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Tribute to Professor Gilliam

BY FREDERICK W. WHITESIDE*

The Kentucky Law Journal dedicates this issue to the memory of Professor Emeritus Richard Davenport Gilliam who died in Charlottesville, Virginia on September 20, 1986, a few months short of his 89th birthday. Professor Gilliam (known as "Dick" or "Mr. Gilliam" to students and friends) will be long remembered by hundreds of alumni who knew him as Visiting Professor at the University of Kentucky in 1951-1952 and again as Professor of Law from 1955-1967.

Born at Petersburg, Virginia, November 16, 1897 into a family of distinguished lawyers, he enrolled at the University of Virginia, but his education was interrupted by World War I. Following military service with the Rockbridge artillery and work in a steel mill, he returned to Virginia to finish his B.A. in 1921 and his LL.B. in 1924. His college and law school honors include membership in Beta Theta Pi, The Raven Society, Phi Beta Kappa, Eli Banana, the Jefferson Society and the Editorial Board of the Virginia Law Review. He practiced law as a member of a small firm in Birmingham, Alabama for 17 years after graduating from law school. Again in 1942 military service interrupted his career. He volunteered as a private in the U.S. Army and was discharged in 1946 with the rank of Captain, after serving on many fronts ranging from Fort Knox to the Persian Gulf. At the end of the war he went to Korea as Court Supervisor for Korean Courts with the United States Military Government following the Japanese occupation. He is remembered by the Korean Bar and educated public for changes in Korean criminal law to include safeguards against illegal arrest and detention of suspects charged with crime. Reforms such as an independent judiciary and procedures akin to our habeas corpus were introduced.

Returning from Korea, Dick resolved at age 50 to enter the teaching profession. He pursued graduate studies at Yale Law

* Professor of Law (Emeritus 1978). B.A. 1933, University of Arkansas; LL.B. 1936, Cornell University; graduate fellow 1956-57, Yale Law School.

School, taught one year as a visitor to the University of Kentucky law faculty and two years as Wake Forest School of Law before becoming a Professor of Law at the University of Kentucky from 1955 until 1967 when he was subject to mandatory retirement at age 70. He then reentered the active practice of law, this time in Owensboro, Kentucky with Hugh Moore, under the firm name of Gilliam and Moore. He was highly esteemed as a lawyer's lawyer, especially in his speciality of real estate titles and conveyances. After his last "retirement" in 1975 he returned to his second home, Charlottesville, where he spent the remainder of his life. He was made an Honorary Member of the Charlottesville-Albemarle County Bar and at all times maintained active contact with the law and his friends.

What are the continuing memories stemming from Dick Gilliam's 15 years in law teaching? His teaching subjects numbered 14, exclusive of the first year Legal Writing, a proliferation of law teaching loads not equaled in today's law schools. Always the true Virginia gentleman, he was among the first to urge adoption of an Honor code by the Student Bar Association. Outside the classroom he maintained broad intellectual interests and associations in the University community, serving as president of the University of Kentucky chapter of Phi Beta Kappa and as a member of the important non-resident fees committee.

"Thank God for Gilliam" has been the most frequent tribute from former students, many of whom are now highly successful in law practice. Why? The student body twenty years ago was much smaller and was quite different in characteristics from today's classes. Most of the students were from small Kentucky communities, with Louisville and larger cities less well represented. Many students had deficient academic backgrounds, especially in effective use of the English language. Basic writing skills, not just grammar and punctuation, but analysis and organization of ideas, is a basic tool of the lawyer. Dick saw improvement of these skills in the individual student as a primary need, and dedicated his time and energy to this need. Both in the first year legal writing classes and in help to students writing law journal notes, Gilliam unselfishly gave his time to teaching future lawyers how to write effectively. Although little of his scholarship is preserved for posterity in the printed page under his name (see, however, *Comment on a Review*, 45 Ky. L.J.

386-392 (1952)), his legacy is preserved in student notes with which he worked and in briefs and opinions of graduates who became lawyers and judges. Thus, it may be well said that he wrote in the hearts and minds of students.

Not only was Dick an exacting taskmaker working to see that each individual reached his full potential, he also enjoyed, loved and never forgot his students. More than once when financial times got tough he reached into his own pocket to help. Mr. Gilliam did not marry, but had a large number of relatives, including much younger nephews and nieces with whom he kept in touch. Their reputedly calling him "Dickie-Boy" was really a mark of respect for his friendship. He did not talk down to children, but entertained and educated them with wit and humor.

Small of physical stature, but forceful of demeanor and conviction, Dick Gilliam made a lasting impression upon students. His concept of right and wrong was so clear, and he attempted to put into practice what he preached. One example will demonstrate. Before election day he had emphasized to his students their strong duty to vote. When election time came David Short's (Class of 1967) car broke down. Without hesitation, Dick handed Dave his car keys to drive to Harlan to vote, although he knew from their discussions that Dave would cancel his own vote. He believed everyone should come to class, prepared, even at 8 a.m. Saturdays following Friday night parties. He never forgot a friend. Graduates who visited him 10 to 15 years after his retirement from teaching say he would customarily ask about activities of all their classmates.

Professor Gilliam's personal friendship with students is reciprocated by many alumni who have continued to ask about him over the years. It is altogether fitting that the Alumni Relations Office has created a special fund in his memory to support student scholarship.

