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Tribute to Professor Mel Goldberg: 1972-1977: Melvin B. Goldberg's Contribution to LAMP and Clinical Legal Education: A Tribute to My Mentor and Friend

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1972–1977: MELVIN B. GOLDBERG’S CONTRIBUTION TO LAMP AND CLINICAL LEGAL EDUCATION: A TRIBUTE TO MY MENTOR AND FRIEND

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The 1970s were an exciting time to be engaged in law reform. Many lawyers were committed to this task, particularly with respect to environmental and mental health issues, product safety, congressional and local elections, drug law reform, and more. Personally, I had developed an interest in our state prisons and the inmates’ unassessed need for civil legal services. It was in this regard that I came to know Melvin Bert Goldberg, a law professor whom we will all dearly miss. By this brief writing I hope, in some small measure, to pay respect to Mel for what he has meant to me as a mentor and friend.

In the summer of 1970, I was elected chair of the Young Lawyers’ Section of the Minnesota State Bar Association. In this capacity, I urged our membership to consider the provision of volunteer civil legal assistance to inmates in our state correctional institutions. This pro bono activity was endorsed by the Section after discussions and meetings with prison personnel confirmed the need for such a volunteer legal program. At the time of this lawyer meandering into our prison system, I was employed by an excellent Minneapolis law firm that fully supported this pro bono activity.

I am unable to recall the exact day in 1972 when Mel Goldberg first entered my life. What I do remember is receiving a telephone call from a young lawyer who informed me that he had recently moved to the Twin Cities from Chicago, Illinois, in order to com-
mence new employment. Mel Goldberg stated that he had been hired as an associate professor of law and director of a new clinical education program at the University of Minnesota Law School. This caller had recently learned about the Bar Association’s volunteer legal activity in the state prisons, and he wanted to speak to me about our experience. Given that brief introduction, I agreed to meet with this friendly lawyer.

At our first meeting, Mel explained that the federal government had made a consortium grant to three state university law schools for the establishment of a clinical education program, which would provide civil legal assistance and services to indigent inmates in correctional institutions. This grant advanced soft money for the development of a clinical course offering in the three law schools, with the thought and hope that if the experiment proved successful, the clinical legal education programs would thereafter be funded by hard money from state legislative appropriations. The University of Minnesota, University of Kansas, and the University of Georgia Law Schools were fortunate to be the designated recipients of this experimental grant.

In 1972, there were few clinical education offerings at the University of Minnesota Law School, and this was also the case nationwide. The lack of formal clinical education and training in law schools was in sharp contrast to medical schools, where medical students had for some time participated in the provision of patient care through clinical courses and programs taught and supervised by physician-professors. Given this educational backdrop and difference, the federal government’s grant was clearly innovative in that it would measure the inmates’ need for civil legal services and simultaneously test the waters with respect to the acceptance of clinical education as part of a law school core curriculum.

Never one to be lost for words, Mel proceeded to elaborate on the intended provision of civil legal services by law students to prison inmates. It was contemplated that these services would be provided by the students under the direct supervision of a law school faculty member, that they would be civil in nature, and they would not duplicate those criminal law services offered to inmates by the Minnesota State Public Defender. The grant to the University of Minnesota Law School provided for the hiring of two faculty members who would educate and supervise the clinical training of the enrolled law students. These same faculty members would also administratively direct the program.
One of the primary objectives of the federal government's grant was the education of law students regarding prisons and the correctional system. In part, this would be accomplished by providing the students with an opportunity to address, within the prisons and a law school educational setting, the broad range of civil legal problems experienced by inmate clientele who were unable to afford a private attorney. Law school faculty members would supervise the provision of civil legal service and advice by the law students to the inmates and, to the extent necessary or appropriate, appear as attorneys of record on an inmate's behalf in federal or state courts and before administrative agencies.

Following upon our first meeting, Mel and I continued to meet and discuss our respective prison programs. I am unsure at what point in the timeline Mel suggested that I personally apply for the second faculty position in what had then come to be known as the LAMP Project. (This acronym, which stood for Legal Assistance to Minnesota Prisoners, was a name that would come to be well known within the legal community and throughout the state of Minnesota.) Regardless, by the time Mel solicited my personal application for employment, I had been so stimulated and motivated by his description of the proposed project and its potential for law reform, that I had little hesitation in agreeing to apply.

