

DOCUMENTS OF THE GENERAL FACULTY

**REPORT OF THE MEMORIAL RESOLUTION COMMITTEE FOR
CORWIN WAGGONER JOHNSON**

The special committee of the General Faculty to prepare a memorial resolution for Corwin Waggoner Johnson, professor emeritus, law, has filed with the secretary of the General Faculty the following report.

Sue Alexander Greninger, Secretary
The General Faculty

**IN MEMORIAM
CORWIN WAGGONER JOHNSON**

Corwin W. Johnson, a professor of law at The University of Texas at Austin for almost six decades and a nationally-recognized expert on property law and water law, died on July 29, 2004. He was 86 years old. Corwin was survived by his wife, Evelyn Johnson; his two sons, Kent and Kirk Johnson; his three grandchildren, Cory, Doug, and Scott Johnson; and his sister, Marceil Weston.

Corwin was born in Hamlet, Indiana, on October 5, 1917. He received two degrees from the University of Iowa: a Bachelor of Arts degree in 1939 and a Juris Doctor degree in 1941. Corwin began graduate study as a Sterling Fellow at the Yale Law School in 1941, but his studies were interrupted by World War II. From 1942-46, Corwin was a special agent for the Federal Bureau of Investigation, engaged in counter-espionage and other law enforcement activities in field offices in Memphis, New Orleans, and San Francisco. In 1946-47, he served as an instructor at the University of Iowa College of Law. In the fall of that year, Corwin joined the law faculty at The University of Texas at Austin as an assistant professor. He retired in 1988 as the Edward Clark Centennial Professor Emeritus, but he then continued to teach half-time at the law school for more than a dozen years.

During his years on the Texas faculty, Corwin regularly taught Property Law (a required first-year course), Water Law and Land Use Planning, and (on occasion) courses on several other property-related subjects. In 1960, Corwin joined with William F. Fritz (Corwin's colleague on the Texas faculty) and John E. Cribbet (then a law professor and later chancellor of the University of Illinois) to write *Cases and Materials on Property*, a law school casebook. "Cribbet, Fritz & Johnson," as it was widely known to law students in Texas and elsewhere, was for a number of years the most widely used property law casebook in law schools across the country. After Bill Fritz died at a relatively young age, Cribbet and Johnson brought in Ernest E. Smith III (another of Corwin's colleagues on the Texas faculty) and Roger W. Findley (then at Illinois and now at Loyola Law School in Los Angeles) as co-authors. This highly-regarded casebook is still widely used—the eighth edition of *Cribbet, Findley, Johnson & Smith* was published in 2002. Corwin was also the co-author, with John Cribbet, of *Principles of the Law of Property* (3rd ed. 1989), a treatise on property law. In addition, Corwin wrote a sizeable number of law review articles, dealing primarily with water law issues.

Corwin was something of a peripatetic professor, having served as a visiting professor of law at a number of universities, including Brigham Young, Emory, Georgia, Hawaii, McGeorge, Pennsylvania, Pepperdine, Texas Tech, and UCLA. He also taught during summer sessions at the Universities of Chicago, George Washington, Missouri, North Carolina, Utah, and UCLA.

Because of his expertise in water law, Corwin also was called upon from time to time to lend a hand, and an opinion, on water law issues faced by various governmental agencies. To give but a small sampling, in the early 1950s Corwin worked with the Texas Legislative Council Staff to produce an inventory of water problems and the agencies dealing with them in Texas. In 1969, he wrote a chapter in a socio-economic study of Galveston Bay that was published by the Texas Water Control Board. In 1976, he co-authored a report on land use regulation of lake shorelands that was submitted to the U.S. Department of the Interior. In 1984, at the request of the City of Austin, Corwin gave an appraisal of a proposal for creation of the Highland Lake Authority. On June 15, 2004, seven weeks before his death, Corwin spoke at the Texas State Capitol as part of a symposium

commemorating the 100th anniversary of the rule of capture. The symposium, sponsored by the Texas Water Development Board, was Corwin's last public speaking engagement.

Corwin was a member of Phi Beta Kappa, Order of the Coif, and the American Law Institute.

The above gives a capsule summary—a biographical sketch—of an extraordinary man and an extraordinary career in legal education. And yet, it does not give the full picture of Corwin's contributions to the life of the law school community or of the impact he had on countless students at The University of Texas and elsewhere. A highly-popular and effective teacher, it was obvious that Corwin enjoyed both his teaching and his students. His easy-going demeanor, his dry wit (not to mention his sometimes-appalling puns), and his accessibility were useful antidotes to the pressures faced by anxious first-year students. Corwin always had time to chat with students in the corridors of Townes Hall and to explain the vagaries of property and water law principles to students who came by his office, whose door was always open. In some fifty-six years of teaching, it is a fair estimate (based on typical class sizes, etc.) that Corwin taught well over 10,000 law students here at The University of Texas, not to mention at least a thousand more at visiting stints at other law schools.

In 2003, the Tarlton Law Library published an oral history interview of Corwin. The interview, in which Corwin related his early years on the faculty—how Deans Charles McCormick and Page Keeton led the law school's development from a very good regional school to a strong national school, Corwin's teaching in the "separate but equal" law school created in response to Heman Sweatt's lawsuit challenging segregation, and other topics of interest to those who care about the law school—can be sourced at <http://tarlton.law.utexas.edu/rare/rarepubs.html>. The interview's Foreword is written by Corwin's former student and research assistant, James A. Baker III, the former U.S. Secretary of State and Secretary of the Treasury. In the foreword, Baker describes the teaching style of "this wise, patient and gentle man": "He used the Socratic method, but he leavened its harsh justice with genuine kindness."

Students at the law school dedicated their 1958 yearbook, *The Peregrinus*, to Corwin, and alumni and the Class of 1964 established The Corwin W. Johnson Class of '64 Endowed Presidential Scholarship in Law in his honor.

In 1952, Corwin sang and danced along with several other professors at the first edition of Assault and Flattery, the annual variety show that has become an institution at the law school. That first appearance was followed by several cameo appearances over the twenty years in which faculty regularly participated in Assault and Flattery. (It is now produced entirely by students.) Corwin, with his excellent tenor voice and wide smile, brought down the house when he sang "Mr. Wonderful, that's me!" Corwin's singing career went "national" when he sang the hilarious "The Common Law of Texas" (to the tune of "The Yellow Rose of Texas") at annual meetings of the Association of American Law Schools in the 1960s.

Corwin was also a most agreeable colleague and one of the most highly respected members of the faculty because of his good nature and openness as well as his intellect. He was particularly helpful to younger members of the faculty. In the early years on the faculty—an era in which the entire faculty could easily fit in a faculty member's home—Corwin and Evelyn, his wife and soulmate of sixty-two years, often entertained faculty and students at their home on Monte Vista, overlooking Lake Austin. Here, too, Corwin could be persuaded to break into song, but he could not be enjoined from uttering some of his sly puns.

One of Corwin's colleagues at the law school, Russell Weintraub, summed it up aptly: "Corwin Johnson was the kindest man I have ever known. I never heard him say a nasty word about anyone. He was a great scholar and teacher. Among his many accomplishments was a focus on what we now know as environmental law before most of us knew that such a field existed."

This memorial resolution was prepared by a special committee consisting of Professors Stanley M. Johanson (chair), M. Michael Sharlot, and Ernest E. Smith III.

Distributed to the dean of the School of Law, the executive vice president and provost, and the president on October 4, 2006. Copies are available on request from the Office of the General Faculty, WMB 2.102, F9500. This resolution is posted under "Memorials" at: <http://www.utexas.edu/faculty/council/>.