

## In Memoriam, Professor Kenneth K. Luce

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PROFESSOR KENNETH K. LUCE  
1912-1977



## IN MEMORIAM, PROFESSOR KENNETH K. LUCE

It is altogether fitting and proper that the Board of Editors of the Marquette Law Review dedicate this volume to the memory of Professor Kenneth K. Luce, whose untimely death on May 30, 1977 saddened us all. The teaching career of Professor Luce spanned thirty-two years, all of it at Marquette except for several summer sessions at his beloved alma mater, the University of Michigan. From 1945 until 1950 he served as the faculty moderator of this Review, at a very difficult time in the immediate post-war era when the Review and the Law School itself were rebuilding from the wartime decimation of enrollment which nearly closed the school. Throughout his long association with Marquette, his interest in the work of the Law Review continued, prompted no doubt by his own student service on the Michigan Law Review and by his general concern for improving and perfecting legal scholarship and legal writing.

My own tribute to Kenneth Luce, my teacher, friend, fellow practitioner and faculty colleague, appears in the pages of other publications and will appear in the Proceedings of the Association of American Law Schools. It is more fitting that the Law Review has assembled memorials from others, from his classmate, Judge Knox; from Dean St. Antoine of Michigan Law School; and from Professor Ghiardi, his close friend and faculty associate for more than thirty years. These and other tributes which have appeared in Marquette and bar publications will record for all time to come the regard and esteem in which we held this fine gentleman and scholar.

The lines of a simple prayer, which most everyone knows from memory, best express Marquette's wish for Professor Luce:

Eternal rest grant unto him, O Lord  
And let perpetual light shine upon him.  
May his soul, and the souls of all the faithful departed,  
Through the mercy of God, rest in peace.

*Robert F. Boden  
Dean and Professor of Law  
Marquette University Law School*

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I deem it a great honor to be invited to contribute this dedication to my cherished friend of 45 years, Professor Ken Luce.

He was born in Montana, April 19, 1912, but soon moved to Nevada where his father was superintendent of schools in Elko. He was then sent "East" to school at the University of Michigan. I can still see him that evening in September 1930 striding up the walk at the fraternity house in Ann Arbor, a well-dressed cowboy from Elko, just arrived in town.

Although I was a junior and he a freshman, we soon became very close, rooming together and sharing each other's joys and disappointments. He was one of a close-knit group of five of whom only three are now left. He was always the life of the group with his tall tales, songs of life on the Nevada range and accounts of what happened at the Winnemucca Rodeo.

After graduation from college (A.B. Mich. 1934) he went on to Michigan Law School and we continued in close association until my graduation and departure in 1935 for private practice. Ken amassed a superb record in both college and Law School: Phi Beta Kappa, graduate with highest distinction, Order of the Coif, Student Editor of the Michigan Law Review, President of his Law School class and graduated with the degree of J.D. (they were earned in those days-conferred only on the top few.)

He settled in Cleveland with Squire, Sanders & Dempsey that tremendous legal institution, the largest in Ohio. He was only 100 miles from where I was located in Erie, Pennsylvania. We saw each other frequently and attended football games together as of yore. The group nursed him through black despair following a terrible automobile tragedy.

Then the war clouds gathered, he entered the Navy and rose to become Port Officer at Paramaribo, then Dutch Guiana (Surinam). At the end of his service there, he was decorated with the Order of Orange-Nassau by the Kingdom of the Netherlands. Jocularly, he said this entitled him to enter the palace at the Hague and keep his hat on in the presence of the Queen. (He was, of course, too much the gentleman to try it.)

After the war he settled in Milwaukee and distance separated us much of the time in the ensuing years. Some were surprised at this move. They thought his future lay in the political or judicial field in Nevada where he was a close friend of the late great U.S. Senator Pat McCarran, or as a law professor at Michigan Law School.

I soon learned, however, that his teaching abilities were put

to good use at Marquette University Law School where he was Associate Professor 1945-51 and Lecturer in Law, 1951 to the time of his death.

We met occasionally during the years at football games and two or three times I stayed at his house when in Milwaukee for depositions or hearings. On such occasions, we would argue until late at night over sections of the Uniform Commercial Code in which he was an expert. In practice, he was with the prestigious firm of Michael, Best & Friedrich in Milwaukee and a leader in the Wisconsin Bar of which he was a member of its Board of Governors. It was a keen disappointment when he failed to attain the presidency.

Meanwhile, he developed health problems and I was shocked in October, 1970 when we met in Ann Arbor to see the results of his eye operations. He was, however, in good spirits when he appeared in Erie that fall for my installation as a federal judge at which he declaimed in great style.

I was aware of his leaving active practice a couple of years ago to devote his time to teaching at his beloved Marquette. I had been, however, unaware of his serious physical condition when I received in early June, 1977, simultaneous cards and letters relative to his death on May 30 which left me desolate.

He was a great among scholars, a hail fellow, and friend, a noble and blithe spirit. We shall not see his like again.

The rest is silence . . .

. . . Now cracks a noble heart.

Good Night, Sweet Prince,

And flights of angels sing thee to thy rest.

(Hamlet, Act V sc. ii.)

