

3-1-1989

In Memorium: Woodruff J. Deem

Edward L. Kimball

Follow this and additional works at: <https://digitalcommons.law.byu.edu/lawreview>



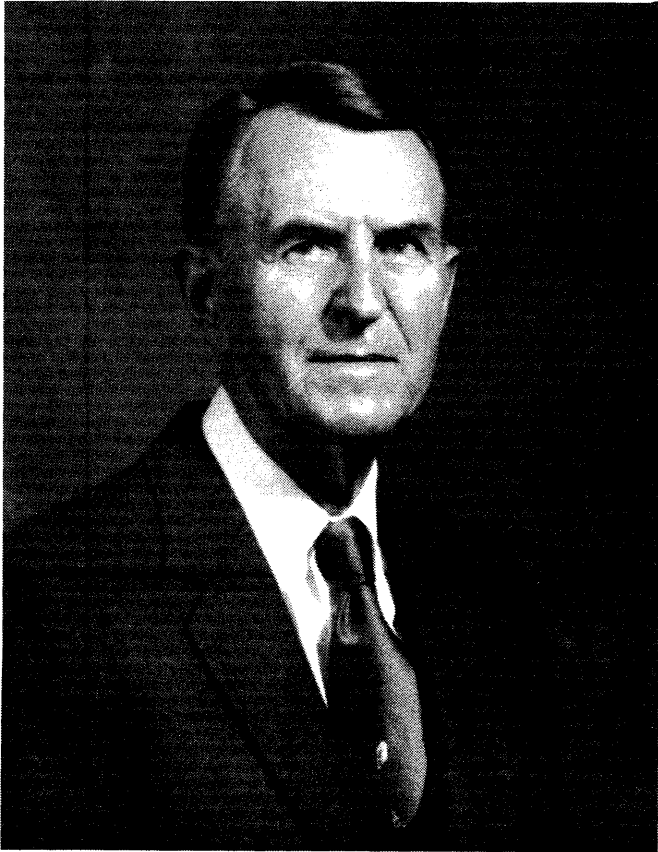
Part of the [Legal Biography Commons](#)

Recommended Citation

Edward L. Kimball, *In Memorium: Woodruff J. Deem*, 1989 BYU L. Rev. 1 (1989).

Available at: <https://digitalcommons.law.byu.edu/lawreview/vol1989/iss1/2>

This Article is brought to you for free and open access by the Brigham Young University Law Review at BYU Law Digital Commons. It has been accepted for inclusion in BYU Law Review by an authorized editor of BYU Law Digital Commons. For more information, please contact hunterlawlibrary@byu.edu.



Woodruff J. Deem

In Memorium: Woodruff J. Deem

*Edward L. Kimball**

For the last fifteen years Woody Deem was my closest professional associate. We both came to Brigham Young University (B.Y.U.) the first year the law school opened its doors and we jointly taught a course in Criminal Trial Practice every semester after that first year until his retirement due to illness in 1983. In a sense he continues to teach with me, as many of the things I teach in that course are his ideas. I even play for students tape recordings of some Woody Deem anecdotes, because the stories themselves are great and also because I want successive waves of law students to know at least a little about one of the great law teachers.

Born December 19, 1913, in Salt Lake City where the Salt Palace convention center/sports arena now stands as an unknowing memorial, Woodruff Janus Deem brought a sunny disposition into a cold world. His grandfather insisted that his first grandson be named after Latter-day Saint (L.D.S. or Mormon) Church president Wilford Woodruff. But the boy was always "Woody."

He lived most of his early life in North Ogden, Utah, the eldest of ten children in a poor family. Of his school experience, Woody wrote:

My first grade teacher made me want to be an attorney. When I was a discipline problem she kept me after school and lectured me that to get satisfaction out of life I must do things for others instead of getting attention only for myself. When she told me I could be another Abraham Lincoln, I made up my mind that I wanted to be a lawyer.

Woody spent two years at Weber College in Utah and then two years at Occidental College in California, where his family had moved. When he graduated in 1936, in the midst of the De-

* Ernest L. Wilkinson Professor of Law, Brigham Young University. B.S. (1953), LL.B. (1955), University of Utah; LL.M. (1959), S.J.D. (1962), University of Pennsylvania.

pression, there were no jobs so he took his Phi Beta Kappa key and went into the Civilian Conservation Corps. After a year a local church leader helped him get a patronage job in Washington D.C., as a member of the United States Capitol police force, where he worked the four-to-midnight shift and attended Georgetown Law School during the day.

Woody had heard that Georgetown, a Jesuit school, would not give Mormons fair treatment, so in characteristic fashion he asked Father Lucey point blank whether a Mormon student would be at a disadvantage. Father Lucey pointed out that several recent top graduates at Georgetown were Mormons and Woody proved him right by graduating at the top of his class in 1940. During his last year in law school he worked as a law clerk for a congressional committee and then for the Reconstruction Finance Corporation, where he continued as a staff lawyer after he was admitted to the bar. The next year he moved to the legal staff of the National Association of Manufacturers. Then the Army drafted him.

