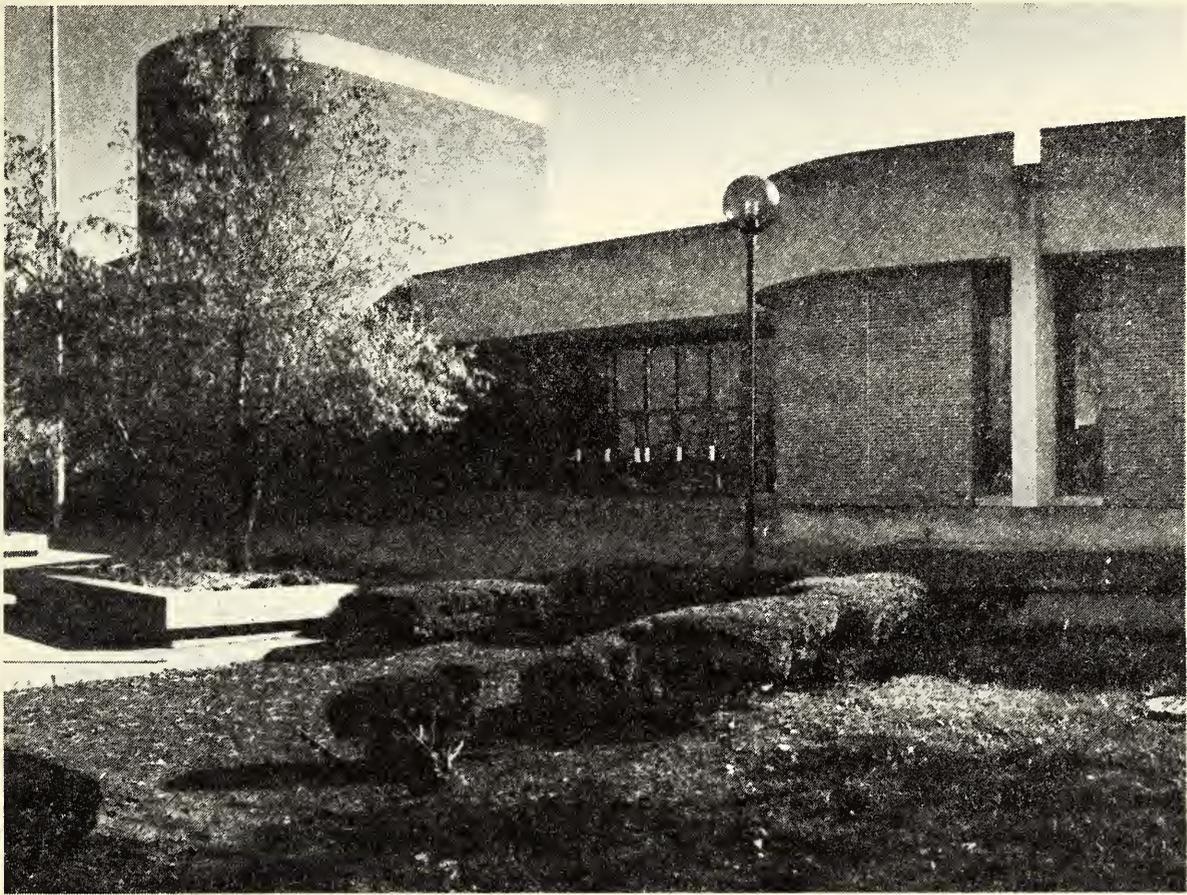
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DEDICATION

IN MEMORY OF R. BRUCE TOWNSEND

1917–1995

CLEON H. FOUST PROFESSOR EMERITUS OF LAW

DEBRA A. FALENDER*

This issue, the Twenty-Second Annual Survey of Recent Developments in Indiana Law, is dedicated to the memory of R. Bruce Townsend—teacher, scholar, colleague, and friend. R. Bruce Townsend passed away February 10, 1995, at his home in Fort Myers, Florida.

Born and raised in Garwin, Iowa, Bruce Townsend was one of six children. His father was a banker, and his mother was a teacher. He earned his A.B. degree from Coe College in 1938, studying money and banking. After a brief stint teaching law in Kansas City and then a not-so-brief stint in the United States Army Air Corps (1942-1945), where he served in the China-Burma-India theatre of operations and received the Air Medal and Distinguished Flying Cross, he arrived in Indianapolis in January 1946 to begin his very distinguished law teaching career. He remained a faculty member at the Indiana University School of Law in Indianapolis until his retirement in 1982.