*William W. Knox*

*United States District Judge*

*Western District of Pennsylvania*

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I met Kenneth Luce once or twice at most, and then only for the few hurried words of greeting that are exchanged at alumni gatherings. Yet I feel I have come to know him well — sadly for me, chiefly through his friends and after his death. With the passing of any prominent alumnus of the Michigan Law School, we are likely to receive letters from friends and associates urging some suitable memorial. For Professor Luce there was more than the usual expressions of esteem and respect for professional ac-

complishments. Affection for the man himself shone through the words about him. He was loved for his humaneness, his selflessness, and his fervor in supporting the causes and institutions in which he believed.

Kenneth Luce was deeply loyal to his Alma Mater, the University of Michigan, to which he came by way of Montana and Nevada, and from which he received both his A.B. in 1934 and his J.D. in 1937. His Ann Arbor years were crowned with a Phi Beta Kappa key, a Law Class Presidency, membership in the Order of the Coif, and an editorial post on the Michigan Law Review. In later years he was a perennial chairman of the Law School's fund-raising efforts among its alumni in Wisconsin.

Loyalty to one institution seems to enlarge rather than diminish the capacity for loyalty to others. Professor Luce was also intensely devoted to the United States Navy, in which he served during World War II, and to Marquette, which played so central a role in his life during his working years. He was of course a full-time member of the Marquette University Law School faculty from 1945 to 1950, and again from 1973 until his death on May 30, 1977. During his period of active practice from 1950 to 1973, he retained his association with Marquette as a part-time member of the law faculty.

Professor Luce had a special fondness for his highly popular course in Restitution, but Corporation Law and Commercial Law were the areas of his most significant work and greatest influence. "Luce on Corporations," as Marquette's Dean Robert Boden has put it, was "a living and breathing, sometimes swearing and table pounding, walking and talking encyclopedia of corporate law and practice who was responsible, over 32 years, for the basic instruction in this subject of more than 25% of all the lawyers now practicing in the State of Wisconsin." Professor Luce was a principal draftsman of the revised Wisconsin Business Corporation Law of 1951, and a member of the committee which adapted the Uniform Commercial Code and recommended it for adoption in Wisconsin in 1965.

As would be expected of such a person, Professor Luce was widely involved in public service and civic activities. The organized bar was a particular focus of his concern. He served several terms as a member of the Board of Governors of the State Bar of Wisconsin, and was Chairman of the State Bar's Committee on Research Planning from 1970 until 1974. He was also a school board member for a number of public and Catholic institutions.

Wherever he was, Kenneth Luce made his presence felt. He was genuinely fond of people, but he was no respecter of persons. He had strong views on many issues, and he could be forceful and pungent in espousing them. In an often bland era, he was a throw-back to a time when gentleness could still have bite. His going, like the fall of Markham's "lordly cedar," will leave "a lonesome place against the sky."

*Theodore J. St. Antoine  
Dean and Professor Law  
University of Michigan*

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It is fitting and proper that the Marquette Law Review dedicate this volume to Professor Kenneth K. Luce. When World War II ended, Professor Luce became the first new full-time appointee to the law faculty. He was assigned as faculty moderator to the Review and promptly infused new life into it with the goal of expanding its excellence and service functions. He brought to the Review a single-minded purposeness that marked his teaching and legal career — he fought for and obtained additional funds; and, he obtained wholehearted student, faculty and alumni support. His duties as moderator lasted until he left full-time teaching in 1950. By that time the Review was again on a sound course steadily progressing in quality and content.

I met Professor Luce in 1946 while he was preparing to write the Bar Examination for admission to practice in Wisconsin after a war-interrupted career of law practice in the city of Cleveland, Ohio. His determination and scholarship was evidenced by the fact that he prepared for the Bar Examination by reading the last twenty-five volumes of the Wisconsin Reports, and, of course, he passed the Bar Exam with flying colors. We became close friends and associates for over thirty-one years. We not only worked and collaborated in the legal field, but also became personal friends and shared the joy of watching our collective eight daughters (five his, three mine) grow into womanhood. The personal loss to me by his death is like the loss of a brother.

Professor Luce's loyalty and friendliness were the outstanding features of his life. He made and retained friendships from his high school days in Nevada, his college and law school days at Michigan and from all phases of his professional life. His loyalty to Marquette University, the Michigan Law School, the legal profession and his colleagues was evidenced daily. However, what



I will miss most is his humor and laughter. Despite serious medical problems he continually retained his love and enjoyment of life.

Early in our relationship I became impressed with his broad and comprehensive knowledge of the law. He never took an isolated view of a problem but saw it in its total perspective and was gifted with the additional capacity to go immediately to the heart of a legal issue. Our numerous debates and discussions sharpened and honed our mutual appreciation of the law. On the other hand, our debates and differences on various political figures often bored friends and members of our families.

I miss him, but take comfort in the memories of a long and wonderful professional and personal relationship. Virginia and his children will miss him but their memories of a good father and husband will give them the strength to carry on. Marquette University Law School lost a loyal, dedicated and competent faculty member; the legal profession, an outstanding member. However, his mark upon the law, his colleagues, his students, his friends, will be as endless as the broad vistas of his native state of Nevada.

*James D. Ghiardi*  
*Professor of Law*  
*Marquette University Law School*

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