He started out as an Army buck private in January of 1943 and trained as a machine gunner at Camp Roberts. He was then shipped to Numea, New Caledonia, the staging area for the invasion of Bougainville. Men were sent out every few days, but week after week Woody's name was left off the list. Finally he confronted the clerk, who admitted, "The general we're sending troops to said, 'If you ever send me a buck private college graduate I'll kill him. They are nothing but trouble, stirring up discontent among the troops.'" After several months of waiting around Woody said to the clerk, "Ship me somewhere else—anywhere!" The clerk explained, "But that would require us to explain why you're still here, and we can't do that."

Finally Woody asked a law school friend who was a judge advocate in the area to help him. As a result Woody was shipped to the New Hebrides. When he arrived, to Woody's surprise his new commander said, "Boy, am I happy to see you!" But after some conversation Woody understood what had happened when the commander said, disappointedly, "You're not a statistician, are you?" Then, in order for that commander to requisition another "statistician" he got Woody transferred again. The next commander, on Banika, was surprised that his "traffic engineer" was a lawyer. But then the provost marshal saw Woody's file and got him a T3 rating and a job as an investigator. After a while on Banika Woody applied for Officer Candidate School

and was accepted. New second lieutenants had a short life expectancy, but he was willing to do anything to get off Banika.

After OCS, instead of combat duty Woody was sent to Chinese language school at Berkeley, with the prospect of fighting with Chinese guerilla troops behind Japanese lines. However, the war ended before he finished his training.

Out of the service in 1946 and back in Washington D.C., Woody returned to the National Association of Manufacturers for a while and in January of 1947 he joined the law firm of Ernest Wilkinson, who was later to become president of B.Y.U. For two years he helped Wilkinson directly in Indian claims litigation that lasted for many years, ultimately resulting in an unprecedented recovery of damages totalling tens of millions of dollars.

At an L.D.S. church meeting in Washington D.C., in September 1946, Woody heard pretty red-haired Norrie Dolvin speak on the subject of love. Her face looked familiar. He had first seen her as he came into San Francisco harbor from duty in the Pacific. Her picture was to be seen three stories high on Telegraph Hill, on a Marine recruiting billboard that said: "Be a Marine, Free a Marine for Combat." After seeing her face again and again on posters, he finally met this Marine sergeant, who was serving as secretary to the Marine Commandant. Their friends correctly thought they would make a good couple, both (as he said) "overage in grade."

When they flew to Salt Lake City in February 1947 to be married in the temple there, Woody telegraphed a friend, "Am marrying a Marine sergeant. Meet me in SL airport." When Woody and Norrie arrived, his friend nearly collapsed when a burly male Marine sergeant in uniform happened to step off the plane just ahead of Woody.

In 1949 Woody decided that the 18 hour days he was putting in with Ernest Wilkinson were good experience but he couldn't take it for life. He and Norrie decided to move to California and Woody got a job in the district attorney's office in Ventura County, where he soon became chief criminal prosecutor. After five years an opportunity arose to be a part-time justice of the peace in Ojai and also engage in private practice. A year later he found himself working 18 hour days again and looked for a change. This time Woody went to Hawaii as part of the original faculty of the Church College of Hawaii (C.C.H.) in

Laie. Norrie and the children thought it would be a great adventure.

For two years at C.C.H. (later B.Y.U.-Hawaii Campus) Woody taught English, Mandarin Chinese, speech, and drama. He had been in a lot of amateur plays growing up in North Ogden. It was a great life for the parents, but Woody and Norrie finally concluded that the discrimination against white children on the island was too much and that they would be better off back in California. In 1957 Woody wrote to the district attorney in Ventura and was offered his old job back.

In 1962 he was appointed to replace the district attorney and he was elected and reelected to that position unopposed until he resigned in 1973. He was known statewide as an unusually able trial attorney with a flair for the dramatic. He had the kind of courtroom presence that allowed him to leap up on counsel table to demonstrate a stabbing without seeming affected. He was known as a tough but fair prosecutor. He served as president of the statewide prosecutor association and involved himself in numerous law reform projects.

While he was D.A. his office achieved a nearly incredible 98% conviction rate. When asked by a young attorney if the rate was due to plea bargaining, Woody frowned and said, with hyperbole, "Boy, in this office we don't negotiate, we litigate."

A consummate advocate himself, he was also remarkably effective as a trainer of deputies. He often got the best new law graduates because of the training he offered. New deputies met during lunch hours for months to learn the skills they would need in court. They dreaded, but valued, the days when the D.A. would sit in the courtroom while they tried cases, filling his yellow pad with notations—"suit wrinkled, colored shirt, slurs address to jury, meaningless hand movement, echoes witness answers." But it wasn't only new attorneys whom he trained, he also offered in depth critiques of the performances of experienced deputies. Many of the best trial attorneys in the area were trained by Woody Deem.

While these professional activities were going on, Woody and Norrie achieved recognition for their building a family. After seven years without children they began adopting through the Children's Home Society and ended up adopting eight, more than any other couple in Southern California. After the Deems adopted Paul in 1953, the agency was quick to arrange the adoption of Barbara, so that Paul would not have to be an only child.

