

## ROBERT A. WEEMS: THE LAWYER'S LAW PROFESSOR

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Indeed, my friend, you will find Angling to be like the Virtue of Humility, which has a calmness of spirit, and a world of other blessings attending upon it.

The Compleat Angler<sup>1</sup>

Professor Robert A. Weems caught me by complete surprise when he informed me in spring 2013 that he had given Dean Gershon notice of his intent to retire. It was not an entirely happy surprise. I concede that no one has a stronger moral or legal claim to retirement than this legendary classroom teacher and legal authority. But Professor Weems's retirement leaves a large void at the University of Mississippi School of Law.

No faculty member in the history of the law school has been known and respected by more practicing lawyers than Professor Weems. The admiration, even veneration, is explained only in part by his extraordinary talent as a classroom teacher, his remarkable scholarship in torts and decedents' estates,<sup>2</sup> and his yeoman's service for years with Emeritus Professor Guthrie T. Abbott in providing the highest quality Continuing Legal Education programming on Mississippi law. For all his brilliance, Professor Weems exhibits a directness and modesty in his life and professional activity that are rare commodities among both lawyers and academicians.

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<sup>1</sup> IZAAK WALTON AND CHARLES COTTON, *THE COMPLEAT ANGLER* 40 (Henry Washburn ed., 5th ed. 1842) (originally published 1676).

<sup>2</sup> See appendixes A and B (listing opinions that cite his treatises). This list is not a complete study of the impact of his scholarship for it does not include judicial citations of his law review articles and CLE materials, and it does not include citations of his writings by other scholars.

Equally rare is the extent to which Professor Weems has always focused on the principal goal of law school: to train lawyers. After eleven years of high-level practice in Vicksburg, this award-winning<sup>3</sup> teacher did not need the McCrate Report or any other study to alert teachers to the gap between theory and practice. I know of no one in legal education whose teaching has focused more consistently on the needs of practicing lawyers. And he has done so in classes with direct relevance for practice: torts, evidence, and wills.

Professor Weems's attention to laying the foundations in doctrinal knowledge and analytical skills has contributed powerfully to the first year education. Torts students who begin with his anatomy of a lawsuit are better prepared for briefing cases in other classes as well.

As the state's leading authority on torts and wills, it would have been natural for Professor Weems to have devolved into something of a Kingsfield. Precedents of academic self-importance are not unknown in the history of the law school, though none of its practitioners ever had a fraction of the attainments of Professor Weems that might have provided an excuse for their arrogance.

Though he had little use for nonsense,<sup>4</sup> Professor Weems always had a strong sense of humility. On one occasion, over two decades ago at lunch at Ruth and Jimmies, a stranger asked a group of law faculty what we thought about a controversial issue. Without hesitating, Professor Weems announced that he thought it was a matter best left to the legislature. No doubt Professor Weems had his strong personal views on the topic, but the main point he communicated was that he did not think his personal views were the most important point.

At the law school, Professor Weems has been the most forceful advocate of the most open approach to law school admissions. He has consistently argued that the people of the

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<sup>3</sup> He was selected six times as outstanding law professor and received the University outstanding teacher award in 1994.

<sup>4</sup> Over lunch at Danvers in the 1990s, Professor Weems responded to one colleague's enthusiasm for some new development with the short remark, "I think Oxford is big enough." My wife will attest that I have frequently cited Professor Weems since that day, often while we are stopped in traffic or looking for parking on the Square.

state of Mississippi created a great law school, and that the school should admit as many qualified students—especially those from Mississippi—as it can successfully educate. He has opposed as a matter of principle restrictions to access, whether based on size or credentials. While I have not always agreed with Professor Weems, I have developed a deep respect for his genuine commitment to democratic values, his appreciation that the current generation holds the school in trust, and his recognition of the importance of public legal education. He has caused me and others to rethink our own views, and he has persuaded me repeatedly to change my opinions.

When I started teaching, I looked to Professor Weems as a model. From him I learned some of the most valuable lessons, always communicated modestly. One example leaps to mind. Professor Weems taught me the importance of beginning and ending class on time. He did not equivocate but stated simply that holding class late is a form of disrespect. He also taught me the importance of directly answering a question, if possible. To this day I try to answer with a “yes” or “no” before launching into an elaboration of all the ramifications that can make the direct answer inaccurate or misleading.

Over the years, Professor Weems has demonstrated personal courage on occasion, giving voice to opinions that may not be currently popular. But he has also kept his own counsel during many a debate. For me, his reticence in highly charged situations was instructive. He helped me learn that I do not always need to share my opinions, valuable as I always think they are.

