

# THE LIFE OF FRANK ELLIOTT

Written by his wife, Kay Elkins Elliott



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A giant, gentle heart has sailed over the last horizon. Those it embraced are enriched by its gifts and sad to see it sail away. Frank Wallace Elliott Jr. used his ninety-one years wisely and well, leaving many friends, colleagues, students, and family members wiser and happier. He filled those he touched with love, kindness, wit, warmth, and wisdom. He is greatly missed by all.

Frank was a humble man for all his many accomplishments: Order of the Purple Heart with Oak Leaf Cluster; Korean Service Medal with 3 Battle Stars; United Nations Service Medal; Order of the Coif; New Mexico Military Hall of Fame; Professor of Law at three Texas law schools and the Dean of Texas Tech Law School; as well as the founder and first Dean of the Dallas Fort Worth School of Law which became the Texas A&M School of Law in Fort Worth, Texas. In 1989 when he helped found the law school, newspaper stories referred to it as "Frank's Law School" because his distinguished academic reputation and his faith in the need for a second law school in North Texas that would

provide day and night classes, was a primary force behind its success. In his sixty years of teaching law and mediation he touched the lives of thousands who are now lawyers, judges, politicians, and professors.

Early in his career he served as the Texas Senate Parliamentarian from 1969 to 1973 and headed the Texas Constitutional Revision Commission during 1973 while also teaching Civil Procedure and Evidence at the University of Texas law school. He continued to teach and write about evidence and Texas civil procedure for 60 years, retiring when he was 88. He was granted the title of Professor Emeritus and also Dean Emeritus.

After serving two tours of duty as a tank platoon commander in Korea, during which he was wounded twice, and as a professor of law at the Judge Advocate General's School, U.S. Army, he retired from the Army Reserve with the rank of Colonel. He attributed his military interests to his father, Frank Wallace Elliott Sr., who served in World War I and was temporarily stationed at Camp Bowie in Fort Worth, Texas.

Frank's initial exposure to the law was at the lunch table of his uncle by marriage, James P. Alexander, who was the Chief Justice of the Texas Supreme Court. When Frank was a child, the Judge would ride home on his horse for lunch and discuss with his daughters and Frank the latest case before his court, asking them what should be the outcome. That was Frank's early and influential exposure with "thinking like a lawyer". His brain was particularly well suited to this type of intellectual activity: logical, rational, analytical, and fair-minded. He has said he was also influenced strongly by one of his law professors, Judge Robert Stayton, whose expertise in civil and criminal procedure was the force behind Frank's lifelong interest in teaching and writing about those subjects.

He attended grade school in Dallas, junior high in Graham and then went to the New Mexico Military School for high school and the first two years of college. He graduated at the top of his class, attended the University of Texas at Austin, and received his B.A. in 1951. After serving in Korea for two years, he attended law school at U.T. and graduated with High Honors in 1957, serving as the comment editor of the Texas Law Review, and as a Quizmaster, member of Phi Delta Phi, and Chancellors. He pursued graduate law studies at Columbia University during 1961-1962.

He was a prolific scholar and his published works include the following:

*Evidence: Annual Survey of Texas Law* in the publications of 1971 – 1975;

With Hodges, Jones and Thode, *The Judicial Process Prior to Trial in Texas*, West (1966), Second Edition, West (1977);

With Sutton, *Cases on Evidence*, West (1971), Fifth Edition, West (1980);

With Wright, *Annual Supplements for Miscellaneous Volumes of Wright and Miller, Federal Practice and Procedure* (1971 – 1992);

*McDonald Texas Civil Practice*, 5 Volumes, Callaghan & Company (1971 – 1992);

*West's Texas Forms*, Volumes 9 and 10, *Civil Trial and Appellate Practice*, West 2nd edition 1989, 3<sup>rd</sup> edition 2000, 4<sup>th</sup> edition 2012;

Co-Editor with Kay Elliott and chapter author, *ADR Handbook*, ADR Section, State Bar of Texas;

With Kay Elliott, *Simple Dispute Resolution, A Handbook of Settlement Science Solutions*, Knowles (2008).

Frank helped change legal writing, believing ornate words should be replaced with clear, concise language. He valued succinctness, clarity, and kindness in speaking and in writing. His photographic memory enabled him to see, think and understand quickly, accurately and clearly. His scholarship reflects his commitment to truth, kindness, and fairness.

Frank was a trained mediator and one of the first Deans to include mediation, negotiation, and other dispute resolution courses in a Texas law school – a program which is now ranked as sixth in the nation. He was very proud of the law school's ADR program, its scholarly publications, its advocacy successes, and ten national championships.

In his personal life he knew how to love unconditionally, as his daughter, Lindsey, and his wife and three step children attest. He was a doting father to his only child, Lindsey, and they had many adventures together. When he was Texas Senate Parliamentarian, Lindsey was a senate page. When he was the president of the Southwestern Legal Foundation, Lindsey worked beside him as an administrative assistant. She accompanied him on many trips in many countries. She says "Daddy had the ability to always make me feel comfortable in my own skin."

Kim McConnell, his step-daughter, reflects that he entered her life when she was 15, and that he brought stability and a steady love to her family. He went to her track meets, took her on college recruiting trips, and helped her move into the dorm at Rice University when the temperature was 110. He helped plan her wedding, was a doting grandfather to her two children, and brought love and harmony to the entire family. She cherishes memories of the many beautiful Christmases celebrated with Frank and his generosity and affection.

His other step-daughter, Samantha, recalls many loving and remarkable stories about her Dad. In 1989, when he co-founded the law school, she was confused about why he was starting a night law school. Once she watched a segment of the TV show “Night Court” she suddenly understood that many would-be lawyers could not attend day classes due to economic realities and realized that he was creating life-changing opportunities for anyone who would work hard. She ran into the den where he was sitting in his leather chair doing the New York Times crossword puzzle in ink. She just said “Night Court” and he chuckled and said “Yes!” and suddenly she understood that Frank’s generosity of spirit and pursuit of equality and equanimity meant putting everything on the line to help those who strived for more but had been denied access to the system.

Frank was trust-worthy, a loyal friend, a diligent scholar, a warrior, a gentleman, a devoted and supportive husband, a very good person. He had the heart of a lion and the gentleness of a lamb. His motto was *be succinct, be clear*. He believed in this creed: “Always take your work seriously, never take yourself seriously”. He is survived by his daughter Lindsey Elliott, his step-children Kim McConnell, Samantha Germany, Brett Hodgson, and his wife, Kay Elkins Elliott, as well as six grandchildren: James, Lola, Dodge, Quinn, Levi, and Emerson. They know they were lucky he was in their lives. He is greatly missed by them and by everyone who had the privilege of knowing him: students, colleagues, friends, proteges, and associates.

“Love is not affectionate feeling but a steady wish for the loved person’s ultimate good as far as it can be obtained”- C.S. Lewis. Frank lived that definition every day of his beautiful life. His journey on the earth is not over – it continues in the many wonderful deeds, memories, scholarly contributions, and friendships he created while here.

“We laugh and laugh. Then cry and cry. Then feebler laugh. Then die.” Mark Twain, Frank’s favorite writer and philosopher.

