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Tribute to Justice Rosalie Wahl

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TRIBUTE TO JUSTICE ROSALIE E. WAHL

Eric Janus[†]

When my colleague at Mitchell, Ann Juergens, interviewed Rosalie ten years ago for an article on Rosalie's role in legal education, one of the things that Rosalie wanted Ann to have was a thirty-year-old folder of student papers—their reflections, written in 1975, on their clinical experiences in misdemeanor court in St. Paul. That Rosalie still had the folder was not an accident, because as she and Roger Haydock began their assignment to create a clinical program at Mitchell, she was, as she later said, “filled with a very heady exhilaration”¹¹ at the prospect of transforming legal education.

That she kept her student reflections—that she cared at all about how her students experienced their days in the crowded, corner-cutting, basement-located misdemeanor courts—shows us that she wanted to do more than transform legal education. She wanted to transform future lawyers, and through them, the quality of justice in our society.

Later, she summed up her educational philosophy this way:

Those years in the courts brought moments of truth to student attorneys and their professor as well. There we stood, looking at the criminal justice system from the bottom up, holding the same end of the stick as a grubby old defendant before the bench, and sharing the judges' respect or disdain for our client. It has ever been my hope that wherever you have been called to practice your profession—on the bench, in the legislature, as managing partner of a big law firm, or your solo firm, in prosecutor or defender offices, in public service of many kinds—that you would never forget standing there with that old defendant, holding the same end of the stick and looking at the system from the bottom up.¹²

Her hopes for her students were not idle. Here's what one of her students wrote back in 1975:

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11. Ann Juergens, *Rosalie Wahl's Vision for Legal Education: Clinics at the Heart*, 30 WM. MITCHELL L. REV. 9, 17 (2003).

12. Rosalie Wahl, *Lest We Forget: Celebrating Thirty Years of Clinical Legal Education at William Mitchell College of Law*, 30 WM. MITCHELL L. REV. 5, 7 (2003).

In the end, it seems that like everything else in life this system is a human one, and imperfect. Its rules are neither good nor bad, but only expedient. The good or the bad comes with the people that operate by those rules. Justice or injustice can both come from the same system. Whether it does or not depends on each of us.¹³

Who knows—maybe that student went on to become Chief Justice of the Minnesota Supreme Court.

While still on the court here in Minnesota, Rosalie was appointed to, and then quickly rose to the leadership of, the Council of the ABA Section on Legal Education and Admission to the Bar—the body that regulates legal education in the United States. She immediately convened a seminal national conference on skills and clinical education, and this soon led her to commission one of the most influential studies ever produced by the ABA on legal education—the Macrate Report, which crystallized what many law schools embodied, but others had forgotten: the importance of teaching the skills and values that underlie good lawyering. She went on to chair what became known as the Wahl Commission, which incorporated the recommendations of the Macrate Report into the accreditation rules for law schools.

Upon hearing of Rosalie’s passing, the ABA Section on Legal Education and Admission to the Bar passed a memorial resolution.¹⁴ The resolution recalls that in 1994 Rosalie was the first woman to win the ABA’s highest legal education honor, the Kutak Award, which cited her “pioneer spirit of the women of the plains in the last century.”¹⁵ Citing her “many contributions to the Section, legal education, the judiciary and the profession,” the resolution called her “a beloved and wise advisor.”¹⁶

So, Rosalie was a major national figure in shaping legal education. She was a champion for ensuring that law students get

13. Eric J. Magnuson, *Untitled Essay 3* (Fall 1975) (unpublished essay, William Mitchell College of Law) (on file with author).

14. See SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, AM. BAR ASS’N, MEMORIAL RESOLUTION: ROSALIE E. WAHL, *available at* http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/august_2013_open_session/2013_rosalie_wahl_memorial_resolution.authcheckdam.pdf (last visited Jan. 2, 2014).

15. *Id.*

16. *Id.*

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practical preparation for what is, after all, an expert practice. But she had a larger agenda. She wanted to bring the heart as well as the head into legal education. She worried that legal education “makes our graduates less feeling, less caring, less sensitive to the needs of others, less tolerant of the frailties of their fellow creatures, even less alarmed about the injustices of our society.”¹⁷

And, the genius of Rosalie Wahl is that she did not simply have the idea, she didn’t just hope to change legal education and improve the practice of justice and fairness in our society; she had the practical wisdom, in her gentle but cleared-eyed way, to see that it happened.

Because of Rosalie Wahl, many law students—the future guardians of justice—will stand there with that old defendant, holding the same end of the stick and looking at the system from the bottom up.

17. Juergens, *supra* note 11, at 23.