

Woody Deem

Colleague, Mentor, Friend

EDITOR'S NOTE: *Woody Deem was one of six charter faculty members of the J. Reuben Clark Law School. His decision to come to BYU meant the end of a successful career as prosecuting attorney for Ventura County, California, where he had also developed a widespread reputation for training exceptional trial lawyers. At the Law School he used those same training techniques to mold students. From the first day of his first-year criminal law course, Professor Deem required students not just to be prepared to recite the cases for the day but also to present them in proper courtroom style. To reinforce the learning experience, Woody's classes were videotaped. Each student who had recited during the day's lecture met with Woody that afternoon for a frank critique. Although this experience was uniformly considered by law students to be the most frightening of their law school careers, they also considered it to be most beneficial in developing the lawyering skills.*

◆ *Woody's zeal for the law, and for teaching the law, affected not only those who were fortunate enough to be his students, but his faculty colleagues as well. A few months before his death, the J. Reuben Clark Law Society and the faculty of the J. Reuben Clark Law School established the Woody Deem Professorship in Law. The fund-raising efforts for the professorship were augmented by an anonymous donation that matched other gifts up to \$150,000. Alumni and friends rallied to support this effort and set a record for any single fund-raising project at the Law School. ◆ To honor Woody's memory we provide here two tributes. The first, by Professor Edward Kimball, who with Woody was a charter member of the Law School faculty, reflects the feelings of Woody's Law School colleagues. The second, by Jim Parkinson, a member of the Law School's charter class, was delivered at the first annual Law School alumni dinner held October 1988 in Salt Lake City. Norrie Deem, Woody's wife, traveled from St. George to attend the dinner. Besides expressing his feelings about Woody Deem, Jim informed Norrie of the depth of affection that law students had for her husband.*



A COLLEAGUE REMEMBERS

by Professor Edward Kimball

FOR the first 15 years Woody Deem was my closest professional associate. We both came to Brigham Young University 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 things I teach in the course are his ideas. I even play for students tape recordings of some Woody Deem anecdotes, because the stories themselves are great and 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 Church President Wilford Woodruff. But the boy was always "Woody."

He lived most of his early life in North Ogden, Utah, the eldest of 10 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 Depression, 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 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?" The commander, in order to requisition another "statistician" transferred Woody 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 BYU. For two years he helped Wilkinson directly in Indian claims litigation that lasted for many years, ultimately resulting in an unprecedented recovery of damages totaling tens of millions.

At an LDS 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) "over age 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 (CCH) in Laie. Norrie and the children thought it would be a great adventure.

For two years at CCH (later BYU—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 family 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 percent conviction rate. When a young attorney asked 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 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 family. After seven years without children they began adopting through the Children's Home Society and ended up with 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 LDS 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 LDS Church, with both parents serving in many capacities. Woody served as bishop of the Ojai Ward for four years and in the Santa Barbara Stake presidency 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 BYU, 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. It would mean giving up a satisfying career, some 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 BYU. 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 lecturn, indicated that Marion G. Romney, the Second Counselor to the President of the LDS 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 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 BYU." 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.

Woody's long experience in criminal law led him to teach courses at BYU 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 BYU was the videotaping of students in their first-year classes as they would present cases 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 coauthor 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 of a ward 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 for 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 17 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 hardworking, 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. BYU Law School has honored his name by creating the Woodruff J. Deem Professorship. Whoever takes that seat becomes heir to a great tradition.

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A STUDENT REMEMBERS

by Jim Parkinson

I N the fall of 1973, 150 students and six faculty members met at the St. Francis of Assisi School, and the J. Reuben Clark Law School began. Among those six pioneering professors was Woody Deem. Tonight we officially announce the Woody Deem endowed professorship. An anonymous donor has pledged up to \$150,000 of matching funds for everything that we raise as an alumni group. Tonight when I talked to Reese Hansen, he informed me that we have had an

overwhelming response to solicitations for donations to honor Woody. We now have commitments of over \$75,000.

In the last 12 years there have been numerous solicitations for money for the Law School. Some of them have been successful, and others of them have not been quite as successful. But, Sister Deem, when I tell you that we have raised \$75,000—that eclipses by triple any single fund-raising effort of the Law School has ever done before. That result is not a tribute to Bruce Hafen's fund-raising ability; it is not a tribute to mine; it is a tribute to your husband, who was our professor. Woody Deem added something to the Law School that no other person in the legal community could have. Woody Deem was a father, grandfather, husband, Church leader, valedictorian of his law school class, attorney in private practice, prosecutor in Ventura County with a 98 percent conviction rate, and professor of law at BYU.

I remember him best as teacher. Woody Deem cared about what the students learned. He cared about how we thought. He cared about how we stood up and presented ourselves, how we spoke, how we dressed, how we gestured. And if we didn't do it right, Woody would take as much time as necessary to correct us.