I was fortunate to be interviewed, approved and hired by the University of Minnesota Law School as the second faculty member responsible for administering the LAMP Project. Thus, in late 1972, I left a secure associate position at a private Minneapolis law firm for what could only realistically be viewed as an educational and legal venture carrying with it a great deal of career risk and uncertainty. That being said, I was excited to join Mel as co-director of the LAMP Project and to commence employment as an associate professor of law at the University of Minnesota Law School. Although I generally recall doing this without looking back, a time did come when I questioned the wisdom of this career change.

There can be little historical question that, from the moment I stepped foot on the University of Minnesota campus, Mel Goldberg, an Eastern European Jew, and Jim Cullen, an Irish Catholic, became legally joined at the hip for a continuous period of five years thereafter. Working closely together with Mel during the formative LAMP years would later prove to be some of the most exciting and professionally rewarding years in my legal career. For this opportunity and professional experience, I am forever in-
Our LAMP clinical education course had both classroom and field components. The students were required to read and learn about corrections and prison law, including the law of prisoners' rights and all that went with it. Our students were randomly assigned to the various state and federal correctional institutions and traveled to them weekly for the purpose of meeting and interviewing inmate clients regarding their civil legal problems or concerns. It was shortly after these prison interviews that we conducted a law school classroom session involving all LAMP students. In the classroom setting, each student who had interviewed an inmate at a state or federal prison would present that inmate's legal claim to the LAMP clinic class. Following the student attorney's oral presentation, his or her fellow students then discussed and analyzed the legal merits of the inmate's legal claim or problem. This necessarily called into question the thoroughness (or lack thereof) of the LAMP student attorney's legal analysis, their classroom presentation of the inmate legal matter, and the advice proposed to be given by the student to his or her client. It was either at this time or shortly thereafter that the LAMP student and the faculty member who would be responsible for supervision of the student's legal work agreed upon a course of action for addressing the inmate's legal problem.

The law students had a responsibility to report the progress of their cases or claims to the class as a whole and to Mel or me on an individual basis. Each LAMP student assumed a fiduciary responsibility to his or her inmate client, and Mel reminded our students that they were required to communicate with their clients as if they were paying an hourly fee for service. This approach to the attorney-client relationship served to impress on the students, in a supervised clinical setting, the importance of regular communication with a client and continuing case progress. In fact, Mel and I regularly conducted "case review" with the students in order to ensure that deadlines for file action were timely adhered to and met by them.

The civil legal problems presented by inmates in the early 1970s were of a wide variety. Not only did they involve inmates' claims that they had been unconstitutionally disciplined and thrown in the prison "hole," had their parole revoked, been wrongfully beaten by guards and more, but the requests for legal assistance also included and came from those inmates who wanted to
visit their children at the prison, attend a deceased relative’s funeral, become divorced from their spouse or defend a wrongful death or personal injury action commenced against them. Word very quickly passed among the University of Minnesota law students that the LAMP Project was a clinical offering that provided students with a unique opportunity to enter a prison and interview an inmate, provide advice and legal assistance to that inmate regarding their legal problem and, if appropriate or necessary, appear with Mel or me on an inmate client’s behalf in a judicial or administrative proceeding.

I distinctly recall Mel Goldberg as being one of the persons who had input into the Minnesota Supreme Court’s implementation in the early 1970s of a student practice rule. This rule permitted law students enrolled in a clinical education program that provided legal assistance to clients, under the direct supervision of a licensed attorney, to be named on pleadings and appear on their client’s behalf before the courts of the state of Minnesota. This was a unique opportunity for law students to gain valuable courtroom experience, and many LAMP students took advantage of it. While doing so, these students were under the close eye and continuous supervision of a licensed faculty member, and their clinical performances were monitored and critiqued throughout the course of the student-client relationship.

I have in mind one very memorable event, which epitomized a number of my feelings and concerns, as I began this experimental clinic venture with Mel Goldberg. The State of Minnesota Adult Corrections Commission had granted work release to Clifford Djonne, an inmate at the St. Cloud Reformatory for Men. Approximately three months later, the Adult Corrections Commission revoked Mr. Djonne’s work release and he was returned to prison. Mr. Djonne had not been advised of or granted a right to a hearing and had not been provided with a notice of the alleged violation. Mr. Djonne sought LAMP’s assistance and was interviewed in prison by a LAMP student who then presented his request for assistance to our class.

