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Mark S. Dray

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JOHN E. DONALDSON

INTEGRITY, SENSITIVITY, AND CONTRIBUTION:
A LIVING CITIZEN LAWYER

MARK S. DRAY

Following the early leads of then-Governor Thomas Jefferson, who encouraged The College of William & Mary's Board of Visitors to establish America's first Chair of Law, and George Wythe, who occupied that Chair, recent leaders of both the College and its Law School have strongly supported the development and training of citizen lawyers—not just lawyers.¹ John Donaldson received the William & Mary Law School Alumni Association's Citizen Lawyer Award in 1997. Few will achieve the prominence of persons associated with the College and its Law School such as John Marshall, James Monroe, Henry Clay, Edmond Randolph and Bill Spong,² but John Donaldson has provided, by example, the essence of what each of us might strive for in both our personal and professional lives.

Although one's contributions to society and the world in which he lives bring personal satisfaction, to a teacher recognition by students and peers must bring perhaps the greatest sense of accomplishment. John received the Thomas A. Graves Teaching Award in 1988, and in 1993 the Walter Williams Graduating Law Student Award.

In preparing to write this tribute to John, I solicited comments from former classmates, alumni, and colleagues. The praise for John was uniform as has been the positive impact he has had on the personal and professional lives of many. A number count John among the best teachers they ever had. Shared below are some of the comments I received.

1. See William G. Broaddus, *Citizen-Lawyers Do we fulfill our duty?*, RICHMONDB. (The Bar Ass'n of the City of Richmond, Richmond, Va.), June 2000, at 2

2. See *id.*

In 1966, eschewing the rewards of private practice, John joined the Law School faculty straight from the Legislation and Regulations Division of the Internal Revenue Service where he had just had a major impact on the private foundation regulations. Although in fairness generational comparisons are always difficult at best, suffice it to say that as a member of the Class of '68, I can attest that the Law School had not yet begun to achieve its ultimate potential when John arrived on the scene. Thus, it had not attracted a large group of the best and the brightest students or faculty members. We had all heard about John's academic prowess and were concerned about the academic challenges lying ahead from the new kid on the block.

Those of us there at the time remember when "John's hair was totally black."³ John's first teaching assignment was an Estate and Gift Tax class. He later admitted that he was just a few cases or chapters ahead of the class in his preparation, but it was always obvious that his analytical skills were light years ahead of ours.⁴ Early on, "he had a sense of not only what was technically correct, but also what made practical sense."⁵ In short,

John was the ultimate teacher. He had an unusual enthusiasm for learning without being eccentric—a characteristic that seemed to run through the faculty at the time. He was genuine and honest—he never hesitated to admit he didn't know all the answers. He has always had a sincere interest in his students as persons as well as potential practitioners.⁶

One former student wrote of John's "mythic" status as a teacher and arranging his schedule to take as many courses as possible from Professor Donaldson:

As a teacher, by far my most lasting impression of Professor Donaldson was of sheer volume. From the moment [he] started his lecture, which was about three seconds after walking

3. E-mail from Howard J. Busbee, to Mark S. Dray, Partner, Hunton & Williams (June 20, 2000) (on file with author).

4. *See id.*

5. *Id.*

6. *Id.*

through the door, until the class ended, John proceeded to impart facts, structure, and explanations regarding the Internal Revenue Code at breakneck, non-stop pace, with never an “umm”, “uhh” or “y’know.” Moreover, what he said was worth listening to. His insight and explanations . . . gave clarity to subjects that the associated textbooks left less than clear.⁷

Another tells:

When I took federal income tax from John during my second year of law school, he would razzle-dazzle the class by opening his Internal Revenue Code to the exact page that had the Code section he was looking for. He never said a word about it. He would just open the book and start reading, hardly ever having to turn a page to find the section. The prevailing theory was that he had the whole thing memorized so it really did not matter what page he turned to.⁸

A former student with a less than stellar law school record wrote of visiting the Law School during the summer in hope of increasing his chances of being accepted to the Masters in Law & Taxation Program. He met John briefly on that visit. The student was later surprised that John remembered his name and asked him to stop by his office, when they met in the hall shortly after school started. Stopping by a few days later, the student was even more surprised when, after a few pleasantries, John got right to the point:

“Steve, you are required to have a 3.0 average to graduate from this program. I note that your law school average was slightly below 3.0. I think that you can succeed, but I would suggest that you apply yourself. End of discussion.”

At first, I was a touch miffed by John’s welcome to the program. Then I decided to heed his advice. I worked more diligently and with better organization than I ever did in college or law school. The results were significantly better grades and a higher level of self-confidence than ever before.

7. Letter from Craig H. Smith, Partner, Dunton, Simmons & Dunton, L.L.P., to Mark S. Dray, Partner, Hunton & Williams (June 13, 2000) (on file with author).

