

In Memoriam: Dean Max Schoetz, Jr.

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In Memoriam



DEAN MAX SCHOETZ, JR.

WHEN the old and withered tree falleth the horizon is improved but when in its youth and strength the spreading oak is blasted and overthrown, then the pleasant vision of the sky-line is broken and the gap is slow, slow in closing.

Our friend, the Dean, has dropped from our sky-line and the sure and steady hand of Time will be long thereby employed before the wound caused by that breach is healed.

Max Schoetz, Jr., was a rare and fine character. He was rare and fine notwithstanding his frailties—his impulsiveness, his sudden gusts, through all of which however he displayed his nature-kinship with the rest of us, and to which frailties, sincere friendship could not and should not be ever blind or always dumb. It is of his rare, exceptional qualities—and of these alone—should it now be written. For of human faults like his—we can see plenty in ourselves and in our daily lives.

He was peculiarly adapted for the position of dean of the Law School to build up which, in spite of the many difficulties confronting him and the many obstacles interposed, he did so magnificently in his so few years at the task.

His mental attributes were such that he rejoiced in discussions of legal problems and except there be such rejoicing there can be no truly "legal mind." He clearly recognized the necessarily inherent distinction between a legal theory and a mathematical theorem, and that the certainty of the former can be put approximate and relative as compared with the absolutism of the latter. Having such a clear and legal bent of mind he was successful in leading and aiding students in their study and similar discussions.

An enthusiast himself he inspired enthusiasm among the many young people whom he met. His ready willingness to meet and confer with the students as individuals with their individual problems added greatly to his efficacy as the head of his college department. He had firmness, rare executive ability and above all—vision. He dreamed—but he was able to breathe the breath of life into his visions and dreams.

Very near his heart indeed was Marquette Law School. With this he became connected in the year of 1914-15, as judge of its Moot Court. In February, 1916, acting secretary; in August, 1916, secretary and acting dean; in July, 1917, dean, in which office he continued for just a few days short of ten years.

In June, 1916, eleven students received their diplomas, sixteen in June, 1917, just at his commencing as dean. Seventy-seven received their diplomas from other than his expected and expectant hands at the very moment he lay dying from the terrible accident that occurred as he was on his way to the commencement exercises of June 8, 1927.

During his period as dean he saw its attendance largely increase, its new building erected, its growth steady, its foundations firmly planted, and he justly rejoiced in the promise of its future.

In the forty-two and a half years between December 27, 1884, his birth, and June 9, 1927, his death, he crowded much.

Because the magazine for which this article is being prepared is largely of and for young men and women and reaches many who are confronted with the same serious and increasingly difficult problems that were faced and met by Max Schoetz and because his course was so consistently promising, brilliant and worthy of emulation, it seems well that some detailed recital should be preserved for more than the passing moment, as a possible aid and incentive to those who are still required to overcome that which, in the eyes of many of the present day, is the seeming handicap of earning one's provender while purveying for one's mind.

In 1898 at the age of fourteen he graduated from the classical course of the high school of his native town, Menasha, Wisconsin, with a record of the highest standing. During this high school period he earned quite a little, largely from writing for newspapers and magazines. He attended Lawrence College at Appleton, Wisconsin, graduating with a B.A. degree in June, 1902, there also attaining highest honors. From 1902 to 1904 he was a clerk in the Commercial National Bank of Chicago and attended a commercial law night school. For a year thereafter he was clerk in the long established law firm of Bouck and Hilton at Oshkosh.

In the fall of 1905 he entered the law school of the University of Wisconsin, graduating in June, 1908, with the degree of LL.B., having there also attained high honors. During this period he worked with the well known firm of Olin and Butler, was enrolling clerk in the Senate, a correspondent for newspapers, prominent in his fraternities of Sigma Nu and Phi Alpha Delta, and received membership in the Order of The Coif. He was more than self-supporting during this period.