Following the student interview of Mr. Djonne and our legal research of relevant law regarding parole, work release and constitutional due process, we commenced a habeas corpus action in state district court on behalf of our inmate client. I would be less than honest if I did not acknowledge that in pursuing this particular legal remedy, I relied heavily on the advice, input and encour-
agement of Mel Goldberg. After all, Mel had previously worked with inmates in Chicago's jails and prisons, and he knew far more about the legal availability of the "Writ of Habeas Corpus" than a young attorney who had previously been engaged in insurance defense and commercial law at the time Mel rooted him from private practice.

Mel strongly encouraged both the assigned law student and me (as the supervising faculty member) to diligently and aggressively pursue our petition for a writ of habeas corpus and related legal claims. Not wanting to disappoint Mel, Mr. Djonne or the broader captive inmate audience, we did exactly that. An evidentiary hearing was conducted before a state district court judge and, in our opinion, the evidence offered to the court was favorable to and supported our client's legal claims. As is typically the case in such matters, the district court judge took the matter under advisement.

The LAMP classroom component consisted not only of discussion and analysis of new legal matters, but also periodic reports and updates by the students regarding their progress on old matters. In this regard, it eventually became apparent to Mel and our LAMP class that the judge was taking his time with respect to deciding Mr. Djonne's claim of unconstitutional revocation of work release. Accordingly, Mel impressed on me the importance of the state court processing inmate petitions for a writ of habeas corpus in a timely and responsive manner. After all, this was a case involving the great Writ, a legal remedy which is available to all and is protected by our federal constitution from legislative suspension, except in the most serious and limited of circumstances. Because such petitions are supposed to be promptly decided by the courts having that responsibility, Mel urged me to contact the court and, in diplomatic terms, request that a decision be made as soon as possible.

We did make contact with the district court, as a result of which I received a personal phone call from the judge who had heard the case. I generally recall his words to me as something like the following: "It is my understanding, Mr. Cullen, that you desire a prompt decision in this matter. Am I correct in my understanding?"—to which query I replied without hesitation, "Yes, sir." There followed a brief pause, after which the judge unequivocally stated, "All right, you lose!"

To say I was in shock would be an understatement. Not only did I believe that the law student and I had presented a meritorious
legal claim to the district court, but I was of the opinion that the hearing evidence and the law cited by us to the trial court firmly supported the inmate's petition for immediate habeas corpus relief. Somewhat stunned by what the judge had just said to me, I went directly to Mel and told him what had taken place. I must candidly admit that I was embarrassed to report to my professional colleague that I had lost my first significant case involving an inmate's right to constitutional due process. After patiently listening to me, Mel calmly stated, "Well then, we will simply have to appeal." Given this statement, which facially carried no assurance of a better or different outcome, I did a quick look back in time and wondered whether I had made the right career move. After all, Mel believed we were supposed to win these cases in the trial court, and I had failed miserably in this regard. In a word, I was disappointed and I began to question privately whether it would be like this for the duration of my involvement in the LAMP Project. This says nothing about explaining the judge's adverse decision to the law students and to our inmate client.

Despite my concerns and apprehensions, I accepted this trial court defeat and followed Mel's advice. In fact, Mel was right; we did need to appeal, and appeal we did. Both of us appeared on the appeal brief and before the Minnesota Supreme Court, and the assigned law student now enjoyed a new appellate clinical experience. To my surprise, in State ex rel. Djonne v. Schoen, 1 our Supreme Court reversed the district court and established a due process right to a hearing before an inmate's work release could be revoked by the Minnesota Adult Corrections Commission. 2 This reversal was both reassuring and motivating and served to reinforce not only what I had been advised by Mel regarding the pursuit of constitutional claims of unlawful confinement via a petition for a writ of habeas corpus, but also the decision I had made to join Mel in this law school venture.

The Djonne victory was quickly followed by similar victories obtained by us in other cases where the trial court had denied a LAMP client the legal relief that we claimed or sought on his or her behalf. In fact, we eventually appealed and reversed many of the trial court judges before whom we appeared on inmate rights and other civil legal matters.

