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John J. Kircher

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# DEAN ROBERT F. BODEN: A RETROSPECTIVE

JOHN J. KIRCHER\*

Anyone who knew Bob Boden well, and blessedly there were many, could not help but have a general sense of his many contributions to both Marquette Law School and his profession. He was dedicated and committed to both. He was a person more than willing to give generously of himself for that in which he truly believed. He truly believed in the value of both Marquette Law School and the legal profession.

Bob Boden's contributions to and on behalf of the law school predate his appointment as its dean, his tenure on its faculty, and even his admission to the bar. As a student at the school he would later lead, he was not content merely to take what was offered for his tuition. Even then he was not a taker, but instead a giver. He gave of his time and considerable talent as a member of the *Marquette Law Review*. In his third year he served as its editor in chief. Not only is it noteworthy that he served as its highest student officer, but additionally, during his two years on the Review he authored five separate articles and a book review, and co-authored a survey and analysis of the important legislation among the over seven hundred laws enacted by the Wisconsin Legislature during 1951. By the standards of today, his contributions as a student writer-editor can only be described as remarkable. Also remarkable is that his solo articles dealt with five distinct areas of the law — property, torts, criminal law, trade regulations and sales.

The Dean's contributions to the law school continued after his graduation and before he joined the faculty on a full-time basis. In 1957, as a loyal alumnus, he contributed another article to the *Marquette Law Review* — the seventh in his short career as a legal writer. Then, in 1959, he joined the Marquette adjunct faculty as a Lecturer in Law to teach

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\* B.A., Marquette University, 1960; J.D., Marquette University, 1963; Professor of Law, Marquette University

a course in Creditors' Rights. Those who have served with that academic designation are aware that the time and effort involved in the preparation for, and presentation of, a law school course, if done well as Bob did it, greatly exceed the monetary compensation or prestige which that rank affords. Most view it, and Bob certainly did, as a means by which to contribute to the law school and its students — a giving or sharing of oneself.

As have so many who begin by teaching law on a part-time basis, Bob Boden soon became "hooked" on law school teaching. In February, 1963, he left his successful private practice and joined the law school faculty on a full-time basis. In addition to Creditors' Rights, he added Trial and Office Practice, Appellate Practice, Administrative Law and Legal Ethics (later to be known as Professional Responsibility) to his course load. His students valued him as a teacher not only because of his thorough preparation and command of his subjects, but also because of the practical insights which he brought to his teaching from his law practice. As a member of the full-time faculty he also gave unsparingly of himself to committee work and student counseling. Despite the heavy demands on his time as a new, full-time teacher, he continued to be a prolific writer. He wrote seven separate articles between 1959 and 1965; six of them were consolidated, with updating, into his first book *Bankruptcy Practice in Wisconsin*. Three other books and many more articles would follow.

Bob Boden's dedication and commitment to Marquette Law School is perhaps best exemplified by his acceptance of the appointment as its Dean in September, 1966. He had served as Acting Dean since June of the previous year. The preceding statement may seem strange to anyone who is not a legal educator. Those who are not would view acceptance of the position as a law school Dean as a step upward because of the obvious power and prestige that comes with the office. But to one who is a devoted and dedicated law teacher, who thrives on the daily interaction with students as well as the sense of accomplishment which comes with legal research and writing, assuming the job of Dean means that a great deal of the most joyful work of a law teacher must be sacrificed. The major share of one's time must be devoted to

administrative work which, although extremely important to the success of a law school, is often mundane in comparison to classroom teaching. Yet, Bob Boden was more than willing to reduce his teaching load and his pedagogic contacts with students to assume the administrative burdens of his new position. He had a vision of what Marquette Law School could become, and he set about the task of transforming that vision into a reality.

