

In Memoriam: William M. Coffey

In February, while prosecuting a case before the State Judicial Commission, William Coffey ('61), died of a heart attack. If only for his frequent contributions as a lecturer, in trial advocacy and in our clinical programs, his loss would be sorely felt. But, as his friends and colleagues suggest in the following notes, Bill had a far greater impact on the profession. He was a role-model, an individual that lawyers could look up to and strive to emulate. All who knew him, or knew of him, are saddened by his loss.

**Richard Kenyon,
The Milwaukee Journal**

Near the end of the 1983 federal trial of Frank Balistreri and six other defendants, defense attorney William Coffey slouched in his chair and lowered his reading glasses. He seemed so relaxed that he appeared only half-interested in the proceedings.

Coffey was representing restaurateur Peter Picciurro, who faced five counts of sports betting.

When Coffey's turn came for closing arguments, he gracefully lifted his tall, athletic frame from the defense table and began working the courtroom, dominating it like Laurence Olivier would a stage or Larry Bird a basketball court. He had a way. He could massage or decimate a witness, put a jury into the palm of his hands, and terrify prosecutors.

He moved slowly and quietly, took a long sip of water, glanced at the jury and then took his place before the jury. Then, boom, he bellowed that the government would "grind Peter Picciurro up and spit him out because he's in their way and they want Frank Balistreri."

Picciurro was the only defendant acquitted on all counts.

Like others who are the best at what they do, Bill Coffey saw a criminal trial in slow motion. He was aware of the subtleties and nuances of the drama before anyone else. Without knowing why, you were drawn to him. He had a rare presence, a special touch. He was the center of attention without trying to be.

When Coffey died of a heart attack in



Madison at 55, many of those who knew him well realized how true this was about the man, outside the courtroom as well as in it. Fellow criminal defense attorneys, judges and this reporter, all friends, grieved when they learned of Coffey's death. They cried when they spoke of him.

"I didn't really think about it until Bill died," Circuit Judge Gary Gerlach said, "but I always felt more comfortable just knowing Bill was around."

He meant it in terms of friendship as well as law. Others said similar things. Coffey gave so much that was right and noble to both his friends and the law that friends could not imagine him gone.

More than 400 people came to Holy Rosary Church for funeral services. Attending were lawyers, state and federal judges, former clients, civil rights activists and anti-war protesters from the 1960s, all people whose lives Coffey touched.

The service was simple, without tributes from friends or family. Coffey is survived by his wife, Nancy; two sons, Michael of Milwaukee and Patrick of Chicago; and two daughters, Peggy of Madison and Jane of Shorewood.

For more than 20 years, Coffey was one of the most influential law figures in Wisconsin. Every directory of the best lawyers in the nation listed him.

His clients included those of the expected sort, such as those accused of murders, robberies, drug crimes, involvement in organized crime. But in recent years his practice was almost exclusively in Federal Court on white-collar crime cases—conspiracies, corruption and fraud. He also was hired by the University of Wisconsin-Madison to investigate alleged violations of National Collegiate Athletic Association rules several years ago.

According to Dennis Coffey, Bill's brother, law partner and friend, among Bill's fondest cases were those from the 1960s, particularly those involving the late civil rights activist James Groppi.

The climax of that era came in 1971, when Coffey argued before the U.S. Supreme Court on behalf of Groppi's constitutional rights. Coffey maintained that the Wisconsin Legislature had violated Groppi's right to due process when it jailed the priest for contempt in 1969. The conservative court agreed with Coffey in a unanimous decision.

Coffey also represented the underground newspaper Kaleidoscope, some of the Milwaukee 14 anti-war protesters, the NAACP youth council and Commando Project.

He had a special passion for protecting the rights of people seeking racial justice and social change.

Frank Remington, professor of criminal law at the University of Wisconsin-Madison, taught Coffey. The two became friends.

"I watched his career," said Remington, "and it was evident to me very early that Bill was developing into one of the finest criminal defense lawyers in the state of Wisconsin. He was smart, well-informed and capable. But he had something more. He had a rare quality of judgment and a concern for individuals in trouble that far exceeded in genuineness anyone else I knew."

Clients were not just clients. They were people.

In the 1960s, for instance, it was not uncommon to find Coffey playing basketball with kids from the NAACP youth council or Commando Project in his Shorewood driveway. Clients often showed up at Coffey's offices in an old,

"Bill absolutely loved being in the courtroom. He was fascinated by the job and came alive differently in a trial. He was something to see. He had this presence, a quality you can't teach or learn but are just blessed with. He was a master at cross-examination."

remodeled house at 3127 W. Wisconsin Ave. just to have a soda and chat.

"He really had a sensitivity for people," Dennis Coffey said. "I don't want to say it's rare in lawyers, but he got attached to people and people got attached to him."

