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Per Curium

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RANDY LEE: A LIFE REMEMBERED

PER CURIUM*

“Through our great good fortune, in our youth our hearts were touched with fire.”

Oliver Wendell Holmes, Jr.

March 3, 2005 will come to be known as a date that bisects the history of the State Bar Association of North Dakota, for it was on that date that the Bar lost its “institutional memory,” Randy Lee. Though the time since his passing has been brief, it is already apparent to those of us who have had the privilege of learning from, serving with, and living alongside Randy that things will never, and in many ways can never, be the same.

Our first memories of Randy are as students of Randy Lee, Professor of Law. Brilliant, organized, thoughtful, witty, charming—all words that describe those early lessons. When all is said and done he was, through and through, a teacher, not just of law but of life. The lessons we learned from him were varied, and we never quit learning from him. Every conversation with Randy seemed to ultimately tie into a lesson on life and good living—and we will certainly miss those lessons.

Randy brought so many gifts to the table. Any attempt to catalogue them necessarily falls far short of the man. Even so, the bar would be remiss if we didn’t note at least some of the gifts he gave to the bar: his genius, his passion, his joy, his boundless enthusiasm, his prodigious literary abilities, his limitless capacity for friendship—all of these attributes and more are his legacy to those of us who toil in the trenches of justice in North Dakota. It was, however, this boundless capacity for friendship that more than anything made Randy Lee the best among us.

Randy had the remarkable capacity to be a mentor, a friend and an advocate all at the same time and in such an unassuming and effortless

*This remembrance is a collaborative effort of Daniel J. Crothers, Ralph R. Erickson, Alice R. Senechal, and Michael J. Williams at the behest of the Board of Governors of the State Bar Association of North Dakota. We were called upon as a result of our work on the Joint Committee on Attorney Standards where we had the privilege of serving with Professor Lee. In truth we hope that our thoughts have captured the “sense of the bench and bar” and prefer that the actual authorship be attributed to the students and colleagues of Randy Lee. We are convinced that others could have said it better, but none could have said it more heartfelt. The only fitting and lasting tribute to Randy Lee is a life well lived in service of others, and our deepest desire is that something we have said here might inspire the bench and bar of North Dakota to live up to the very high standard Randy set for all of us.

manner that no relationship with him was ever strained. As an advocate for his students, even those of us who weren't at the top of the class, he was unparalleled. Speaking from experience, hiring associates or law clerks can be a rather daunting task—but as long as Randy was around it seemed at least a manageable one. He had the ability to see things in other people that they couldn't see in themselves and the ability to see the person in the “right place”—that place that allowed a burgeoning young lawyer to be more successful than he or she could imagine.

He never said an unkind or uncharitable word about anyone when his advice was sought, but he was adept at taking a hard look at what the potential employer was seeking and matching those attributes to the persons under discussion. He was honest, objective, and probing about his students and always seemed to know the things that motivated them. His letters of reference were long, thoughtful, and reflective—in short, a work of art. Frankly, the only time any of us ever stumped him during one of these conversations about a new hire was related by Judge Erickson, who said, “Once while seeking information on a potential new law clerk I mixed up two resumes and came up with a hybrid name—which drew an inimitable Randy Lee response: ‘Do I know this person?’ Indeed, he did—in great depth it turns out—once I came up with the right name.”

At his memorial service it was remarked that Randy had thousands of friends—each of whom thought that he or she was Randy's best friend. It is a mark of a great human being that people are attracted to them as naturally as moths are drawn to a fire. How people accomplish this attraction is a much more difficult question. Some possess sheer genius that brings the onlooker to awe. Some possess a force of personality that tends to command respect. Some possess great love, for all of us love those who love us. Randy had all these attributes and something more, he possessed joy. To be with Randy Lee was to experience life in its fullest sense.

A conversation with Randy was like a seven course banquet: every one contained moments of mirth, times of intellectual challenge, insights into human thought, appreciation for the gifts of others—and yes, solutions to real life problems. In our reminiscences of our last conversations with Randy, one of us recalled a conversation, which occurred a few weeks before Randy's untimely death, during which the following topics were discussed: the latest rule changes proposed to the North Dakota Supreme Court, the U.S. Supreme Court's ruling in *Minnesota Republican Party v. White*, a recent law graduate who had been hired, doctors and their rules and medicines, a couple of new restaurants, baseball and steroids, a prominent law firm in Baltimore, former law students of Randy's who have become judges, an Attorney General's Opinion from Minnesota, who was

likely to be appointed to a judicial vacancy in Minnesota, a recent Eighth Circuit opinion on the Fourth Amendment's prohibition on unreasonable searches, and the last Malpractice Bowl. During the conversation, which lasted about 45 minutes, there was laughter, imponderable questions, and a good bit of practical advice. It was vintage Randy Lee.

