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# Charles H. Whitebread

Steve Leben

On September 16, 2008, the American Judges Association lost its best and most loyal friend. Law professor Charles H. Whitebread died that day of lung cancer at the age of 65.

Anyone who ever attended an AJA annual conference knew Charlie Whitebread. For more than 25 years (no one I know can trace it back past that), Charlie presented a review of the past year's decisions of the United States Supreme Court at our conference—every year, without fail, no matter where we met or what date we chose for the meeting. And every year, without fail, Charlie would end his program by saying that the one thing we could be sure of was that—if we invited him back—he'd be at our next conference to tell us what happened in the year to come.

If we invited him back? Of course he knew he was our most popular speaker. He was the most popular speaker and teacher everywhere he went.

Charlie Whitebread's reviews of the Supreme Court were unlike any other. He would open with a review of the most tawdry gossip about the court he could find from press reports and other sources during the past year. Now in truth, little gossip about the Supreme Court and its justices would meet an objective standard for tawdriness. But Charlie Whitebread was one of the great storytellers of our time, and he could make just about anything seem extraordinary.

Those in the AJA who didn't attend an annual conference knew Charlie Whitebread too. In addition to his conference presentations, he provided written reviews of the past year's cases in *Court Review*, and he served on the editorial board of this journal for the past 10 years. But many of us also knew him as one of the most popular presenters in the country's leading bar-review lecture program.

When a website (The Volokh Conspiracy) posted news of Charlie's

death, dozens of lawyers who had taken courses from him either in the bar review or in law school posted fond remembrances. Many of them gave anecdotes that give a glimpse at his wit.

One recalled Whitebread predicting—accurately—that a certain question



would always be on the bar exam for one of two fact patterns and that the answer would always be, "Murder." Whitebread's explanation, "Why? Because it's the bar exam!" Another quoted him: "If somebody's dead, somebody's guilty. Why? It's the bar exam!" Another: "Don't be fooled by trick questions: 'Is a lamp really a deadly weapon?' It killed him, didn't it?" These tributes came from people who had taken his courses from the early 1970s to the past year. Charlie's presentations were fun, but he also made sure you'd remember what you needed to know.

He lived life as fully as he lectured. When he came for one of our programs in Maui, though nearly 60 years old, he went parasailing for the first time. He proudly showed the photo of his large-framed body hanging in the air.

Charlie's final presentation to us, at

our 2007 annual conference, was a fitting ending: he made the presentation with a member of the Court in the audience. Our keynote presenter that year was Justice Ruth Bader Ginsburg. When we sent her the schedule and she saw that Charlie Whitebread was going to speak about her work for the past year, she told us that she wanted to be there for that. And she wanted to have a chance to respond! Being very polite, though, she said she'd like to do that if it would be okay with Professor Whitebread.

Charlie enthusiastically agreed, but he did modify his presentation—even if only a bit—with a justice in the audience. He made these presentations from several legal pads, which included some pages with press clippings taped onto them (part of the tawdry gossip) and others with scrawled notes or quotes taken from a case. Charlie skipped a couple of the gossip pages that year.

But he could afford to do that because the year's cases offered so much all by themselves. The hit of the presentation was a discussion of a free-speech case you couldn't have made up if you'd tried. A high school senior had unfurled a banner across the street from his Juneau, Alaska, school that read, "Bong Hits 4 Jesus." The school principal, decidedly not amused, suspended the student. The Supreme Court upheld the restriction on the student's speech, concluding that the school had a legitimate interest in restricting speech that might encourage drug use. (Justice Ginsburg joined the dissenting opinion.)

Blandly called *Morse v. Frederick* on the Court's docket, Charlie Whitebread just kept calling it the "Bong Hits 4 Jesus" case. You can imagine how much fun he had telling us about that one.

Justice Ginsburg smiled and laughed and thoroughly enjoyed his presentation. We all did.

We will miss him.