In the five years that Mel and I would teach, litigate and coun-

1. 299 Minn. 131, 217 N.W.2d 508 (1974).
2. See id. at 133, 217 N.W.2d at 510.
sel with each other, we would become as close as two law partners working for profit in private practice. As we legally explored and engaged many new and challenging legal experiences, I came to appreciate the fact that Mel Goldberg was both my mentor and continuing moral support. Although there would be occasions when Mel would critically question my legal approach, the content of my legal argument or my tactical decision-making, in the end he was always there to encourage and support me in my legal decisions and efforts. In the final analysis, my spending time with and learning from Mel Goldberg made me a far better clinical professor/litigator than would otherwise have been the historical case, something for which I will always remain indebted to him.

Our LAMP Project had many facets, and we pursued a number of interesting goals during the period of time that Mel and I administered the program at the University of Minnesota Law School. We received an additional grant to send our law students to juvenile institutions (we jokingly called them "short crooks"), and this included monies to hire several staff attorneys. Eventually, we migrated as consultants to William Mitchell College of Law in order to start up the LAMP clinical program at that fine institution of higher learning. As it developed, the structure, content and student involvement at William Mitchell was virtually identical to that at the University of Minnesota Law School. This second clinical offering enabled us to expand on our ability to provide a desperately needed legal service to the inmate population, and it placed William Mitchell's law students on a clinical education par with their student counterparts at the University of Minnesota Law School.

In addition to the numerous clients that LAMP represented on inmate rights issues, we encountered a variety of civil legal problems of a challenging nature. In 1973, Mel filed a civil complaint in Washington County District Court, on behalf of a Stillwater inmate, against a Beltrami County defendant. A well regarded defense attorney from Fergus Falls, Minnesota, made a minimal written filing with the clerk of court in Washington County and, by reason thereof, caused a transfer of the court action from Washington County to Beltrami County. To say that Mel Goldberg believed there was something legally wrong with how this change of venue came about is an understatement. Indeed, Mel vigorously protested what had just occurred with respect to his client's lawsuit and he made that protest a matter of formal appeal.

The Minnesota Supreme Court agreed with Mel's legal posi-
tion, and by its decision established a documentary filing and hearing procedure which was to be thereafter followed by all civil litigants before the venue of a civil action could be transferred from one county to another. The Minnesota Supreme Court’s holding was not limited to inmate case filings but applied to all change of venue motions made by attorneys regarding civil legal claims filed in the Minnesota courts. To Mel’s credit, the legal impact of this far-reaching decision is with us today.

Over the years, LAMP’s civil legal activity expanded to include significant cases involving divorce, child dependency and neglect, interstate child custody jurisdiction disputes, termination of parental rights, child custody rights for imprisoned mothers, defense of wrongful death actions, property damage and defamation claims, representation of inmates on detainer and parole issues, and defense of their interests in deportation proceedings. These claims arose with regard to both male and female inmates incarcerated in our state and federal correctional institutions and were addressed by LAMP students in appearances before and filings in our state and federal courts and administrative agencies.

Given the nature and variety of the inmate population’s legal claims, the law students enrolled in our clinical offerings at the University of Minnesota and William Mitchell law schools were provided a meaningful clinical experience, often of a professionally satisfying nature. As an immediate by-product, the LAMP inmate clientele was simultaneously provided the civil legal assistance that the federal government had envisioned and intended when it made its initial consortium grant in 1972.

Mel and I considered the University of Minnesota and William Mitchell LAMP Projects to be well ahead of similar clinical offerings at other state university law schools. We knew this from the

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5. See In re Giblin, 304 Minn. 510, 232 N.W.2d 214 (1975).
6. See In re Welfare of Scott, 309 Minn. 458, 244 N.W.2d 669 (1976).
7. See Allen v. Likins, 517 F.2d 532 (8th Cir. 1975).
11. See State ex rel. Taylor v. Schoen, 273 N.W.2d 612, 617, 619 (Minn. 1978) (holding parole release date matrix not to be determinate sentencing and did not violate equal protection guarantees, despite a lesser recidivism rate by female inmates).
various seminars and meetings we attended and from conversations which we had with clinical faculty members at other law schools. Our clinic students regularly followed case law developments regarding prisoners' rights, and we knew from our research that LAMP's legal filings and favorable court decisions were well ahead of the legal pack. The local media, both television and newspaper, closely followed and reported on our legal activities. Indeed, if the truth now be known, Mel and I were often the quoted or referenced "confidential, reliable sources" regarding sensitive information published by the media about our Minnesota prisons.