In another respect, Professor Weems stands as a model of a lawyer’s law professor. Though I believe he might have succeeded in a career in administration, Professor Weems never sought a deanship. During one dean vacancy early in my career, I asked him whether he would consider being dean. He laughed before responding that I would not want him to be a dean. He explained that he lacked the decanal temperament and that neither he nor the faculty would be very happy with him as dean.

In hindsight, I recognize in Professor Weems’s response two things. First, I see in it an affirmation of his devotion to classroom teaching. Second, I see in it a remarkable recognition of his own character strengths, an ability to resist temptations to engage in

work for which he did not believe he was best qualified, and a commitment to devote his career to what he excelled at: the education of lawyers.

When the School of Law moved to the new building, faculty selected offices based on seniority. Before choosing I took pains to study where my colleagues were situated. I deliberately selected the office next to Professor Weems. True, I knew he would be respectful of office neighbors. More important, I knew he would regularly be in his office and that, if I needed advice or help, he would be close at hand.

Finally, I should confess that Professor Weems's retirement is not entirely unwelcome to me. One thing has always made me a little nervous. During my first year in teaching, Professor Weems took me fishing. We carried his canoe into some unnamed wetlands south of Oxford. I learned that day that Professor Weems is a serious angler. He reeled in fish after fish—very large and very slippery—and released them. Though the good professor is the soul of discretion, I live with the fear that someday he might reveal certain facts about my catch of the day.

Honesty is a good thing. But there's no point overdoing it.

APPENDIX A: CASE CITATIONS TO TREATISE ON TORTS<sup>5</sup>

1. Clemons v. United States, No. 4:10-CV-209-CWR-FKB, 2012 U.S. Dist. LEXIS 155196 (S.D. Miss., Oct.30, 2012)
2. Diaz v. Lampton, No. 3:09-CV-324-CWR-MTP, 2012 U.S. Dist. LEXIS 142303 (S.D. Miss., Oct. 2, 2012)
3. Chickaway v. United States, No. 4:11-CV-00022-CWR-LRA, 2012 U.S. Dist. LEXIS 110602 (S.D. Miss., Aug. 7, 2012)
4. Joiner v. Genlyte Thomas Group, L.L.C., No. 1:09-CV-00093-GHD-DAS, 2012 U.S. Dist. LEXIS 20966 (N.D. Miss., Feb. 21, 2012)
5. Hankins v. Ford Motor Co., No. 3:08-CV-639-CWR-FKB, 2011 U.S. Dist. LEXIS 143269, (S.D. Miss., Dec. 13, 2011)
6. Morris Multimedia, Inc. v. Pearl River Valley Elec. Power Ass'n, No. 1:08-CV-271-RHW, 2010 U.S. Dist. LEXIS 38108 (S.D. Miss., Apr. 19, 2010)
7. Bell v. Texaco, Inc., No. 5:09-CV-192K5-MTP, 2010 U.S. Dist. LEXIS 36184 (S.D. Miss., Apr.13, 2010)
8. Greene v. Wyeth, 344 F. Supp. 2d 674 (D. Nev. 2004)
9. Burns v. W. S. Life Ins. Co., 298 F. Supp. 2d 401 (S.D. W. Va. 2004)
10. Naomi Ruth McDonald v. Mem'l Hosp., 8 So. 3d 175 (Miss. 2009)
11. Harris v. State, 970 So. 2d 151 (Miss. 2007)
12. Hubbard v. Wansley, 954 So. 2d 951 (Miss. 2007)
13. Baker, Donelson, Bearman & Caldwell, P.C. v. Muirhead, 920 So. 2d 440 (Miss. 2006)

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<sup>5</sup> Works cited include ROBERT A. WEEMS & ROBERT M. WEEMS, MISSISSIPPI LAW OF TORTS (2d ed. 2008) and ROBERT A. WEEMS, MISSISSIPPI LAW OF TORTS (2002). Coauthor on the second edition is Professor Weems's son, a 1994 graduate of the University of Mississippi School of Law.

