

*University of Pittsburgh School of Law*  
University of Pittsburgh School of Law Working Paper Series

---

*Year 2006*

*Paper 49*

---

## Remembering Welsh White

John Burkoff\*

\*University of Pittsburgh School of Law, burkoff@law.pitt.edu

This working paper is hosted by The Berkeley Electronic Press (bepress) and may not be commercially reproduced without the permission of the copyright holder.

<http://law.bepress.com/pittlwps/art49>

Copyright ©2006 by the author.

# Remembering Welsh White

John Burkoff

## **Abstract**

This paper was an adaptation from a eulogy for Welsh White, an esteemed Criminal Procedure professor at the University of Pittsburgh School of Law.

## Remembering Welsh White\*

John M. Burkoff\*\*

Welsh White was my colleague, my mentor, and my friend for thirty years.

Our scholarship and our teaching interests were largely in the same areas of the law: criminal law and criminal procedure. And from the very first moment I arrived at Pitt, in the summer of 1976—naive, wet-behind-the-ears, rookie law professor in my late twenties—Welsh and I became fast friends.

We were also colleagues, of course—“colleagues” in the best sense of that word. We proofed each other’s exams every semester. We talked with each other about our classes: how they were going and what we were doing. More than that, we talked with each other about everything going on in our professional lives. We consulted each other, we advised each other, we queried each other about virtually everything that either of us worked on—books, articles, ideas, draft legislation, queries from lawyers and judges and other academics—*everything*. For thirty years.

In fact, for a few of those years, before workaholism overtook us both, we had lunch together at least two, sometimes three, times a week. We talked about our ideas, we shared ideas. We talked about what was going on in the world, in the Supreme Court, in the lower courts, and in our profession. We talked about how the world *should* work. And the courts. And the legal profession.

Oh, I admit, we argued some, too. That’s what friends—at least, good *lawyer and law professor* friends do, you know. We offered each other our own honest and candid opinions, and suggestions, and constructive criticism . . . and support too, of course. And, yes, maybe once or twice, Welsh and I gossiped a bit. Just a bit. No more than . . . say . . . three or four hours a week. Hey, Welsh was, as my colleagues all know, very, very good at a lot of things—including gossiping, along with the death penalty and the Fifth Amendment.

Welsh also was (and this is something that each and every one of our mutual colleagues knows as well) a very kind and a decent man. Not one of his colleagues disliked him. Not one. Oh, they disagreed with him from time to time, of course. Obviously. We’re lawyers and law professors, after all. We disagree with each other as a matter of reflex. We’re professional contrarians.

But, agree or disagree, each and every one of my colleagues nonetheless *respected* Welsh and his views and his opinions. And they did this in large part because they knew—they *knew!*—that each and every one of his positions on the matters that came before us was expressed from the heart.

\*

This remembrance was adapted from the author’s eulogy at the memorial service held for Welsh White at Heinz Chapel on the campus of the University of Pittsburgh, January 20, 2006.

\*\*

Professor of Law, University of Pittsburgh.



Frankly, I don't think that Welsh was even capable of guile. He was not a politician. Welsh simply told you what he believed—the unvarnished truth. As he saw it, at least. Perhaps this is one of the reasons that he became a law professor instead of remaining a lawyer. Can you imagine an effective lawyer whose predisposition is to actually tell people *the truth*? Where would our justice system be if lawyers worked like that?

Welsh White cared deeply about the law itself, too. And about the state of the world. And about our system of justice. He cared deeply about people. About human rights. About the poor and the impoverished and about the weakest among us. About the unpopular and the powerless and the dispossessed . . . and, *yes* . . . he cared about the *guilty* people, too. Not a popular position, I know. He knew that, too. But Welsh nonetheless *felt passionately* that even the guilty, even the most heinous of criminals—the murderers, rapists, and no-account thugs in our midst—be treated fairly, decently, and with due and proper respect for his or her constitutional and human rights.