From an educational perspective, an intended focus and objective of our LAMP Project was to provide law students with a meaningful opportunity to observe and learn about the rear end of the criminal justice system. Although many criminal defense lawyers are knowledgeable about the front end of the system, which includes the law applicable to criminal accusations and complaints, motions to suppress, evidentiary issues and the trial of criminal charges, very few lawyers were knowledgeable or experienced with respect to the multitude of legal issues which arose post-sentencing. Enrollment in the LAMP clinical course provided a law student with an opportunity to be one step up on many practicing attorneys and well ahead on the learning curve.

Coincidentally with the 1972 start-up of the LAMP Project, Chief Justice Warren Burger and the United States Supreme Court appeared to take a favorable judicial interest in the rights of prison inmates and parolees. Although Chief Justice Burger was arguably conservative with respect to the pretrial rights of a criminally accused, once a criminal defendant was ordered incarcerated that same Chief Justice was of the opinion that prisons and parole boards should treat inmates in a fair manner and pursuant to principles of substantive and procedural due process. With this judicial encouragement, our LAMP Project was able to capitalize on significant and timely United States Supreme Court decisions and to cause our Minnesota Supreme Court and local federal courts to follow similar suit.

Mel had a special interest in the legal issues of constitutional due process and equal protection, particularly in the context of inmate discipline, parole and the provision of treatment to sex of-

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Unfortunately, in pursuing these legal interests Mel proved to be somewhat vulnerable with respect to inmate abuse of the attorney-client relationship. In this regard, I recall us traveling together to the prisons, interviewing inmates personally or in the company of a law student and delivering what was very often disappointing, but honest, legal advice. In doing this, Mel displayed a patience and understanding for an inmate's interview shortcomings, and he would typically tolerate client behavior and legal demands that stretched the limits of a good attorney-client relationship.

To be sure, many inmates got along well with their fellow inmates and with their prison guards. There were, however, a number of them who did not. Those inmates who committed criminal offenses within the walls of the prison or who, for reasons of safety or security, were required to be isolated from other inmates, would be placed in segregation—also known as the "hole." On many occasions, Mel and I entered the hole for the purpose of interviewing, advising, and undertaking representation of segregated inmates. This was a somewhat risky and uncertain venture, given that it was often Mel and I alone with an upset inmate in an isolated area of the prison having few guards. It was in this particular setting that I observed more than one inmate threatening to cause injury, mayhem or his own suicide if Mel Goldberg did not do what the inmate demanded within twenty-four to forty-eight hours. Nearly always, Mel would attempt to calm such an inmate and to assure him that everything which could be legally done for the inmate would be timely pursued by LAMP. Mel would always be there to assure inmates that he cared about their legal dilemma, and it should have been readily apparent to these inmates that Mel had a genuine concern for their physical and mental well-being.

As might be expected, word traveled quickly within the prison that Mel Goldberg was willing to undertake legal representation of the causes and concerns of some of the prison's most difficult and violent inmates. I knew Mel's propensity in this regard, and on more than one occasion, I felt obliged to advise him to decline the establishment of an attorney-client relationship. As it would turn out, however, I was left to watch my partner ignore this advice and go to the legal wall for clients whom I feared lacked an apprecia-

13. See, e.g., State ex rel. Hall v. McRae, 303 Minn. 284, 288, 227 N.W.2d 557, 559 (1975) (holding convicted sex offender who is indigent is entitled to treatment with appropriated public funds).
tion for the fine legal service which Mel and his students provided to them.

If the truth be known, I often found myself standing by Mel’s side, suspecting or believing that the next move from an upset inmate client might very well be a physical assault on his attorney. As Mel so often reminded our law students, there is really no love lost between a prison inmate and an attorney. After all, a lawyer had prosecuted the inmate and a lawyer had presumably defended him. If this were not enough, a judge-lawyer had thereafter sentenced the inmate to prison. Thus, there was really a distinct lack of incentive for an inmate to be kind to his lawyer. Accepting the wisdom of Mel’s statements, I came to view my role in these potentially volatile situations as something of Mel’s back-up if things headed south quickly.

Given the above scenario, can there be any question in the reader’s mind that Mel Goldberg was a kind, caring and concerned attorney and human being? Simply answered, there can be no question whatever. Indeed, one had to deeply respect Mel for possessing and displaying human qualities and charitable concerns that defied rationalization or sound explanation. In this regard, Mel Goldberg was truly unique among lawyers.