8. Letter from Dianne Wilcox, to Mark S. Dray, Partner, Hunton & Williams (July 3, 2000) (on file with author).

To this day, I vividly remember John's admonition and consider it a turning point in my law career. Until that moment, I do not think I had ever really applied myself to my work the way I have subsequently. I think John helped me become an adult.⁹

One former classmate and fellow Editor of the Law Review noted that John "arrived at law school, a Phi Beta Kappa Math major from Richmond, in 1960, and breezed through the first year at the top of his class—by far. There were nine American Law Reports book prizes available to the top student in each of nine first-year classes. John won nine."¹⁰

The same classmate also tells that, "[w]hen John took the bar exam, he was concerned about having passed, which was really laughable to anyone who knew him. Indeed, the legend goes that John scored over 400 on the exam, the perfect score being 10 on each of forty questions presented over a two-day period."¹¹ This could be attributed to John's "bionic brain" which was a joke among his students in the late-seventies during the "era of the bionic man in *The Six Million Dollar Man*."¹²

John has varied professional interests and has taught, written, and lectured on different topics over the years. His prolific writing and speaking confirms both the breadth and depth of his interests. He has been a popular and regular lecturer at judicial conferences and has spoken at the prestigious Hecherling Institute. Tellingly, his topics in recent years have often focused on ethical issues or issues involving the rights of the elderly and disabled. These interests are but examples of the integrity, caring and sensitivity of the man recognized by his many students.

In addition to teaching, John has participated in numerous professional activities and made many contributions to his community and to "the law" in the grand tradition of a William & Mary citizen lawyer. He served as a member of the James City

9. E-mail from H.L. Stephenson, III, Attorney, Ward and Smith, P.A., to Mark S. Dray, Partner, Hunton & Williams (June 14, 2000), (on file with author).

10. Letter from Rex Cherryman, to Mark S. Dray, Partner, Hunton & Williams (June 16, 2000) (on file with author).

11. *Id.*

12. E-mail from J. Lee E. Osborne, President, Carter, Brown & Osborne, P.C., to Mark S. Dray, Partner, Hunton & Williams (July 27, 2000) (on file with author).

County Supervisors from 1971-1979 and as its Chair in 1975 and 1979. One of his colleagues on the Board remembers John as follows:

As a supervisor, John was the quintessential rational man. He applied the same strong mind to public policy problems that he used on legal analysis. . . . I occasionally disagreed with John's conclusions because we started with different assumptions, but I never failed to be impressed with the strength of that powerful mind.

John served two terms on the Board. His reasons for not running again, as I recall, included sabbaticals and travel. But I was always convinced that a major reason was simply that the job at the time did not adequately engage his analytical powers. Later, the job became more interesting as the County grew, with the problems and solutions becoming more complicated. But in 1979, the County (and the Board) were pretty quiet. To stay interested, John needed a tougher set of problems. There were many later times when I thought, "We need John Donaldson!"¹³

The Board's legal advisor recalls:

The fondest memory I have of John as a supervisor is that he never second guessed me. I was a 33 year old kid and John, one of the brightest people I have ever known, could have easily done so. While we had some pretty lively discussions on numerous matters, he always deferred to my judgment.

....

... John was [,however, still] the quintessential professor. He would [sometimes] jump up in the middle of a meeting saying he had just remembered he was supposed to pick up [his wife] Sue or one of the kids 30 minutes ago. Half the time John left to go somewhere, his briefcase stayed behind.¹⁴

William Broaddus, a former Attorney General of Virginia, had these recollections about John:

13. E-mail from Jack Edwards, to Frank M. Morton, (July 15, 2000) (on file with author).

14. E-mail from Frank M. Morton, to Mark S. Dray, Partner, Hunton & Williams (July 19, 2000) (on file with author).

When I was in the Attorney General's office around 1984 or thereabouts, there was a very complicated case relating to a charitable bequest involving Montpelier—the home of President James Madison in Orange County—and we asked John if he would represent the Attorney General's interest in assuring that the charitable bequest was upheld. He did a superb job representing the Commonwealth in the matter and helping preserve the charitable nature of Montpelier. My recollection is that he did so without charging for his services, other than possibly being reimbursed for travel and out of pocket expenses. It really was a wonderful service and a perfect example of the citizen lawyer concept.¹⁵

Similarly, John has served as liaison to the Virginia Board of Bar Examiners since 1967. These are but a few of John's many and continuing efforts to leave the world a better place than he found it.

John entered our lives as a real gentleman and those of us who have been touched by him are better for it. He truly exemplifies the essence of the citizen lawyer who has used his teaching skills, integrity, and sensitivity—framed by his sense of responsibility to contribute to the greater good—to lead by example. He will be missed. Hopefully, he will never be far away!

15. Telephone Interview with William G. Broaddus, Partner, McGuire Woods L.L.P. (July 24, 2000).