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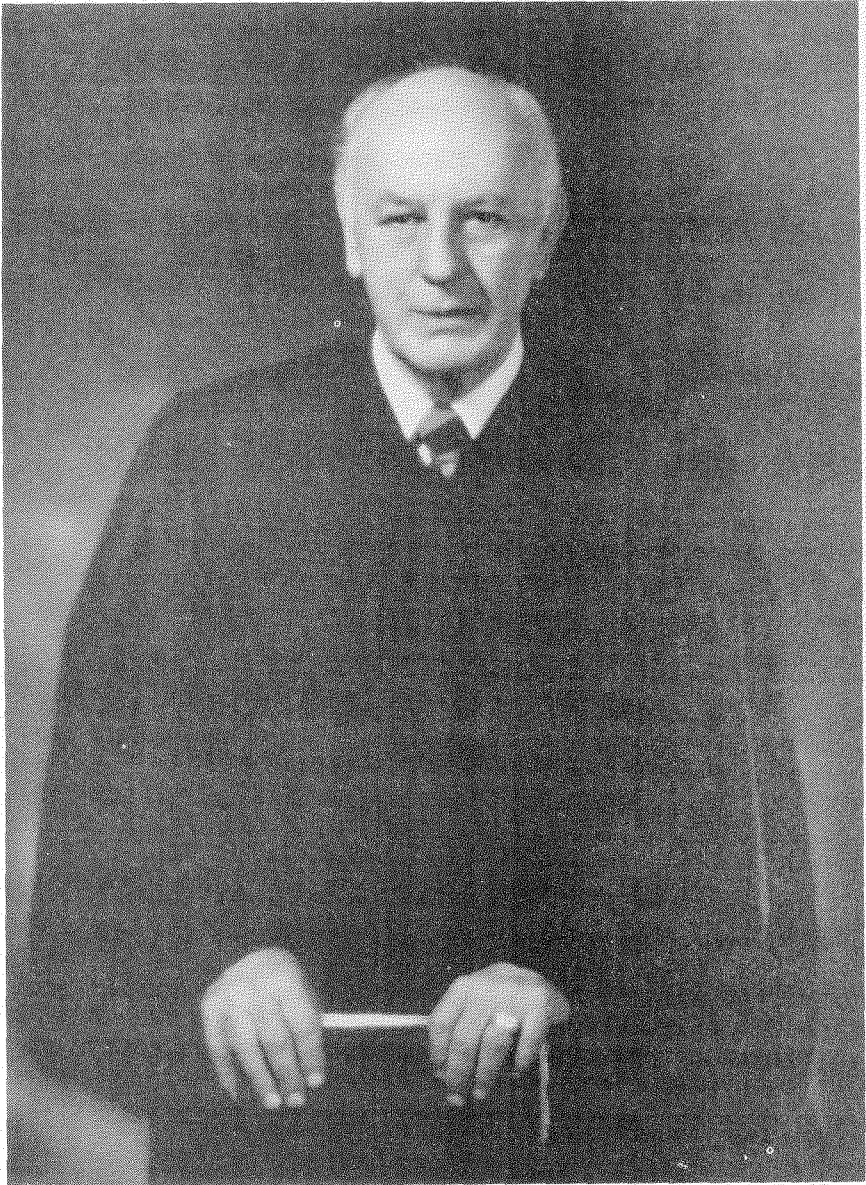


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Chief Justice Bruce F. Beilfuss
Wisconsin Supreme Court
(1976-1983)



DEDICATION

THE HONORABLE BRUCE F. BEILFUSS, CHIEF JUSTICE, WISCONSIN SUPREME COURT (1976-1983)

ROBERT F. BODEN*

It was my distinct pleasure to accept the invitation of the Board of Editors to write this essay for the issue of the *Marquette Law Review* dedicated to our Chief Justice, Honorable Bruce F. Beilfuss, upon the occasion of his retirement after twenty years of service as a member of the Supreme Court of Wisconsin. Our acquaintance goes back more years than his service on the court, because we first met when I, only a few months out of law school, participated in one of my first pretrial conferences in the old courthouse at Baraboo where he presided as judge of the seventeenth circuit. I remember quite clearly the courtesy and fairness which he exhibited on that day in dealing with a young neophyte up against the leading trial lawyers of Sauk County. It was not the treatment commonly practiced by the judiciary of thirty years ago in rural parts of the state in dealing with "youngsters" sent out from the big firms in Milwaukee on behalf of negligence defendants and their insurers.

It struck me then, and nothing has happened in the ensuing thirty-two years to change my opinion, that here was a gentleman of the law with the best attributes of what we call "judicial temperament," able to command the respect of counsel and litigants alike without resort to the devices sometimes used to establish and impose judicial authority. Being a judge, I thought then, "comes naturally" to this man who obviously, even to a visitor with little seniority in the bar, enjoyed the respect and support of the lawyers of the

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circuit over which he presided. Subsequently, and by promotion, his jurisdiction was expanded so that the bar of Wisconsin came to know him and to admire him — just as he was admired by his professional colleagues in the seventeenth circuit.