Prior to every argument before an appellate court or administrative body, Mel and I would sit down together and critique the other’s intended oral presentation. Mel explained to our students that it was important to anticipate every question that might be asked by the justices at oral argument and for the appellate lawyer to provide a reasoned response which would satisfy the legal concerns of the appellate court. Mel’s approach to preparing for an oral argument was quite new to me, and I initially resisted his critical probing and unending questions. Ultimately, however, I came to see the wisdom of his legal approach to a good appellate oral argument. As a result, there was not one written or oral presentation that either of us made to an appellate court that was not subject to a critique and dissection by the other faculty member.

Thorough claim evaluation and careful and detailed trial and appellate court preparation became LAMP watchwords under Mel’s tenure. In no small part, this educational focus was responsible for LAMP’s success in our federal and state courts. Mel knew what needed to be done in order to reasonably ensure and promote legal success, and I continually learned from him over the years that we taught and litigated together. This is not to say that Mel was al-
ways right with respect to a particular legal claim or argument—he was not. Rather, I submit that Mel’s clinical framework and technique for legal analysis of inmate legal claims and his continuous critique and supervision of law student performance proved to be a very sound one with a good track record. Whether Mel brought all of these good teaching concepts with him in 1972 from Chicago, Illinois, or whether he was simply born with them is unimportant. What is noteworthy is that my colleague contributed all of this good wisdom to the law school clinical legal education process and, more often than not, it produced outstanding legal results for our inmate clientele and a meaningful law school education for the LAMP students.

In Mel’s opinion, if you could not stand the legal heat in the kitchen, then you better do something about it. Our legal claims and arguments to the court would surely face, and certainly have to hold up against, strong legal challenge and judicial questioning, and because of this the law students were well advised to be fully prepared. As often proved to be the case, this was good instruction and fair warning from a lawyer/professor who well knew what he was talking about. Much like our students, I took Mel’s advice to heart, and I applied the wisdom of his message to my own legal work.

Our students did come prepared to answer the hard questions and trial court judges were increasingly buoyed by the fact that the LAMP Project was obviously well prepared to defend the merits of a court decision which might be made by a judge in favor of an inmate, a person who otherwise lacked a significant constituency or support system in our society. Over the years, the trial court decisions increasingly became favorable to our clients and the need for appeals diminished. In fact, federal court consent decrees and out-of-court settlement agreements became a new and broader educational goal and clinic experience for our students. There is little doubt that the inmates legally benefited from the sweeping class action impact of many LAMP court decisions, consent decrees and other settlements. Mel Goldberg contributed to this positive legal outcome by his focus on negotiated or mediated settlement of systemic legal problems and disputes. In this regard, Mel was well ahead of the times, and the wisdom underlying this legal effort is now apparent.

Throughout all of our clinical education and inmate experiences, there was a common thread: the students who enrolled in
the LAMP Project at the University of Minnesota and at William Mitchell represented a broad cross-section of the law student body. LAMP attracted many females, students of color, law review students and those students who were motivated, for one reason or another, to contribute a significant portion of their law school educational time to assist and advise indigent inmate clients. Indeed, the students who enrolled in LAMP during the five years that Mel and I taught and co-directed the program reads today like a Who's Who list of prominent members of the federal and state judiciary, Minnesota government, county attorneys, public defenders and well-known and respected members of the Bar. At the risk of offending any one of them, I will name no one. Suffice it to say that one of the federal government's objectives in providing the initial grant to the University of Minnesota Law School was achieved. Our students became knowledgeable regarding the rear end of the criminal justice system and following their graduation from law school were in a unique position to provide judicial, legislative, executive and administrative reform, a historical dynamic which Mel and I observed and enjoyed as it occurred throughout the 1980s and 1990s.

It was during the period of time that Mel and I taught together that we became very close friends. To be sure, there would be rough spots along the road in our personal and professional relationship, but we always encountered and dealt with them in a professionally respectful manner. We each had legal concerns and interests that we desired to pursue, and each of us respected and supported the other in his professional goals. For his part, Mel was very interested in the pursuit of class actions addressing the constitutional rights of inmates charged with prison disciplinary offenses and violation of parole. In fact, as a direct result of Mel's legal work, significant changes and reforms were made in the Minnesota correctional and prison system, many of which are still with us today.

