

REMEMBERING BILL SCHROEDER

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Bill Schroeder and I have been friends for over thirty-two years. Our friendship began over beers at the Mississippi Flyway¹ following a recruiting dinner. It was watered by gallons of beer late at night at the Flyway after we had each finished our usual hours of legal research or writing.

Those beer-fueled talks somehow made the life of a scholar seem less strange and lonely, although we seldom talked about our work. Mostly, I remember, we argued. We both loved to argue and we seldom agreed on anything. I used to tell Bill that he only agreed with me when he knew something about the topic.

For example, Bill argued that tort law should not allow compensatory damages for pain and suffering. He made all the usual modern arguments: pain and suffering could not be accurately valued, pain and suffering damage awards by juries could not be predicted or judicially controlled, and all the *real* loss could be compensated under the other damage headings. I argued that pain and suffering caused by wrongful harm was a significant part of the injury that the wrongdoer should pay for in order to redress the wrong and that jury awards could be kept within reasonable bounds by enlightened judges using remittitur. We argued about this so often that we could do it in our sleep—or after many beers.

Then, some years ago, Bill was seriously hurt in an automobile accident in Canada. An old man had barreled through a stop sign and smashed into Bill's rental car. For at least six months, I believe, Bill suffered almost constant, sometimes agonizing pain. And he changed his mind about tort damages for pain and suffering.

Another argument we often had, almost always at the end of the night, was over whether we should take attendance in our law classes. I argued that the Association of American Law Schools requires law schools to take attendance, that it encourages regular attendance, and that students learn more when they attend class. Bill argued that law students were adults who could decide for themselves whether class attendance on any particular day was useful for them. We should treat them as adults and leave that decision to them. These arguments, too, were repeated so often we could make them in our sleep.

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1. The Flyway was a local watering hole, decorated with stuffed waterfowl on the walls and frequented by hunters and workers—blue collar, white collar, police, and professionals.

One thing we never argued about was our devotion to our children. When we talked about them, it was clear that he cared deeply about each of his children, celebrated with joy their successes, and suffered with them in their disappointments.

Another thing we never argued about was the importance of excellence in scholarly writing—that was, after all, why we put in the long hours late into the night. Bill worked hard to achieve excellence in his scholarship and he did so. Day in and day out, year after year, Bill Schroeder did good work.

I was most familiar with Bill's early books on the law of evidence in Alabama and Missouri and his later book on the law of evidence in Illinois. They were all written to be of help to judges and practicing lawyers; they were the fruit of exhaustive research, insightful interpretation of the sources, and meticulous attention to detail.

Bill often told me his theory that the life of everyone is a disappointment, as one's achievements never fulfill the promise of one's talents. The promise of Bill's extraordinary talents, however, found fulfillment in his extraordinary accomplishments. So, I would have to argue with Bill one last time: Your own life, Bill, refutes your theory.