Bob Boden's tenure as Dean of the law school was marked by the school's growth and enrichment. When he took office as Acting Dean in June, 1965, the staff of the law school consisted of two administrators, seven full-time faculty members, and three support personnel. At his death in February, 1984, there were nine administrators, a full-time faculty of twenty (an additional member to be added in the fall), and sixteen support personnel. The number of full-time students also increased from 263 in 1965 to 460 in 1984. When Bob became Acting Dean in 1965 the physical plant of the law school consisted of the approximately twenty-three thousand square feet of Sensenbrenner Hall. At his death the size of the physical plant had nearly quadrupled. He was a moving force behind the construction of the Legal Research Center completed in 1967, the remodeling of Sensenbrenner Hall in 1972, and most recently, the addition of almost thirty-seven thousand square feet of classrooms and research facilities. He was also instrumental in the growth of the Marquette Law Library which doubled its collection of volumes between 1965 and 1984. He also assured that the law school would be at the forefront in modern research methodology with microfilm and computerized legal research capabilities.

Merely comparing figures on census, physical plant square footage, and library holdings does little to adequately acknowledge the profound effect that Bob Boden had on the law school during his tenure as its Dean. His influence and guidance was, and still is, everywhere to be felt and seen in all aspects of law school life. He was involved in curricular expansion and enrichment. He was involved in student extracurricular activities. He was involved in efforts to improve financial aids for students. He was involved in the concerns of minority and women students. He was involved

in alumni affairs and fund raising for law school needs. He was involved in the Woolsack Society. He was involved in seeking improvements of salaries and benefits for the staff of the school. He was involved in programs of faculty enrichment, whether through continuing education or through increases in research assistance. He was not only involved in those and a myriad of other activities of the law school, but he was deeply involved, he was the spearhead, the leader, the innovator. He did all of this because he was deeply committed to making his law school the best institution of legal education it was capable of becoming.

Bob Boden made no secret of his philosophy of legal education. He believed that a law school was a professional school and existed for the purpose of training lawyers. His concern that some of the law schools in the country were committing grievous error in departing from that goal found expression in his article, *Is Legal Education Deserting the Bar?*<sup>1</sup> He stated:

Thousands of law students are today attending policy-oriented law schools. They think they are being taught to be lawyers. The legal profession is threatened by a substantial portion of an entire generation of lawyers having little or no appreciation for advocacy or the adversary system of justice and a diluted exposure to the substantive and adjective law which law schools should be teaching. At a time of great need for reasonably trained legal practitioners, the bar is beginning to get, as the product of modern legal education, a group of super-sociologists and super-political scientists ill-equipped for the daily practice of law. It may be anticipated that when these young men discover that for most of them life holds a career in the daily practice, as distinguished from service as architects of society, a large number will become disillusioned and forsake the profession. It should be more evident that a massive infusion into the profession of quasi-lawyers, poorly trained for advocacy, will in the long run contribute to the downfall of the system itself. In this concept is perhaps found the greatest criticism of the "new look" in legal education. In its hurry to produce the "Generalists" who will remake society for better tomorrow, it ignores the historical fact that

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1. 37 INS. COUNSEL J. 97 (1970).

those great generalists of the past who came from the legal profession, with very few exceptions, came by a route which included a post-graduate course in the adversary practice of law. It is not accidental, in the opinion of this writer, that the lawyers who built this country were tested in the marketplace of justice in the daily practice of law. They experienced firsthand as practitioners the need for social change and progress; their ideas about public policy emerged from experience far removed from the groves of academe.<sup>2</sup>

Bob Boden saw to it that Marquette Law School did not become "trendy" in its legal education. And the nearly twenty-five hundred graduates of the school who knew him as their teacher and Dean gained the benefit.

Dean Boden had many demands upon his time and talents, first as a lawyer in private practice, then as a law professor, and finally as Dean of the law school. Nevertheless, his commitment and dedication to his profession, to his community, and to the American legal system made him find time, abundant time, for bar association work, projects of law revision and community service. His involvement and leadership in those areas was so great that its breadth is impossible to fully describe in the space confines allowed for this tribute. However, so that readers will be able to grasp the true scope of his activities, a listing of his work in these areas has been provided as an appendix to this article.