I intentionally asked to be the only person on the professorship fund-raising committee from the class of 1976. I wanted to call all of my classmates individually, and I wanted to talk to them about Woody Deem. Over the last two months I have contacted 60 of them. Every classmate expressed not only a willingness to contribute, but they all had a story they wanted to share with me about Woody and why they felt good about him—many incidents underscoring his "all criminals are stupid" philosophy. I'll never forget the story he told about the criminals down in Southern California—how they might commit their first felony in Ventura county, but for the second one they go over to L.A.

Dean Hafen and I have been working together for the last year or so on different projects for the Law School. He called me up one afternoon and said, "Jim, I think we have what we have been looking for. We are going to have an endowed professorship in honor of Woody Deem. How do you think the students will react to that?" I was taken back by the emotions that flooded into my mind as I thought about Woody's great contributions that have made the Law School what it is today

I remember the sacrifices that Woody and his family made. Woody Deem had a successful career in Ventura County; he had a home; he had a team of 25 lawyers working for him. He gave up retirement benefits to come to BYU. And why? Because Woody Deem wanted to give. He wanted to share his talents; he wanted to instruct; he wanted us on videotapes. (I get the feeling that he is going to critique this tonight.) He wanted to and had so much to give. I am so thankful that Bruce Hafen called me and said, "Now all of you who came to BYU to take, take from great men like Woody Deem,

have a vehicle to give back.”

When I called those 60 people in my class, I started the conversation with, “Do you remember Woody Deem?” And then I said, “Woody is dying.” I told them that in October we were going to have a banquet, and it was our hope and prayer that Woody would be with us, because those of us who learned from him, those of us who sat with the videotapes learning to become trial lawyers, wanted to honor him. And everybody was thrilled.

Early in September I learned that Woody Deem had passed away, and he would not be with us here tonight. It broke my heart. I think it is a tragedy that people who give so much to so many are not recognized and appreciated publicly during their lifetimes.

Woody Deem passed away, but his influence did not pass with him. When I start a trial, and when I answer “ready,” when I select a jury through *voir dire*, when I take witnesses on direct and cross, and when I argue my case and give rebuttal, the principles of Woody Deem—not just what he taught me about technique but what he taught me about the spirit of trial advocacy—rise with me. Sister Deem, it is this generation of lawyers that your husband trained. And we love him for it.

Before Woody Deem passed away, he learned what we were doing for him. He wrote a letter dated April 26, 1988, to Dean Bruce Hafen.

Dear Bruce

Your letter of April 11 announcing the creation of the Woody J. Deem Professorship in Law at the BYU Law

School came as a most pleasant surprise. It is difficult for me to put my enthusiasm into words. I am extremely honored to have my name connected with this valuable endowment. There is no end to its far-reaching benefits. Even law students not yet born will be able to benefit from its existence. We would like to have you keep in touch if there is anything we can do to help in this regard. Norrie is compiling a list of a few attorney friends in California and Hawaii as well as Utah who may be able to spread the word even if they can't contribute large amounts of money. It is most gratifying to be honored by one's peers for contributions made in life.

Thanks again, you have made my day, my year, and my decade.

*As ever,
Woody*

Woody was gratified to be honored by his peers. For me, Woody Deem has no peers. Tonight I would just like to tell you that people all over the country, and in particular Southern California, are raising money to honor your husband, Norrie. The Honorable John Hunter has done tremendous work for us in Southern California. We have committee members all over the country. And we just hope in this small way you can feel what we felt about your husband.

As I close, let me simply say, God bless Woody Deem, and God bless all of you.

From a tribute delivered at the First Annual Law School Alumni Dinner in Salt Lake City, Utah, October 7, 1988.

To express appreciation for the outpouring of support of the Woody Deem and Terry Crapo professorships by alumni of the Law School, the faculty passed unanimously the following resolution of February 16, 1989.

Resolution

Whereas, the endowed professorships previously authorized by the faculty of the Law School in honor of Woodruff J. Deem and Terry L. Crapo have been approved by Brigham Young University and enthusiastically accepted by the alumni and friends of the J. Reuben Clark Law School; and

Whereas, the alumni of the Law School have pledged and contributed to both professorships within the last few months with an outpouring of support and generosity that exceeds any alumni drive we have experienced in the Law School's history; and

Whereas, the leaders and committees of the entire alumni organization and within each graduating class have been especially diligent and effective in achieving this unprecedented success;

Now, Therefore, the faculty of the Law School does hereby unanimously and with great appreciation commend all of the Law School's alumni and alumni leaders, in recognition of their remarkable response to our request for assistance in funding new professorships honoring our deceased colleagues, Woody Deem and Terry Crapo.