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RANDY LEE— CONSCIENCE OF THE BAR AND THE BENCH

CHIEF JUSTICE GERALD W. VANDEWALLE*

I am pleased to be a small part of the dedication of this issue of the North Dakota Law Review in honor of and in memory of Randy Lee.

To a substantial number of North Dakota lawyers, a large majority of whom are graduates of the University of North Dakota School of Law, Professor Randy Lee, teacher extraordinary, was an integral part of the fabric of the legal profession in our State. Regrettably, I was years too old to have, as a student, experienced Professor Lee in the classroom. I write, therefore, not from the perspective of one of Randy's students but, as all lawyers in North Dakota, UND graduate or not, from the perspective of Randy Lee, friend and colleague.

Perhaps the adage "to know him is to love him" fits Randy. Notwithstanding his appealing personality and always interesting conversation, his quick wit and superior command of the language could quickly reduce an ill conceived position or idea to rubble. I would be surprised if Professor Lee's former students had not observed or been the subject of that formidable combination of wit and tongue.

Other writers will undoubtedly describe Professor Lee's many talents as teacher from their personal experience as student or faculty colleague. I write from my experiences with Randy in some areas of mutual activity on a national level and, with your indulgence, on a more personal note, as a justice of the North Dakota Supreme Court.

Although I had known Randy for several years, in 1986 I was asked to serve on the Bar Admissions Committee of the Council of Legal Education, an entity of the American Bar Association. Randy was a member of the Committee. I knew little of the work of the Committee whose primary membership was at that time Deans, law professors and bar admission authorities. As I came to understand, the Chair of the Council wanted some judges from Courts who had the responsibility for admission of lawyers to practice to serve on the Committee. Randy and I served together for a time but, as he predicted, it was unlikely North Dakota would continue to hold

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two seats on what was a national committee and Randy left the Committee. I told Randy I was uncomfortable with the outcome but he assured me I should not have guilt feelings. At that time I had little knowledge of the operation of the Section of Legal Education and its committees, but I later learned that ordinarily one is recommended for service on the committee by someone already involved. Randy obviously had been noticed by someone involved in the work of the committee. I never knew whether Randy “put the finger” on me.

During the time Randy and I served on the Bar Admissions Committee I realized the great respect and affection in which he was held by a large number of people across the legal community. Certainly he was highly regarded by the members of the Committee. Attending an American Bar Association function with Randy was indeed an experience as there was a constant flow of people greeting him with great warmth and obvious fondness. In attending Committee or other ABA functions in subsequent years there were always people inquiring of Randy and, after his death, expressing their sorrow and remarking how well they liked and respected Randy. Today there are people I met through Randy who remain close friends of mine and remained close friends of Randy’s until his death.

Randy was a barometer for how well the Court was functioning in both its adjudicative and administrative functions. Randy seldom criticized openly and certainly never maliciously but I could sense when he was less than enthusiastic. On rare occasions he would drop a note on a particular opinion that he thought was unique and well done. I cherish the thoughts he expressed in those notes for Randy was not one to gush and he was not easily impressed. He was more vocal on some administrative matters and on more than one occasion I sought his advice or “bounced something off him” to gauge his reaction to a proposed administrative move. In many instances he offered suggestions, either substantive or procedural, to make what might be a controversial administrative decision more palatable to the Bar.

I do not speak for the Bar, others will, but in so many ways Randy Lee was, to me, the conscience of the Bar. Indeed, he taught the Professional Responsibility courses and probably believed it his continuing obligation to be knowledgeable and available on issues involving the professional obligations of lawyers. But he was more than that. Randy served as one of the Court’s appointees to the Joint Committee on Attorney Standards. Established by Administrative Rule 38, the committee provides a single vehicle for the coordinated, complementary and continuing study and review of issues concerning attorney standards and supervision. These include, of course, rules governing lawyer discipline. The rule provides that

no member of the Committee may serve more than two consecutive terms. Randy served initially as an appointee of the Bar Association and then as an appointee of the Court. His value to the Committee as a member and as an advisor are legendary. After Randy's death, staff sent me a memo reminding me there was a vacancy on the Joint Committee on Attorney Standards and that I needed to consult with the Court on a replacement. I thought how do we replace the irreplaceable? I still have no answer to my question.