In any analysis of the many contributions of Bob Boden one would be remiss not to mention the fact that his achievements were greatly influenced by his eminent good sense to have married Patricia Gill in July, 1954. Pat was an inspiration for his success and an equal partner in many of his accomplishments. Those of us who knew him well understood what a great blow her death, in November, 1979, was to him.

We who earn our daily bread because of our ability to use words with precision know how inadequate mere words are to explain the lifetime of accomplishments of a person like Bob Boden. Words are even more inadequate to describe the sense of loss at his death — a loss which can only be felt by those of us who knew and loved him. He was a

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2. *Id.* at 109-10.

lawyer's lawyer, a legal educator's legal educator and a dean's dean. Above all he was an intelligent, warm, kind and gracious human being. Those of us whose lives he touched are much the richer for being fortunate to have known him. Requiescat In Pace.

APPENDIX  
DEAN ROBERT F. BODEN

Bar Association Work, Law Revision Work and Other Public Service Activity

BAR ASSOCIATION WORK

Memberships:

- Milwaukee Bar Association, since 1956
- State Bar of Wisconsin, since 1952
- American Bar Association, since 1967
- American Judicature Society, since 1963
- American Law Institute, since 1965
- The Woolsack Society, since 1966
- Bar Association, 7th Federal Circuit, since 1971
- Scribes (Society of American Legal Writers), since 1971
- Fellows, American Bar Foundation, since 1973
- Member, Council of the Section of Legal Education and Admissions to the Bar, American Bar Association, 1970-76
- Member, Special Committee on Legal Assistants, American Bar Association, 1972-76
- Member for Wisconsin, Associate and Advisory Committee and the Standing Committee on Continuing Legal Education, American Bar Association, 1970-74
- Member (ex-officio), Committee on Legal Education and Admissions, State Bar of Wisconsin, since 1965
- Member, Administration of Justice and Judiciary Committee, State Bar of Wisconsin, 1970-77
- Member and Chairperson, Committee on the Status and Structure of the State Bar of Wisconsin, since 1980
- Reaccreditation Inspector for the American Bar Association of Ohio Northern University Law School (1972), Thomas M. Cooley Law School (1973), and Villanova University Law School (1980)
- Member, Special Committee on Interest on Lawyers' Trust Accounts, State Bar of Wisconsin, since 1982
- Member, Special Committee on Computerized Legal Research, State Bar of Wisconsin, since 1982
- Member, Bar Status and Structure Committee, State Bar of Wisconsin, since 1981

LAW REVISION WORK

- Member, Wisconsin Judicial Council, 1961-72; Chairperson, 1963-65



Member, Citizens' Study Committee on Judicial Organization, 1971-73

Chairperson and member, Wisconsin Supreme Court Chief Judge Study Committee, 1974-75

Chairperson and member, Wisconsin Supreme Court Committee on Attorney Discipline, 1975-76

Research reporter, State Bar of Wisconsin Eviction Law Revision project, 1964-68

Co-chairperson, Wisconsin Legislative Council Garnishment Law Revision Committee, 1967-69

Member, Joint State Bar — Judicial Council Creditor-Debtor Law Revision project, 1970-76

#### OTHER PUBLIC SERVICE ACTIVITY

Director, Milwaukee Plan Legal Services, 1966-69

Director, Milwaukee Legal Aid Society, 1969-73

Chairperson, Milwaukee County Court Study Committee, 1968-69

Member, Mayor's (Milwaukee) Committee on Police Education, 1968-69

President, Law Projects, Inc., 1970-75

Member, Wisconsin Supreme Court Judicial Education Committee, 1968-76

Member, Wisconsin Supreme Court Committee on the State Bar of Wisconsin, 1976-77

Chairperson and member, Governor's Judicial Appointment Advisory Commission, 1977-78

Member, Federal Judicial Nominating Commission for the Eastern District of Wisconsin, since 1978

Secretary, Federal Judicial Nominating Commission for the Eastern District of Wisconsin, 1983

Chairperson, Merit Screening Committee for United States Bankruptcy Judge for the Eastern District of Wisconsin, 1982-83

Chairperson, Merit Selection Panel for United States Magistrate for the Eastern District of Wisconsin, 1983