During his years as a faculty member, he accomplished everything that a teacher and scholar could hope to accomplish. He published several widely read and very influential books, articles, and monographs. He was honored as the first recipient of an endowed professorship named after former dean and professor emeritus, Cleon H. Foust. He served on numerous state and federal commissions, many of which had extraordinary success in drafting and implementing successful and enduring state and federal legislation. For example, he served as a member of the National Conference of Commissioners on Uniform State Laws from 1965 until 1982, during which time the Uniform Commercial Code and the Uniform Consumer Credit Code were adopted in Indiana and throughout the country. As an Indiana Commissioner, Bruce and others wrote commentaries explaining the effect that these uniform laws would have if adopted in Indiana. Subsequently, after the Uniform Commercial Code was adopted, Bruce and others prepared and updated rules, forms, and procedures to be used for filings under the Code.

In the late 1960s, Bruce served as Reporter for the Indiana Civil Code Study Commission, helping to draft an Indiana Civil Procedure Code that was consistent with the Federal Rules of Civil Procedure. The Commission's Report totalled 367 pages and resulted in the adoption of the new rules by the Indiana General Assembly and the Indiana Supreme Court. A subsequent educational campaign helped lawyers understand and accept this important innovation. Bruce recently described this achievement as his "greatest adventure."

The professional accomplishments of which Bruce Townsend should be most proud were those related to his teaching and his students. At his retirement celebration, he was described as a "teacher extraordinaire," and those who were fortunate enough to have had him as a teacher can attest that this description is perhaps itself an understatement. He

* Professor of Law, Indiana University School of Law—Indianapolis.

frequently won the Black Cane Award, given each year by the students to the best teacher at the law school. He also frequently left his mark on his students. His message was most effective because it came from his heart and soul—in all that he did and said and stood for, he expected his students to think for themselves, to work hard, to admit mistakes, to take responsibility, to love the law, and to laugh, have fun, and celebrate life.

An elegant statement was made at his retirement in 1982: “[H]is unselfish commitment for four decades to provide knowledge and understanding has earned him the profound respect and admiration of three generations of students and lawyers.” A less elegant, but no less clear expression of respect and admiration was found in an annual golf tournament in his honor, which when last held in his name in the year he retired, attracted hundreds of student, faculty, and alumni golfers and well-wishers. Even more recently, another clear expression of widespread and deep respect and admiration has occurred with the extraordinary success the law school has had in garnering funding and support for the R. Bruce Townsend Endowed Professorship.

Bruce earned the profound respect of his colleagues in the law school, the university, and the legal community. Even with his peers, he was a consummate teacher and scholar. Every encounter with Bruce held the potential for becoming a rich intellectual exchange. He teased; he goaded; and with one or two probing questions, and a twinkle in his eye, he could turn your well-formed opinion upside down or inside out, and cause you to think about the matter at hand just a little bit differently.

Bruce Townsend was an ardent supporter of the *Indiana Law Review*. He wrote about the Law of Secured Transactions and Creditors’ Rights in the first ten Survey Issues, in volumes 7 through 16 from 1973 until 1982. In these articles, he criticized gently and he complimented enthusiastically, as the occasion demanded. For example, he described many judicial decisions as “excellent,” or “outstanding,” or “deserving of great praise.” But he described others as “unfortunate” and “ridiculously technical”; he complained when form was elevated over substance; and one year he said: “Judges need encouragement to do better.”

His professional accomplishments, his students, and his very special professional and personal friendships were important to Bruce, but not so important as his wonderful family—in particular his wife Rachel. Bruce and Rachel were married in 1945, when Bruce returned from the service. They have two children, William Townsend and Susan Maher, as well as seven grandchildren and five great-grandchildren. Bruce and Rachel loved and respected each other, and loved and appreciated life—in Bruce’s words: “Life has been good to us and we have enjoyed it all.”

There are many, many people whose personal and professional lives were touched by Bruce Townsend. There are those who recall fondly such endearing idiosyncracies as Bruce’s hubcap collection (sometimes he retrieved one before it stopped rolling), or his memory for case citations rather than case names (he would refer to a relevant case as “176 Indiana 283”), or his irreverence (he spoke, for example, of “GAs” and “deadbeats”), or his artistic abilities (he drew unforgettable stick people, cars, and houses on the blackboard). Those who were lucky enough to know him will never forget him. And he will be missed.

DEDICATION

IN MEMORY OF
R. BRUCE TOWNSEND

1917–1995

CLEON H. FOUST PROFESSOR EMERITUS OF LAW

GERALD L. BEPKO*

The Indiana University School of Law—Indianapolis is a great institution of which we can all be proud, but not because of buildings or books in the library. It is great because it consists of an evolving culture of excellence, a colony of sophisticated thought, a family of ideas, and a community that shares important values.