14. Lloyd G. Oliphant & Sons Paint Co. v. Logan, 12 So. 3d 614 (Miss. App. 2009)
15. Martin v. Rankin Circle Apts., 941 So. 2d 854 (Miss. App. 2006)
16. Keith v. Peterson, 922 So. 2d 4 (Miss. App. 2005)
17. Gibson v. Wright, 870 So. 2d 1250 (Miss. App. 2004)

APPENDIX B: CASE CITATIONS TO TREATISE ON WILLS AND ADMINISTRATION<sup>6</sup>

1. Diaz v. Lampton, No. 3:09-CV-324-CWR-MTP, 2012 U.S. Dist. LEXIS 142303 (S.D. Miss. June 22, 2012)
2. Rainey v. Holland, No. CA98-1112, 1999 Ark. App. LEXIS 292, (Ark. App. 1999)
3. Clark Sand Co. v. Kelly, 60 So. 3d 149 (Miss. 2011)
4. *In re Estate of Griffith*, 30 So. 3d 1190 (Miss. 2010)
5. Clark Sand Co. v. Kelly, No. 2008-IA-01437-SCT, 2010 Miss. LEXIS 94 (Miss. Feb. 25, 2010) *withdrawn* and *substituted by* Clark Sand Co. v. Kelly, 60 So. 3d 149 (Miss. 2011)
6. Woodfield v. Woodfield (*In re Estate of Woodfield*), 968 So. 2d 421 (Miss. 2007)
7. Mississippi Baptist Found., Inc. v. Estate of Matthews, 791 So. 2d 213 (Miss. 2001)
8. Estate of Cannon v. Ferguson, 733 So. 2d 245 (Miss. 1999)
9. Holloway v. Holloway (*In re Estate of Holloway*), 631 So. 2d 127 (Miss. 1993)
10. Garrett v. Bohannon, 621 So. 2d 935 (Miss. 1993)
11. Estate of Stamper v. Edwards, 607 So. 2d 1141 (Miss. 1992)
12. McCaffrey v. Fortenberry, 592 So. 2d 52 (Miss. 1991)
13. Cooper v. Crabb, 587 So. 2d 236 (Miss. 1991)

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<sup>6</sup> Works cited include ROBERT A. WEEMS, WILLS AND ADMINISTRATION OF ESTATES IN MISSISSIPPI (3d ed. 2003), ROBERT A. WEEMS, WILLS AND ADMINISTRATION OF ESTATES IN MISSISSIPPI (2d ed. 1995), ROBERT A. WEEMS, WILLS AND ADMINISTRATION OF ESTATES IN MISSISSIPPI (1988).

In addition to the treatise, Professor Weems authored the casebook from which generations of lawyers, since 1983, learned Mississippi estate planning law: ROBERT A. WEEMS, MISSISSIPPI WILLS AND ESTATES: CASES, STATUTES AND MATERIALS (3d ed. 1998).

14. *In re* Estate Of Leggett, 584 So. 2d 400 (Miss. 1991)
15. *Beauchamp v. Beauchamp*, 574 So. 2d 18 (Miss. 1990)
16. *In re* Will of Fields, 570 So. 2d 1202 (Miss. 1990)
17. *Williams v. Mason*, 556 So. 2d 1045 (Miss.1990)
18. *Clardy v. National Bank of Commerce*, 555 So. 2d 64 (Miss. 1989)
19. *Cooper v. Guido (In re Will of Cooper)*, 75 So. 3d 1104 (Miss. App. 2011)
20. *Prout v. Williams*, 55 So. 3d 195 (Miss. App.2011)
21. *Noblin v. Burgess*, 54 So. 3d 282 (Miss. App. 2010)
22. *Watt v. Cobb (In re Estate of High)*, 19 So. 3d 1282 (Miss. App. 2009)
23. *Tatum v. Wells*, 2 So. 3d 739 (Miss. App. 2009)
24. *Jenkins v. Jenkins*, 990 So. 2d 807 (Miss. App. 2008)
25. *Peyton v. Longo (In re Davis)*, 954 So. 2d 521 (Miss. App. 2007)
26. *Marlar v. Castillo-Ruiz (In re Will of Roland)*, 920 So. 2d 539 (Miss. App. 2006)
27. *In re Estate of Kelly v. Cuevas*, 951 So. 2d 564 (Miss. App. 2005), *aff'd* and *rev'd in part*, *Estate of Kelly v. Cuevas*, 951 So. 2d 543 (Miss. 2007)
28. *Rousseau v. Rousseau*, 910 So. 2d 1214 (Miss. App. 2005)
29. *Van Etten v. Johnson (In re Estate of Pickett)*, 879 So. 2d 467 (Miss. App. 2004)
30. *Redditt v. Redditt (In re Will of Redditt)*, 820 So. 2d 782 (Miss. App. 2002)