As stated, Mel was my mentor, and I learned a great deal from him. I was fortunate to have a law school colleague and co-counsel who made sure that I appreciated the importance of long-range and system-wide legal reform when pursuing my special legal interests and concerns. That I did so appreciate and credit Mel's thinking was evidenced by my 1977 federal court settlement, on a class action basis, of numerous medical and legal issues and claims regarding the Stillwater Prison inmate population's right to medical
care and treatment. I know that Mel was pleased with the fact that a multitude of inmate complaints regarding inadequate or non-existent medical care had come to be legally resolved and put to rest by this federal court consent decree. As an aside, Mel knew that I had learned how to legally address and conclude, on a systemic and long-term basis, these inmate legal claims—in no small part, by observing Mel’s legal work in other contexts.

Mel and I would typically ride together in his Volvo to the state and federal prisons, eat lunch and dinner together, teach together, and make joint presentations to professional groups, including lawyers and social workers. We were the attorneys of record on each case filed by LAMP in the state and federal courts, and we were almost always present in the courtroom to support the other in his legal efforts to persuade or prevail. As a result of our many professional, educational and client obligations, we were required to put in long hours at the law school and prisons. Fortunately, our wives were both patient and understanding, and they granted us the necessary time to attend to the many educational and legal experiences herein described. For this, Mel and I were grateful, knowing full well that we could not have done our work without this strong spousal support.

Because we worked so closely together through thick and thin, I came to know Mel Goldberg in ways that few lawyers might be able to appreciate. Over the years, I observed and found Mel to be a person of high intellect, good moral character, forceful advocate for the confined and disadvantaged, a good husband, parent and social friend. We often traveled together some distances, including our in-state forays to the Federal Correctional Institution at Sandstone, Minnesota. I came to learn all of Mel’s eating habits, and this ranged from the dozens of sugar cookies he purchased at the Sandstone bakery to the antipasto salads we ordered and enjoyed at Sammy D’s Restaurant in Dinkytown.

Mel and I talked often about our wives and children, our family roots in Poland and Ireland, our Jewish and Catholic religions and our opinions about governmental, educational and social issues. As a result of these many conversations, I came to appreciate the fact that there was not one bone of discrimination or ill will in this man’s body, and that he was a consummately kind, understanding and forgiving person. That being said, it is also true that Mel could easily adopt a Mutt or Jeff role in our settlement negotia-

tions, and the Department of Corrections never really knew whether they were dealing with the good or the bad guy. Mel was a very effective and skilled negotiator, and this is evidenced by the numerous consent decrees and settlement agreements by which he brought meaningful reform to the correctional system.

Despite the demands placed upon Mel by his law school responsibilities as an associate professor of law and his concurrent commitments to clients and the courts, he did find time to relax and socialize. Mel enjoyed a crafted beer and ethnic food. He also found time to introduce me to his personal interests and hobbies. I distinctly recall Mel helping me select a single lens reflex 35-mm camera and explaining the principles and technique of good photography and film development. Mel was proud of his personal photography, his home stereo speaker system and his ability to play a fine guitar at student get-togethers.

Over the years, Mel’s wife, Paula, and my wife, Gloria, had occasion to meet and become good friends. During the course of our joint teaching relationship, Paula, Gloria, Mel and I were fortunate to be able to travel together to New Orleans to make a presentation on prisoners’ rights to lawyers attending a National Legal Aid and Defender’s Convention. As might be anticipated, we were all introduced to Bourbon Street in the Mel Goldberg fashion. In fact, Mel always managed to lead us to interesting food and music, and this included our visits to numerous French Quarter establishments, including Preservation Hall.

Because our initial LAMP grant was provided by the federal government, we reported from time to time to the powers that be in Washington, D.C. On one such trip, I recall Mel telling me how important it was for the two of us to slip over to Georgetown, partake in a Lobster Newburg dinner and then listen to Sonny Terry and Brownie McGhee, two elderly blues musicians whom I recall playing their guitars and harmonica, with a great deal of vigor, somewhere in a back alley establishment in that college community. In a word, Mel loved good music and he went out of his way to find it. Indeed, there was a glimmer in Mel’s eye or something about that raised eyebrow that belied the otherwise serious nature and demeanor he brought to the classroom and his education of law students. To those who knew Mel, it revealed his other very pleasant and likeable side.

