Tribute to Professor Mel Goldberg: In Remembrance of a Great Teacher

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IN REMEMBRANCE OF A GREAT TEACHER

Professor Robert E. Oliphant†

My friend of twenty-five years, Mel Goldberg, was a good man, in every sense of the word. He was loved by students, respected by colleagues, and a friend to everyone on the college staff. He worked tirelessly to make William Mitchell an exciting, vibrant, sound educational facility. This gentle, big, bear of a man, with twinkling eyes and a carefully tied bow tie, was a teacher’s teacher, a leader and a wonderful friend to many. His contributions to the college since joining it twenty-one years ago have been great and his loss is enormous.

I am surely not able to do justice to his life in this remembrance. What I will do is to highlight some of his achievements, the first of which was persuading Paula to marry him. Paula was Mel’s wife and best friend of more than thirty years. She supported, loved, and ever so gently and faithfully cared for Mel during those last awful eleven months of his struggle with colon cancer. As the Executive Director of a large nonprofit organization in Minneapolis, Pacer Center, Paula turned her home into her office so she could care for Mel and still continue with her business responsibilities. Mel tried to persuade her to work more in her office but Paula would not yield. She rode with him in the ambulance; sat with him for hours at their home as the disease ravaged his body; held his hand in the hospital CAT scan rooms; and stayed with him night and day for five weeks in the intensive care unit at Abbott Northwestern Hospital. In his darkest hours, it was Paula who was there giving him love, comfort, encouragement and hope.

Surely, Paula Goldberg is extraordinary. And, it is clear to me, that Mel could have never accomplished so much in such a short time without the exceptional love, support and encouragement of such a woman.

Mel was born in 1942 in Chicago, Illinois, to Ruth and Harry Goldberg, immigrants from Eastern Europe. In 1946, the Gold-

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berg family moved to St. Paul, where they opened the Ramsey Food
Market near Summit and Seventh Street.

Larry Hexter, a relative of Mel's, tells us that Mel grew up with
a father who possessed a "magnificent sense of humor" and a com-
passionate mother. Larry recalls that the Goldberg grocery store
customers mostly came from large not very well-to-do Catholic
families. Many customers charged their groceries, and Ruth and
Harry, although never certain they would be paid, believed most
would eventually find the money if given enough time. There is lit-
tle doubt that Ruth and Harry's compassion and concern for their
sometimes-beleaguered customers impacted Mel early in his life
and would be a part of him forever.

As a youngster, Mel worked long hours in the small store bag-
ging groceries, weighing produce, and making home deliveries, of-
ten on foot. Although in later life he would become an avid foot-
ball fan, during his years at home his duties required that every
Saturday be spent helping out at the grocery store. He never saw a
single football game until after graduation from college.

Mel's grade school teachers noticed his academic gifts and
with their help, he gained acceptance into the now extinct Univer-
sity High School. There he learned with some of the brightest stu-
dents in the Twin Cities who were taught by a corps of outstanding
teachers.

In 1959, Mel became a freshman at the University of Minne-
sota, and four years later he moved to the University of Chicago to
seek a law degree. There he interned in 1965 with the Illinois
Crime Commission, where he investigated, among other things, the
territorial war that had erupted between Chicago ice cream ven-
dors. Such an exhilarating summer internship no doubt aroused a
keen interest in criminal law that would give him direction in his
professional life.

The University of Chicago awarded Mel his juris doctorate in
1966, and with the assistance of a Ford Foundation Fellowship, he
continued his education. He received a master's of law degree
from the University of Chicago in 1968. During this period of his
life, he joined forces with Stan Bass, and the two of them launched
a nationally recognized bail program at the Cook County Jail in
Chicago.

For the next two years, Mel taught social work students at the
University of Chicago School of Social Service. One of his favorite
courses was "The Legal Problems of the Poor."
He moved from the School of Social Service to the position of Executive Director of the Cook County Legal Assistance Foundation in 1970. Then, in 1972, with his wife Paula and sons, David and Robert, Mel returned to the Twin Cities, where he accepted a position as an associate clinical professor of law at the University of Minnesota Law School. With co-director Jim Cullen, the two created a first-of-its-kind program in the nation. Mel, who loved acronyms, labeled the program LAMP or the Legal Assistance to Minnesota Prisoners program. The program, which allowed law students under supervision to provide civil legal services to inmates, became a model emulated throughout the United States.

In 1977, Mel moved from the University of Minnesota Law School to join the William Mitchell College of Law faculty as an associate professor. When the college decided to move more vigorously toward the main stream law schools in the nation, Mel agreed to assume the associate dean’s position. In the fall of 1980, I recall the first meeting of the “new” administration at Mel’s Minneapolis home where Mel, then Dean Geoff Peters, and I began to lay plans for the coming decade including building a new campus library. We also decided to stimulate the development of a nationally recognized legal writing program and seek entrance into the prestigious American Association of Law Schools for the law school. Each of these lofty goals was achieved during Mel’s lifetime and his contributions were critical to their eventual success.