Bruce F. Beilfuss was born in Withee, Wisconsin, on January 8, 1915. To those not intimately acquainted with the geography of Wisconsin, it should be noted that Withee is the first station on the Soo Line Railroad west of the junction of the St. Paul and Duluth lines of that company at the well-known town of Owen in Clark County. He was graduated from Neillsville High School at the depth of the Great Depression in 1932. He then enrolled at the University of Wisconsin in Madison, receiving his B.A. degree in 1936 and his degree from the law school in 1938. He returned to his native Clark County to practice, opening a law office at another Soo Line town, Abbotsford, where he resided and practiced until 1941, when he was elected district attorney. At this time he moved to the county seat, Neillsville, where he resided until his elevation to the supreme court.

The Chief served in the United States Navy during World War II, between 1943 and 1946, after which he returned to Neillsville, again taking up his duties as district attorney. He was appointed judge of the seventeenth judicial circuit by Governor Oscar Rennebohm. He was elected to a full term as circuit judge in 1951 and reelected in 1957.

After a distinguished career on the trial bench, and upon the retirement of Chief Justice Timothy Brown, Judge Beilfuss sought and was elected by the people to fill the seat on the Wisconsin Supreme Court vacated by this retirement. He is one of a distinct minority of the justices of the supreme court serving in this century who gained their seats in the first instance through popular election, most such vacancies being filled by gubernatorial appointment. After serving his first term, the people returned him to office in 1973 for the second decade of his service on the supreme court. Being close to the mandatory retirement age of 70, though entitled to stand for re-election in 1983, he declined to do so and announced his retirement at the conclusion of his second full term, July 31, 1983.

Justice Beilfuss came to the Wisconsin Supreme Court at a fascinating time in its distinguished history. It was the high-water mark of the era of revision and reform of common-law doctrine dominated in large measure by the jurisprudential thought of Justices George R. Currie and E. Harold Hallows. Early in his appellate career, and throughout it in this period of transition and change, Justice Beilfuss established his reputation as an independent thinker, as a jurist who approached his work carefully and, so his opinions seemed, uninfluenced by popular trends or particular schools of jurisprudential thought. What emerges from an analysis of his judicial work product is the conviction that here is a man truly of the common law, a case analyst, a respecter of precedent in the best tradition of the common law, but one not afraid to apply the "amending hand" which Sir Edward Coke called "blessed" and which is the lifeblood of the same common law. If a word can describe the contribution of Justice Beilfuss to twenty years of Wisconsin jurisprudence, that word would most probably be "balance." He achieved, among his brethren at the bar who are not privy to the conferences of the court but who can and do study the opinions, the reputation of being the court's "swing man" in many an important decision. Given a court divided three-to-three, the question among lawyers often was "what will Beilfuss do?"

In May of 1976, while travelling home from the annual meeting of the American Law Institute, Chief Justice Horace Wilkie was unexpectedly stricken with a fatal heart attack, and the next day Justice Beilfuss, the senior justice of the court, succeeded him as Chief Justice of Wisconsin. Thus, for the past seven of his twenty years of service on the supreme court, our honoree has discharged the administrative responsibilities of heading the third branch of government in addition to his duties as an appellate judge. I have some feeling for the dual responsibility, having both administrative and academic responsibilities of my own. I know the frustrations and the difficulty of trying to mix the two and of trying to adequately discharge both. When, at a later date and from a better perspective, the legal history of this state is written to include the tenure of Chief Justice Beilfuss, I predict it will praise his years at the helm.

It was not an easy seven years; it was a time when the work begun by Chief Justices Hallows and Wilkie to reorganize the judicial department required completion. It was completed. The constitutional amendments to the judicial article of the state constitution stand as a monument to the three chief justices in whose tenures they were advanced and accomplished. It has also been a time of regrettable conflict and discord between the judicial and legislative branches of government, including sometimes the executive, through all of which our Chief has emerged a statesman. He will step down in July of 1983, having led the judiciary of this state through one of the most difficult periods of its history.

Last year our sister institution, the University of Wisconsin Law School, named the Chief Justice its Alumnus of the Year, an honor richly deserved. This award recognized, in addition to the professional achievements outlined above, a long history of the Chief's service to the public. He has an enviable record in that regard and one which goes beyond professional affiliations. He is, of course, a member of the State Bar of Wisconsin, the American Bar Association, the Dane County Bar Association, and also of the American Judicature Society, the American Law Institute, the Institute of Judicial Administration and the National Association of Appellate Judges. He has also been active in the American Legion and as a Post Commander of the Veterans of Foreign Wars, as well as a large number of local and statewide civic organizations.

In every respect Chief Justice Bruce F. Beilfuss epitomizes excellence in a lawyer. We who reside in Wisconsin, particularly those of us in the legal profession, can and do take pride in the fact that a man of his stature has served for so long upon our highest court. The *Marquette Law Review* is pleased to join the other legal institutions of this state which have, over the past year, saluted the Chief Justice upon his distinguished career and wished him well in his retirement.