When they applied for a third child they were told to go away, but persistence brought them Noi Lani. When mothers giving up their children specified that they wished their babies to be reared in the L.D.S. Church the Deems were prime candidates. Through the years, David, Laura, John, Maria, and finally Matthew joined the family. The agency then said it would no longer accept applications from them. Of Woody, Norrie once said, "Before we married I watched him in church. He had every lady's baby on his lap and surrounded himself with children. He seemed to have an aura about him that calmed babies and children. He was always that way." The Deems were appreciated by more children than just their own. When they would run a flag up the pole in their yard the neighborhood children knew that they were welcome to come swim in the Deem pool.

The family was always active in the L.D.S. Church, with both parents serving in many capacities. Woody served as bishop (lay pastor) of Ojai congregation for four years and in the presidency of the Santa Barbara stake, a church unit made up of a number of congregations, for nine years. He taught many youth classes and for six years he was scoutmaster. He loved the outdoors and his scouts looked forward to a 32 mile survival hike in the desert and a 50 mile hike in the mountains nearly every year.

When a new law school was planned at B.Y.U., its president Ernest Wilkinson, the former Washington lawyer for whom Woody had worked early in his career, appealed to him to come help with the creation of the new school, bringing his rich background in practice. It would mean giving up a satisfying career, some of the retirement benefits he had built up in California, a marvelous home with a swimming pool, acres of grounds, a horse, and balmy weather, and he was not much interested. But he did accept an invitation to give a talk at B.Y.U. While he was there Dallin Oaks, the new president who had just succeeded Wilkinson, also urged him to join the law faculty that was being formed. Woody said, "I think I had better stay where I am. I've got a winning shop of 25 competent lawyers and a wonderful place to live." As Woody was finishing his talk, a secretary slipped a note on the lectern, indicating that Marion G. Romney, the Second Counselor to the President of the Mormon church, would like to meet with him. In that meeting Mr. Romney said, "Tell me about this good life you have in California." He also said, "We are not making calls [with a moral obligation

to serve] to professors for the new law school, but we do want to make you aware of the opportunity. I would like you to go back to California and make two lists, one list of reasons you should stay in California and another list of reasons you should come to B.Y.U." Woody did and decided to move once more.

In Provo the Deems bought a home just a few hundred yards from the law school, across the street from a park, and the ten Deems filled it with people, activity and love.

At B.Y.U. Woody's long experience in criminal law led to his teaching courses concentrated in that area — always substantive criminal law, criminal procedure, and criminal trial practice, and in spring term sometimes post conviction remedies or juvenile justice.

One of his innovations at B.Y.U. was the videotaping of every student in his first year classes as they would present a case and respond to questions. Despite the enormous commitment of time required, Woody would review each student's performance in his office after class. The evaluation of these performances became part of the course grade. The upper-class Criminal Trial Practice course was also his idea, and he recruited me to join him in developing and teaching it. In that course each student performs approximately 25 times on videotape during the semester, each time being reviewed by a faculty member or a teaching assistant. I think no other such course in the country approaches that amount of on-camera individually-reviewed time. Woody also developed his own teaching materials in Criminal Law and Criminal Procedure. He was the one member of the faculty who most strongly fostered and best exemplified the forensic skills an effective trial lawyer needs. Law enforcement and prosecutor groups called on him often as a lecturer.

Woody had other interests. He was co-author of Ernest Wilkinson's biography, and in retirement he pursued work on a biography of the great Ute Indian chief Ouray, though he was unable to complete that project before his death.

As the bishop in a congregation organized specifically for unmarried young adults he was capable, concerned, and loving, the same characteristics he showed in the law school and at home.

No faculty member was more eager to help students find employment. He made phone calls, wrote letters, even conducted interviews on videotape to send to prospective employers

of his students. He was a great booster of individuals and institutions and ideas in which he had confidence.

Woody enjoyed playing the role of straight man to others' comedy, allowing himself to be teased for his interest in health foods and his crime-fighter image, but the twinkle in his eye let everyone know who was really in charge. Fierce eyebrows shaded his eyes. He looked tough, but underneath there beat a marshmallow heart.

I remember what may have been the last time he was introduced to the entering class. The faculty sat in the front row, back to the students. When Woody's name was called he stood, turned very deliberately to face the students, scowled menacingly, and sat down. It was pure Woody Deem.

Woody was seventeen years older than I, with much more experience in practice, but he never condescended. He treated me as his equal, as I believe he did everyone. He was a hard-working, effective teacher in the law school and with law enforcement and prosecutor groups, but I never saw a touch of vanity. I greatly admire and desire the traits of character he exemplified.

Woody had Parkinson's disease. He talked about retiring. I said, "Woody, you'll always teach here. When you're gone we'll have you stuffed and play recordings of your lectures." One day in the fall of 1983 his doctor said, "You've taught your last class," and I finished his classes that semester. In some sense I am a poor recording of many of his ideas. There will never be another quite like him, and we who have known the one and only Woody Deem will never be quite the same. B.Y.U. Law School has honored his name by creating the Woodruff J. Deem Professorship. Whoever takes that seat becomes heir to a great tradition.