Each of us has contributed in our own way to this institutional culture. We are like members of a basketball team who contribute to the overall success of our team in a variety of ways, leaving the institution a little different, and we hope a little better, for our having been part of it.

There has been no more important contributor to the Law School's evolutionary institutional success than R. Bruce Townsend, along with his partner and our dear friend, Rachel. In terms of what he did for our team, Bruce was our Michael Jordan.

In the best traditions of the academy, he made his impact by being a consummate teacher.

Of course, like all of us, he taught students—more than 4000 of them. Nearly half the members of the Indiana Bar at the time of his retirement had studied in his classes. He taught one of the first courses students took in law school—Remedies—and one of the last courses before they graduated—Securities. To some, these were the alpha and the omega of a good legal education. When Bruce was in one of his particularly empathetic and magnanimous moods, he would even acknowledge that there were a few courses in between that mattered.

But nobody ever did it better than Bruce. No one on our faculty earned such consistent respect or so much adulation from our students, who over and over again elected him the winner of the Black Cane—the symbol of the year's best teacher.

And he didn't stop teaching just because students had graduated. Once, in the early 1970s, while Doug Whaley and I were still officially designated as GA teachers, we were sitting in Bruce's office and watched him receive a phone call. (Incidentally, while some alumni may think that the trappings of Bruce's office were designed to put people at ease, I can tell you that, from the standpoint of young faculty members, his office, and its environment, were most intimidating.) The phone call was obviously from a recently graduated student, although we could hear only one side of the conversation. After exchanging pleasantries and listening for a few minutes, Bruce said, "Yes, and then the bank repossessed? Then you should read 340 N.E.2d 198, IC 26-1-9-504, and 15 *Indiana Law Review* 345. These readings should give you the answer you're trying to find." We then resumed our conversation among commercial law teachers, which consisted of Doug

* Vice President for Long-Range Planning, Indiana University; Chancellor, Indiana University-Purdue University Indianapolis; and Professor of Law. The following comments were made by Chancellor Bepko at the R. Bruce Townsend Memorial Service on Monday, June 5, 1995.

and me sitting at Bruce's knee, listening to him talk about our common subjects. Then the phone rang again. Another recent graduate was on the line. Bruce listened, and then said, "And then the bank repossessed? Stop! I can't talk to you because I just advised the other side."

The moral of this story is known to all of Bruce's alumni: If you were going to get advice from Bruce, do so as soon as possible.

He also taught his faculty colleagues. He taught us a standard of hard work. As a young law teacher, I remember working a half day on Saturdays, primarily because Bruce Townsend did so. He taught us integrity to our craft and to each other. He taught us that the reform of law was important. Bruce never asked to be admitted to practice in the state of Indiana because he wanted to be totally free to speak and write about law, which he did frequently. He was known throughout the nation for his work in writing the Uniform Commercial Code, and he was the best of mentors for young faculty. For example, he laid the foundation for me to become a member of the UCC Permanent Editorial Board.

And he was well known for his personal contribution to maintaining the rigor and depth, and correlated respectability, for part-time law study. This served thousands of students who found it necessary to work while they pursued their studies and created one of the defining characteristics of the school—offering the highest quality part-time program in the nation.

He also taught us perspective, often with his thoroughly well-developed sense of humor. He taught us to love our school and all the people in it, just as he loved it so passionately. Later, I came to wonder if his sense of perspective and his love of our school may have derived in part from his wartime experience. In an article in the *Sunday Indianapolis Star* magazine in 1981, in which Bruce was called the "Wizard of West New York Street," he talked about his experiences flying the hump in China and was quoted as saying, "We lost a lot of airplanes and pilots. When they figured you should have been dead, they gave you the Air Medal. When you should have been dead twice, they gave you the Distinguished Flying Cross." Bruce received both.

In living out his perspective on life among us, he taught us the joy of devoting ourselves to what must be the most satisfying, fulfilling professional life—the task of providing optimal learning conditions for a wonderfully talented group of students trying to learn the law.

Finally, Bruce taught us by his own example. While he was a giant of our legal community, he was, perhaps most importantly, a truly decent and honorable man. He was a meticulously honest, sincere, devoted, loving, compassionate human being. These qualities had an impact on most of us individually and, if you look closely, they can be found at the very core of the foundations on which the greatness of the School of Law has been built. For this we will be everlastingly grateful because the qualities that make our school great will always reflect our love for Bruce, his memory, and all of his wonderful family.