Welsh not only cared, by the way: he took the next and far more difficult step as well. He actually *did* something about it. He advocated for the rights of the accused, and the convicted and incarcerated. He wrote briefs for them, and books and articles about them and about their issues. He *cared* about them . . . *although, really, honestly*, what he was actually doing was caring about *us*—the good people. He *cared* that *we*—all Americans and our system of justice continue to treat even the worst amongst us as human beings with rights, with humanity.

Welsh White *cared* that we not devolve into criminals ourselves in the way in which we treat those actually *convicted* of crimes. To my mind, and I know to many of you as well, Welsh was in that regard—in that conviction that he possessed and acted upon—not *just* a good and decent man: he was truly a hero as well. And even more than that, he was a patriot. He treasured our American constitutional values, and he didn't just talk about them, he actually went out and he fought for them.

Welsh also cared deeply about his students, most of them non-criminals. He loved teaching. He *loved* it. He lived for it. Literally. Just a little over a month ago, Welsh and I still talked about the new course that he was planning to teach this very semester, a course focusing on the issues he raised in his newest book relating to the defense of people charged with capital crimes, people facing the death penalty. Welsh knew how sick he was. He knew he was dying. But, even to the end, to the very end, he wanted to teach. He wanted to work. He wanted to do what he did best. He wanted—he *needed*—to get back into the classroom.

He didn't make it, of course. More's the pity. A pity for all of us, and most especially for that final group of students that he might have touched. Welsh cared about his students not just as minds to be molded in the Socratic forge; he cared about them as flesh and blood people. Welsh cared that they become good lawyers, of course, but he cared just as much that they become good people when they left the sheltering confines of the law school and faced the harsh realities and pressures of full-time lawyering.

Not that Welsh ever gossiped, of course, but assuming *arguendo* that maybe he may have succumbed to that temptation once or twice, *well*, in that case, hypothetically, he would talk with me about particular students. He didn't say bad things, by the way. Really. He didn't. That wasn't his style. He told me the good things. Essentially, he bragged about them like a parent brags about his or her kids. His research assistants, for example: He talked to me all the time about how much he admired them, how smart they were, what they were doing, what they were thinking, what they were saying, what they were telling him. He *cared* about them. Welsh would never have said it this way in a million years, but it's nonetheless true, too: he loved them.

He loved this Law School, too. He loved the University of Pittsburgh. Being a law professor here was more than just a job to Welsh. It was, in many ways, aside from his family, his life.

And he was just the kind of professor you wanted to have teaching at your school. He was scholarly. No, more than that, he was *brilliant*. He was funny, too. He made learning painless. *Okay*, I admit, he had a foible or two. Or two dozen. Occasionally, he was the archetype of the absent-minded professor, you know, the scholar with his head in the clouds. It may be apocryphal, but I've heard the story repeated so many times by so many of his students, that I suspect that it's actually true: the story that one day, Welsh showed up to teach a class so forgetful about his clothing that he was wearing two different ties. One on top of another. He didn't even notice until his students pointed it out to him. And even then, he wasn't embarrassed. It didn't faze him one bit. *Hey*, what is wearing two ties when compared to worrying about the rights of people warehoused on death row?

Let me finish by saying this. Welsh White was, as I've already said, my friend. A good friend. *No*, that's not strong enough. He was a *great* friend. A trusted friend. A *loyal* friend. I hope I was that kind of friend to him as well.

I can't believe he's gone. Too soon. Much too soon. He and I had a lot more things to talk about, to dream about, to complain about, to gossip about. There are lots of things that I meant to tell him, but I never got around to it.

I know how much his family misses him. I miss him, too.

However, as trite as it may sound, it's nonetheless true for me as, I'm sure it is for them, that Welsh will always be with me. *Always*. He changed my life for the better. And in his books and his articles and in his briefs and his teaching, he changed the lives of many other people—*thousands* of other people—for the better. He will be—*he already is*—missed by lots of people, and certainly by *all* of his colleagues.

Rest in peace, buddy. And thanks for everything.