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## Michael Goldsmith Memorial

*Cheryl B. Preston\**

Michael Goldsmith was my friend. He was a real friend, and I appreciate the opportunity to reflect on my memories of him, and to distill what I would say about—*and to*—Michael. Of course, I never actually called him Michael; on the fourth floor we are on a last name basis. I want to write about Goldsmith, not on the topic of his outward accomplishments—of which you can all read and marvel—rather by painting a personal portrait of the colleague and friend.

A month or so after I left the very social atmosphere of a law firm and legal department to enter academia at BYU, I woke up to a most horrifying realization. I went to Cliff Fleming, my assigned mentor, and stated my serious concern that a person could go weeks on the faculty floors without any personal interaction with other humans. Cliff quickly responded, “Yep, isn’t it great!” Goldsmith, however, occasionally broke the academic model and came over just to chat. At least once a week, he would offer his latest collection of jokes. I am always a good candidate for hearing jokes, because I can’t seem to remember them from day to day. In fact, I wanted to share some of Goldsmith’s best jokes with you, but I remember the specifics of almost none. What I do remember is the laughter.

Goldsmith was one of the few people with whom I liked to talk politics. He was no respecter of persons, parties, or positions. All politicians had an equal opportunity to be victimized by his wit—well, Presidents Clinton and Bush received perhaps a greater share, but both provided a “target-rich” environment for Goldsmith’s satire.

In addition to his great sense of humor, one quality about Goldsmith that really sticks with me is the extent to which he embraced his humanity. The first time I met him was at a BYU Board of Visitors dinner before I joined the faculty. I thought he was, perhaps, arrogant. In fact, I don’t think anyone would describe him in those days as pathetically self-sacrificing. He had an endearing

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“it-doesn’t-hurt-to-ask” policy that allowed him to politely ask the secretaries to run up to Salt Lake on their own time to bring him a file he had left. This approach was invariably met with a lot of success at BYU, where people are too nice to say no, which he insisted was not *his* fault. As he often noted, he was probably the only educated white Jewish boy in America who was an affirmative-action hire.

It is said that one must never judge until she hears both sides of any story. Goldsmith sometimes made that unnecessary. I remember one particular day when I was giving him a ride home to Salt Lake City. He was in grand form in describing a giant fight, just an altogether mess, and his outright annoyance toward the other party in the matter. He didn’t embellish the facts; he just told it how he saw it—with increasing vigor as he went along. And long before I dropped him off, I had figured out from just his side of the story that he was probably the one at fault.

The great thing about Goldsmith, however, is how frequently he would come to that conclusion himself, and fairly soon. He was willing to learn, to rethink, to balance, to grow, and to forgive—himself and others. In the end, he wasn’t harboring all sorts of grudges and resentments in his closets and desk drawers. He accepted people as he accepted himself—as imperfect, but doing the best we can. I don’t know if he became kinder and gentler, or if I just began to see better the nature of his character. Perhaps it was a little of both, but I realized, for one thing, he was exceptionally genuine. He never tried to make himself out to be something he was not, and he was trying to do his best.

Toward the end, it was hard for him to get around, to type, to put on his wrist braces, to eat—everything. Daily, I watched Professor David Thomas assist him around the law building. Adrian and the office assistants came to love him through service. They responded marvelously to the “it-doesn’t-hurt-to-ask” policy, sugar coated with loads of terrific humor. Instead of rage or self pity, he was busy making sure *we* didn’t feel uncomfortable about his situation.

Earlier, Goldsmith turned his nearly fatal aneurism and long, difficult recovery into a delightful source of “Goldsmith-as-brain-damaged” jokes. What was clear, though, is how much he grasped, not the seemingly random tragedy he suffered, but the fact that he was back. He beat it. He was grateful for life.

I do admire Goldsmith for his sense of gratitude. He was not a whiner. He was grateful for help; he openly acknowledged the remarkable service of Thomas, Adrian, and others. He certainly recognized a good thing when he had it, especially when he didn't think he deserved it.

Of course, the starring example is his humility when he talked about how astonishingly great his wife Carolyn is. This woman is a high-powered lawyer who worked beside him on the cases when he was consulting. And, all the while, we had to hear about the gourmet packed lunches and the classy decorated dinner table on just any ordinary day, and especially about her patience and thoughtfulness. Carolyn and his children brought so much joy to his life. He embraced the good and the bad of what befell him.

He taught us so much, but not overtly or in words. He was certainly not judgmental or preachy. In the end he *showed us* by his choices when under fire. Goldsmith has an unconquerable spirit. Carolyn has referred to it as stubbornness; Goldsmith called it "determination." But in the end, he showed us the victory of an individual over the ravages of the mortal condition.

When Goldsmith began to suspect, and was later diagnosed with, Lou Gehrig's disease or ALS, he did not take it lightly. He sometimes shared his fears and sorrow with us. But at the same time, he made it clear that he was going to face this overwhelming challenge with dignity and resolve. He told us quite frankly what his last words would be to ALS and to death, and they were defiant. He showed ALS, and each of us, that despite terrible illness he could still teach, commute, think, and love. Most amazingly, he figured out how to use ALS to defeat it. His response to ALS was, "What useful thing can I do with my situation to help fight ALS for others?"

As I contemplate this, I wonder whether we (collectively) gave to him anything as valuable as what he gave to us. The thing about death is, no matter how much you know it is coming, it still jumps you from behind and smacks you with finality. The time to be a better friend, to talk about truth, to tell him how much we respect him, is gone, except in prayer.

As Goldsmith became ill, he started to demonstrate more overtly his faith in and loyalty to the Jewish religion and his family tradition. He must have recognized that his religious connections wove him into a tapestry of meaning that would survive him. I understand that and honestly respect his commitment. I often thought as he was

dying that I should have made a greater effort to share with him, my friend, what I most cherish, which is the comfort of the Gospel of Jesus Christ. Maybe I should have asked for a signed note from him in advance forgiving me for not trying harder.

In life, I didn't try to convert him—much—well, except when he was trying to convert me. For instance, we once entered a fully negotiated, consideration-supported contract that, if I would force myself to watch Fahrenheit 9-11 (which he thought would help me be more enlightened), he would read Third Nephi. After suffering through the whole miserable movie, I came the next Monday and asked if he would prefer to borrow my Book of Mormon or take a Xerox copy of the relevant chapters. He declined both options, claiming the famous contract “just-joking” defense!

I miss him, and I wish so much I had taken more opportunity to learn from him what he knew about strength, about conquering mortality, and about facing life as it is and making the best of it.