Our family friendship and social relationship would continue beyond 1977, when Mel left the University of Minnesota Law
School to teach at William Mitchell College of Law, and I re-entered private practice. We made a concerted effort to see each other annually for the purpose of coming current on our respective professional and family activities. As had been the case during our LAMP years together, Mel managed to steer us to restaurants where there would be good food and music. I recall our being together in the early 1990s at a northeast Minneapolis German restaurant, and thoroughly enjoying the Bavarian food, German songs and ambience. As we were about to leave, a person on the other end of the restaurant began to strum a guitar, and a young female with a beautiful voice began to sing in a language that none of us recognized. As it turned out, these musicians were Ukrainians who had recently entered the United States and were hopeful of becoming paid entertainers at the restaurant. It is fair to say that we did not leave the company of these young people for at least an hour following the time of our intended departure. Simply put, Mel would not allow us to leave because he so much enjoyed good instrumental music and singing, and he wanted others to share this with him.

Mel formed a desire to become a federal judge, and I was pleased that he asked me to write the nomination committee on his behalf. There is little question that Mel was intellectually and morally fit to become a member of the federal judiciary; unfortunately, he lacked a political base that would support or otherwise cause his federal appointment. This was truly the judicial system’s loss and no failing on the part of Mel.

If there is one thing in Mel’s professional career that might be said to have saddened him, it would be the fact that a person with his outstanding academic qualifications and legal experience, coupled with his demonstrated commitment to the improvement of our justice system, would never be recognized by a judicial appointment. I share Mel’s disappointment because of my strong conviction that he would have been an outstanding member of our federal or state judiciary, particularly our appellate courts. Notwithstanding the failure of our earthly political system to recognize those who are deserving, I submit that on August 30, 1998, Mel Goldberg was elevated to the highest court in this land, where he now sits and presides. We all trust that this appointment has brought him peace.

In Mel’s failing health, I had the opportunity to visit with him at his home. As seriously ill as my good friend was, I found him to be intellectually stimulating and otherwise the same Mel Goldberg.
with whom I had taught, litigated and enjoyed life so aggressively and so meaningfully from the fall of 1972 until the summer of 1977 when we both left the University of Minnesota Law School.

I departed from Mel’s home that spring day wanting to continue a professional dialogue with him. I knew Mel’s legal mind, and I knew that it could contribute immeasurably to my clients’ legal benefit and the success of my private law practice. With the benefit of hindsight, I know that this would have been selfish on my part and not fair to Mel. Although I asked Mel that day if I could return and speak to him about professional matters, and although he readily agreed, my inner feelings told me that given Mel’s serious illness, it simply would not be the right thing to do. Thus, my home visit with Mel Goldberg in April 1998 was the last time we spoke in person with each other.

There are others whom I know and respect, such as Bob Oliphant, who assisted and ministered to Mel in his final moments. For this, I am certain that Mel was truly grateful. I also know that those of us who taught with Mel enjoyed a special relationship with him, and each of us hoped we might be able to contribute, in our own way, to Mel’s comfort in his final days. For my part, I am hopeful that my insistent and somewhat out-of-the-blue visit to his home let Mel know how much I loved him as a person and how concerned I was about his medical condition. In the end, I believe that Mel has now obtained that peace which is brought by passage to a new life and existence. I also trust that Paula, David and Robert Goldberg, have gained that similar peace which comes from caring for a loved one in their final moments.

To be sure, there is much more I could say about Mel Goldberg, the person, and about LAMP, the clinical program that he designed and developed at the University of Minnesota Law School and later caused to be established at William Mitchell College of Law. Suffice it to say that my deceased mentor deserves a great deal of credit for the success of this clinical legal education program and all it has meant to the state of Minnesota, the law students, faculty members, and staff attorneys who were fortunate to have been a part of it over the years. Personally, I will be forever grateful for the invitation extended to me by Mel to join him in 1972 in what would ultimately prove to be a professionally enriching and immensely successful clinical legal education program.

I was privileged to speak on Mel’s behalf at his funeral service and I am honored to write these brief remarks regarding this man.
and the meaning he has had to me as a law school colleague, co-counsel, mentor and friend. I thank the William Mitchell Law Review for providing me the opportunity to express these personal thoughts, observations and sentiments regarding my close friend, Melvin Bert Goldberg, a person who will be dearly missed by those who knew, worked with, learned from or were otherwise touched by him.