Randy simply cared deeply for people. His love for his students transcended time and distance. When you saw Randy it didn't matter whether he had seen you yesterday or ten years ago, he always remembered who you were—and he recalled details that had long since faded into the mists of lost memory. Recently at a twenty-five year class reunion, Randy demonstrated this skill in a way that was remarkable, even for those of us who knew him well. During the course of the evening he recalled the most arcane details, like where a student sat in his class, or how he or she did on some exam twenty-six years ago. In Randy's world there were no nameless students, and his concern and care was demonstrated time and again—often over great distances and time. If you had ever been a student of Randy's you simply knew that he cared about you—not so much about you the lawyer—but about you as a person.

We were given the privilege of writing this piece on behalf of the State Bar Association of North Dakota because each of us shares another bond with Randy—we each chaired the Joint Committee on Attorney Standards and served for years with North Dakota's resident expert on the topic of ethical attorney conduct, Randy Lee. Randy's enthusiasm for the area was unparalleled. He once described himself as a Joint Committee on Attorney Standards "addict" and stated that the work of the committee was "some of the most important work that I do in my job." As chairs of the committee, we certainly agreed with this assessment.

Serving with Randy in this capacity was an inexpressible joy. We agree that the worst thing about being appointed chair of the committee was that we no longer were afforded the opportunity to sit next to Randy and share in his sardonic comments on the rules and the conduct we sought to curtail. Randy's role on the committee was multi-faceted: he was the person who was given the task of writing the most difficult drafts; he was the person who served as the final authority on all questions of syntax and grammar (he would be appalled by this article's disdain for established rules of grammar!); and he alone owned the agenda item "correction and approval of minutes" of the last meeting.

But more than that, Randy *was* the institutional memory of the committee. Professor Lee had served as a member of the Attorney Standards Committee longer than any of us can remember. This is a bigger accomplishment than it might appear at first blush as our involvement in the

Joint Committee on Attorney Standards and its predecessors spans nearly two decades. Whenever there was a question like “Why was this rule drafted this way?” or “Why doesn’t our rule track the ABA rule?” Randy was there with a quick answer. Every once in awhile as Chair, we tried to wrestle back control of a committee meeting by directing the staff to go back to committee’s minutes and seek out the sections that related to a rule—and every time, without exception, Randy’s off the cuff explanation (which was always coupled with the statement that he wasn’t exactly sure but he thought. . .) turned out to be exactly correct. This loss of institutional memory is a tremendous loss to the committee and the bar—and our work will be made infinitely more difficult without him.

The truth is, however, that the bar lost more than a prodigious intellect, a gifted man who possessed both greatness and humility—we lost our friend. Professor Lee taught most of us, was mentor to nearly as many, but more than that, he was a friend to each of us who served as members of the bench and bar. Randy Lee loved people—but he had a particular fondness for lawyers. He understood that the work was challenging and rewarding, difficult and enlightening, that it could be both brutal and ennobling. He sought to bring out the “better angels” of our human nature in service to the public and the profession. He succeeded more with some than with others. But each of us has been materially changed—indeed improved—by Randy.

What is the legacy of this gentle giant of a man? Well, a bar that is more professional, more cordial, more responsive to the needs of our clients, and more responsive to the concerns of the public than it would otherwise have been. When you call a lawyer and ask for a short extension to answer discovery because you have a child graduating from high school—the odds are that the responding lawyer will remember Randy’s advice that “practicing law is difficult enough without being difficult for the sport of it” and you will graciously receive the extension. When a lawyer calls another lawyer and suggests that perhaps there is a solution that doesn’t require litigation, it just might be that someone has called to mind Randy’s admonition that “the best time to settle a case is the first clear chance you get to settle it.” When a lawyer negotiates a settlement with you that allows your client to retain his or her dignity, maybe that lawyer has recalled Randy’s nugget that “the fact that you operate in an adversarial system doesn’t give you license to brutalize the innocent—or even the guilty.” We are, we believe, a little more thoughtful because of the lessons this man taught us.

It is nearly always trite to state upon one’s passing “he truly made the world a better place.” However, Randy Lee was different—he *did* make the world a better place for the hundreds of students and colleagues he taught

and through their efforts, thousands more have been better served. More to the point, our legal profession is better, and our community is better because of Randy's efforts.

Our time with Randy was cut tragically short, and we mourn his passing—but more importantly, we celebrate a life well lived. He was the best and the brightest among us. We loved him and respected him. And God knows, we miss him mightily. Until we meet again in that great by and by, Godspeed, good friend, Godspeed.
