

1995

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Recommended Citation

Coyne, M. Jeanne (1995) "A Tribute to Rosalie E. Wahl," *William Mitchell Law Review*: Vol. 21: Iss. 1, Article 2.
Available at: <http://open.mitchellhamline.edu/wmlr/vol21/iss1/2>

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A TRIBUTE TO ROSALIE E. WAHL[†]

Hon. M. Jeanne Coyne[‡]

Much has been said and much has been written about Rosalie E. Wahl's tenure as chair of the ABA Accreditation Committee and then as chair of the ABA Section on Legal Education and Admission to the Bar, the section which set in motion the study that resulted in the much discussed McCrate Report. Locally, even more has been said and written about her work as chair of Minnesota's task forces on gender and racial bias.

I would like to say a few words about an aspect of that work that is seldom remarked. It is always assumed that lawyers, especially lawyers who are judges, are good listeners. Some are; some aren't. By listening, I mean *really* hearing with brain and heart what the speaker is saying—with antenna extended to catch the nuances on which to base inferences about credibility and about what the speaker is avoiding. It is understanding what is being said, both on an intellectual level and with human compassion. In other words, letting someone's words slide across the surface of the mind while thinking about what one is going to say at the first opportunity is *not* listening.

Rosalie is a good listener. Now listening, real listening, requires the expenditure of much energy and sustained effort; and it has occurred to me on many occasions that it must have been incredibly difficult to go from a day of oral argument and case conferences to an evening of the public hearings that were at the heart of the work of the gender and race bias task forces. Sometimes Rosalie looked awfully tired, but she never let exhaustion—or just about anything else—keep her away from a public hearing. That's true dedication.

Everyone who knows Rosalie knows of her love of literature—both prose and poetry—and how she loves to sing. As you all know, before an opinion is released it is circulated among

[†] Transcript of remarks given by Justice Coyne on September 17, 1994, at the Minnesota State Bar Association reception on the occasion of Justice Wahl's retirement.

[‡] Associate Justice, Minnesota Supreme Court.

the members of the court so that all can join the opinion or prepare a dissent or special concurrence. I always pull out my notes on the case—and occasionally the briefs—and review the proposed opinion very thoroughly. Oftentimes, when I have read one of Justice Wahl's opinions, I have reread it so that my mind's ear could hear what my mind's eye had seen, because Rosalie's opinions often have a cadence or rhythm that I associate with poetry and music. In this age when the art of communication has been disassociated from the English language and is considered to have been achieved if one has touched on the subject somewhere in the writing—never mind the lack of clarity, precision, and organization—the fact that Rosalie bothered to couch her opinions in admirable English and that I noticed may simply be a sign that we are both fossils. But it has pleased me, Rosalie, even when I disagreed with *what* you wrote, and I thank you, my friend, for a job well done.