Upon admission to the bar June 17, 1908, he immediately began the practice of the law in the city of Milwaukee. In 1911 he joined with Clifton Williams, the present dean of the Law School, then assistant city attorney, in the firm of Schoetz and Williams, which continued until his death. August 23, 1914, Mr. Schoetz was appointed assistant city attorney of Milwaukee, resigning February 5, 1916, but was appointed first assistant city attorney on August 1, 1918, resigning from that office September 1, 1919.

In the year of his admission to the bar, 1908, he made his first appearance before an Appellate Court in the case of *City of Richmond v. Bennett*, 33 Ky. L. Rep, 279, 109 S.W. 904, 16 L.R.A.n.s. 548; and in December of that year in *Harriman Land Co. v. Hilton*, 121 Tenn. 308, 120 S.W. 162. He appears to have made his first argument in the supreme court of this state in November, 1911, just a little over three years after his admission, in *Delvin v. Wisconsin Storage Co.*, 147 Wis. 518, and on the same day in *Korn v. Pfister & Vogel L. Co.*, 147 Wis. 526; and in December of that year in *Kruck v. Wilbur L. Co.*, 148 Wis. 76; and in the following November in *Wotoshek v. Neumann*, 151 Wis. 365; November, 1912, in *Acme Ground Rent Co. v. Werner*, 151 Wis. 417, and *Kosidowski v. Milwaukee*, 152 Wis. 223; and in January, 1913, in *Gertz v. T.M.E.R.&L. Co.*, 153 Wis. 475.

While in the city attorney's office he appeared on behalf of the City in *Milwaukee v. Patton*, 158 Wis. 617; *VanDyke v. Milwaukee*, 159 Wis. 460, 469; *ex rel. Kempsmith v. Widule*, 161 Wis. 389; *Field v. Milwaukee*, 161 Wis. 393, and *Brenk v. Widule*, 161 Wis. 396. He was

also engaged for the City before the Railroad Commission in 1915 and 1916, 17 Wis. R.C.R. 524-603, in an important case involving telephone rates, taxes and the relationship between several allied companies. His latest appearance in the Supreme Court being in February, 1922, in *ex rel. Williams v. Kaempfer*, 176 Wis. 283.

He assisted in the organization and became interested in the Vliet Street State Bank and Interstate Exchange in 1920 and thereafter gave considerable attention to both. He was also interested in a loan and building association, and many other business enterprises.

He was a member of the American, Wisconsin, and Milwaukee bar associations, a member of important committees of such, and served for a number of years as a Wisconsin member of the Commission for Uniform State Laws.

June 27, 1912, he married Miss Mollie Knoernschild, a daughter of a distinguished citizen of Milwaukee, Mr. Charles Knoernschild. He was riding with Mr. Knoernschild at the time of the accident which caused the death of both.

He left his widow and four children, Barbara, Max, David John, Rose Mary, one child, Carl, having died in infancy. His father, Maximilian M. Schoetz, also an attorney and many times mayor of Menasha, survives. His mother, Barbara, born Landgraf, died while Max was in college.

Firm in and reliant upon his religious faith, intensely devoted to his family, these, the two innermost circles of his life need not and properly should not be here entered or discussed.

The sunshine of his life, exceptionally radiant as it was for him, and through him to his many friends, was often overswept by shadows, freedom from which is given to none of the human race, but much and many of these, his shadows, were of his own conjuring, for, until the tragic end, he seemed, and was indeed, one of Fortune's chosen few, the highly favored.

His was the gift of happy, pleasant contact with his fellows, and few were the paths he had to walk alone. His was the personality that gave of itself to others and he held in his hands many cords that, now severed, then bound him tightly to his friends.

Many are the farewells necessary to be said down through the human pathways, individual as each such path must be—and the sounds whereof sing as of but the moment in youth but shade off, with the advancing years, into the sadness of forever and it is such a sad farewell that his youthful as well as his older comrades must join in saying to our myriad-sided friend, the Dean, Max Schoetz, Jr.

A FRIEND