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Bill Matthews—A Farewell Toast

BY CHARLES ALAN WRIGHT*

Combine a very sharp and keenly analytical mind with a large and warm heart, all covered with a heavy layer of southern courtesy and wit, and you have something quite special. Bill Matthews was all of that and he was something quite special.

He and I were friends so long that I cannot remember when or how we met. Quite possibly it was at the convention of the Association of American Law Schools in 1950, my first year in law teaching. In those years the AALS conventions were held at the Edgewater Beach Hotel in Chicago. It was a splendid place for meeting people and if I did not meet Bill there in 1950, it must have been in the same place on a similar occasion very soon thereafter. He was a few years older than I, and he had entered law teaching three years before I did, but we were both part of the postwar generation of law teachers who went to those December meetings to look with awe as a Karl Llewellyn or a Charles McCormick or a Bill Prosser or a similar Great Authority came down the hall and to spend many happy hours in the Yacht Club disagreeing violently with each other over how to teach law and what law to teach.¹ Those were happy, exciting years. The war was over, the future looked bright, we were young, and the world lay before us, waiting to be conquered. How long ago it all now seems.

I continued to see Bill at AALS meetings over the years, and the bond between us was strengthened when my good friend and colleague with whom I taught at the University of Minnesota, Jesse Dukeminier, joined the Kentucky faculty. But our principal

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¹ The phrase is borrowed from Prosser, *Lighthouse No Good*, 1 J. LEGAL EDUC. 257, 264 (1948). That article gives the best portrayal I have ever seen of what it was like to be a young law professor at the time Bill Matthews and I entered the profession.

association was in the years that we were colleagues on the NCAA Committee on Infractions. I became a member of that committee in 1973 and Bill, who for years had been active in NCAA affairs as faculty athletic representative of the University of Kentucky, was appointed to it in 1974.

One can hardly help being on close terms with the members of the Infractions Committee. It is a small committee, with only five members until 1981 and six since then. It ordinarily meets six or seven times a year, typically for three days at a time. The members of the committee are thrown together constantly. We always had lunch together from room service in the chairman's suite, and when the day's work was finally over, our wives would join us for cocktails and dinner. One of the nicest things about having Bill Matthews on the committee was that his attractive and intelligent wife, Carol, came to many of the meetings with him. It was a pleasure to see her at the end of a long day.

The function of the Infractions Committee is to determine whether violations of NCAA rules on the conduct of intercollegiate athletics have occurred and to assess penalties against institutions found guilty of violations. This is serious business. To tell a university that for a specified number of years it cannot appear on television, or play in bowl games in football or postseason championships in other sports can cost the institution a very large amount of money. To find that a coach has been guilty of unethical conduct can have a devastating effect on his or her career.

Despite the high stakes that are involved, hearings before the committee are carried on with considerable informality. As I wrote elsewhere in a description of the committee's procedure, "the members of the committee are not reticent about participating in the colloquy themselves. The committee asks questions, frequently quite pointed, of both sides in an effort to settle uncertainties and to determine what really happened."² Though every member of the committee asks questions, I had Bill Matthews particularly in mind when I wrote those words. He was perhaps the least reticent of any of us about asking questions.

² Wright, *Responding to an NCAA Investigation, or, What to Do When an Official Inquiry Comes*, 1 ENTERTAINMENT & SPORTS L.J. 19, 33 (1984).

All of the qualities I described in the first sentence of this article were very much in evidence as he questioned the NCAA staff and the representatives of the university that was before us. His questions were excellent and often exposed a critical weakness in the position for which one side or the other was arguing, but even the most devastating questions were put in a disarmingly pleasant way. "It's up to you how you practice your case" was one of his favorite phrases. Chuckles were interspersed in the questions, and often Bill would laugh loudly and so contagiously that those who, unbeknownst to them, were being devastated by the question would join happily in the laughter.

Bill liked people. He did not blind himself to human weaknesses, and when the committee members retired to deliberate about the case we had heard, Bill was not slow to express himself if he felt that someone at the hearing had been less than candid with us. But he always did this more in sorrow than in anger, and was never vindictive. In the course of those deliberations there were often sharp differences of opinion among the members of the committee. The cases were frequently hard, and it would have been surprising if all five or six of us had agreed on every issue. Bill would argue long and hard for his position, but if he were outvoted he would take that with good spirit and in good humor.

The NCAA Bylaws set a limit on the number of years anyone can serve on the Infractions Committee, and Bill and I both went off the committee on September 1, 1983. But there is a provision by which former members of the committee can be asked to sit in if the committee would otherwise be shorthanded for a particular case. At the committee's meeting in July 1984 one of the present members had recused himself and another was out of the country, so Bill and I were invited to sit in their places. It was a joy being with him and Carol again and I rejoiced in how healthy he seemed. He seemed fully recovered from the major heart attack he had had a few years before. Thus it was surprising, as well as very sad, when a few weeks later I heard he had had another heart attack and that the prognosis was not good. All too soon that gloomy prediction was proven correct.

He was a great person, who made a vivid impression on everyone who knew him. Over the years he and I more than

once enjoyed a drink together. It is with a heavy heart that I raise my glass in a final salute to Bill Matthews, a dear friend whom I will miss greatly.