His compassion as associate dean showed itself, as he became one of the prime movers behind the creation of a child care center at the college—a first for law schools in the nation. Thereafter, he went on to organize and perform in the annual childcare benefit program every year. He was a boisterous singer, a fair guitar player and loved doing the benefit.

In 1984, when a sexual harassment scandal triggered the resignation of Geoff Peters as dean, Mel bravely stepped in as acting dean and president—a position he held until 1985. In this position, he brought calm to troubled waters and concentrated on continuing to move plans forward for the new library. During his term he and the College Board of Trustees joyously burned the mortgage on the campus property making William Mitchell debt free.

William Mitchell provided Mel a tremendous outlet for his many talents. He established the LAMP program at the college, which is similar to the one he created at the University of Minnesota Law School. He also developed a program for mental health.
George Beck, an administrative law judge at the Office of Administrative Hearings, describes Mel as one of the best friends the Administrative Law Section of the Minnesota Bar Association has ever had. Fifteen years before his death, Mel created a professional newsletter for the section. He served as the editor of the newsletter, which was published three times a year, until his death.

A leading authority on administrative law, Mel mentored a clinical program, which placed law students at the Office of Administrative Hearings to work with administrative law judges. Mel served as a contract administrative law judge with the Office of Administrative Hearings for twenty years. There he handled a number of significant contested cases, as time permitted.

As a part-time administrative judge, he lectured his colleagues throughout the nation on administrative law issues. He received special recognition in 1995 for more than a decade of teaching from the National Judicial College. When learning of his untimely death, the National Judicial College awarded a $1,135 student scholarship in his honor. Mel generously donated his time and expertise to the college. The book he wrote for use by administrative judges at the National Judicial College, *Goldberg's Deskbook on Evidence for Administrative Law Judges*, is used nationally. Judges tell me his *Deskbook* has made a "real difference in hearing rooms and courtrooms across the country." Mel, of course, ever generous, received no royalties for this book.

While the law school provided Mel the platform to combine his love of teaching, his passionate pursuit of justice for the underdog, and his interest in the judiciary, in the mid-1980s it also provided him an opportunity to use his vision and love of computers. He was one of the first law school professors in the nation to recognize the potential that computers and the worldwide web could have for higher education. He was a force behind the creation of the electronic classrooms at the college and was among the earliest experimenters with the virtual classroom concept. Students in his criminal law class were among the first in the nation to post their papers electronically to the web.

He uncommonly loved both the classroom and his students, as the next two stories illustrate. Mel was deeply touched when the winter 1998 graduating class selected him to honor them with a charge to the class. It was two weeks before he was to give the charge when Mel found himself on the verge of death in Abbott
Northwestern Hospital. Two major operations and the side effects of chemotherapy had tore up his insides. But he would not concede and told me, repeatedly, that he would not let "my students down."

I vividly recall that cold overcast morning on January 1, 1998, when his doctors concluded that all that could be done had been done and that it might only be a few hours before the disease ended Mel's life. But Mel said he would not give up, and he did not. To the astonishment of the medical community, Mel rallied. In seven days, he walked out of the hospital, and just as he had promised, a little more than a week later, he delivered the charge to the class. It was miraculous!

The disease did not, of course, go away. It came back and Mel courageously fought it for another seven months. In August, about three weeks before he died, Mel had once again battled the cancer to a temporary draw and was persuaded he could and would teach his criminal law class in the fall. Although an oxygen mask kept him from talking, and even though he was in the intensive care unit at Abbott Northwestern, he made it clear to his administrative assistant, Anita Weitzman, and me that he wanted his class syllabus revised. So, I got a copy of the old one and for the next two days, when he had the strength, we edited the syllabus. As I talked, he signaled with his eyes and gestured with his hands. At times, when he was strong enough, he would scribble a word or two. Here was Mel, waging this courageous battle against this deadly disease and uppermost in his mind were his students and his syllabus.

When asked, his students will tell a listener about Mel's intellect, humility, honesty and integrity. They will say that here was a teacher willing to unselfishly impart all that he could offer to them. His office door was always open to students; he always returned their telephone calls. He listened to their troubles and compassionately tried to solve them.

As I said at the outset, Mel Goldberg was a very good man, in every sense of the word. As teacher, father, friend, tireless seeker of justice for the downtrodden, and unselfish contributor to his community—he set a standard that only a few can meet. He will be greatly missed but he will not be forgotten.