Chip Burke, a lawyer who practiced with Coffey in the mid-1970s, said: "Bill Coffey hated injustice and he hated bullies. He was a hero to people without names, a hero to people without a penny in their pockets."

Federal Judge Terence T. Evans said: "Everybody knows that Bill Coffey was a great lawyer, one of the best that ever graced a court."

"When I met him in 1967, I was immediately attracted to him as a friend. Once you met him, you couldn't forget him. He was one of those people who really touched my life."

Coffey had style, elegance and charm. He was tall and handsome. He was a lot of fun. He loved the Milwaukee Brewers and sports at the University of Wisconsin-Madison. He had a cynical wit that masked what was probably a romantic notion about the law. He was successful and unpretentious. He was principled and could not be intimidated. He did favors without condition. He was private and was selective about close friends.

"He didn't get close to a lot of people," Burke said, "but when you were included into his group of friends, it was incomparable. It was family. It was flattering."

John Murray, a lawyer who practiced with Coffey in the early 1970s and now practices in Appleton, called him "peerless."

"He was an Irish American lawyer," Murray said. "He was born in the Depression, in really humble beginnings in Racine. He had a fiery compassion for poor people. His siblings were incredible achievers—a college professor, a lawyer, a newspaper managing editor, a physician."

Another noted defense lawyer, James Shellow, remarked: "After Bill Coffey, that image of the defense lawyer as an illiterate, dishonest shyster can never be sustained."

Dennis Gall, a public defender, met Coffey when Gall was an editor for Kaleidoscope. Gall later worked as an investigator for Coffey and went to law school at his urging.

"I saw him flatten a young U.S. attorney who had failed to introduce a necessary technical element in a trial. The case was dismissed and the young prosecutor was devastated. Well, Bill turns to the young prosecutor and takes him out to lunch, and later hires him."

Coffey was the standard by which other lawyers were measured, Judge Gerlach said.

"He was the guy we emulated," he said, "the lawyer with class and ideals. He was the perfect trial lawyer. And he always shared his knowledge with us."

Gerlach told a story about when he and Murray were third-year law students at Marquette and were involved in a mock trial.

"Murray had been clerking for Bill," he said. "And Bill came down on a Saturday morning to watch us. I was more nervous about Bill Coffey being there than anything else. Afterward, Murray asked Bill, 'How did we do? How did we do?' And Bill said, 'Terrible.' He chided Murray for wearing a blue shirt. Murray thought we'd be on television. And he told Murray he couldn't hear any of his closing argument because Murray was rattling the change in his pocket the whole time."

Bill Coffey's brother Dennis is 41 and a top defense attorney in his own right. He began talking about his brother, the lawyer:

"Bill absolutely loved being in the courtroom. He was fascinated by the job and came alive differently in a trial. He was something to see. He had this presence, a quality you can't teach or learn but are just blessed with. He was a master at cross-examination."

Dennis paused for a moment and then talked about his brother as a brother:

"He was always very, very good to me. I went into law school because of him."

Dennis paused again, switching to talk about his brother, the friend:

"We had great arguments. And we had great times, great fun. He was generous to a fault, and always was there for you, no matter."

"It will be as a friend," he said, "that I miss Bill the most."

Professor Frank Remington, U.W. Law School

Bill Coffey was the model for criminal defense lawyers. He represented clients, some popular, most not, and did so with great effectiveness and in so appropriate and dignified a manner that he commanded the respect of even his adversaries. He was brilliant and yet modest. He was the most effective defense lawyer in the state, yet even those whose testimony he destroyed by his effective cross examination did not feel that they had been unfairly taken advantage of. Those in the best position to observe his work, the trial judges of the state, were uniform in their praise and, without exception, looked forward to having him try cases in their court. He was good because he was smart, but, as importantly, he understood people, even the most disadvantaged, and his quiet and effective advocacy of unpopular positions earned the respect of even those who were economically and culturally different than he was. Perhaps most important, he had the characteristic that most clearly distin-

He was good because he was smart, but, as importantly, he understood people, even the most disadvantaged, and his quiet and effective advocacy of unpopular positions earned the respect of even those who were economically and culturally different than he was.

guishes the excellent lawyer, superb judgment, to know when to fight and when to cooperate in order best to advance the interests of the clients he served.

He contributed generously to legal education. He taught periodically the advanced course in criminal procedure, doing so when funds were not available to cover even his expenses. When the Board of Visitors said that the LAIP (clinical program) lacked sufficient practice

experience in its supervising attorneys, he offered to contribute his experience. He made himself available to students, spending a half a day a week meeting with them individually or in groups and staying as long as they had questions to ask. It was, therefore, no surprise when the entire law student body voted him the first recipient of the Distinguished Alumnus award.

He was an enthusiastic sports fan, but his enthusiasm for winning was matched by an equally enthusiastic commitment to the position that intercollegiate athletics is ill served if athletes are not also students progressing toward their degree. He served as counsel for the Western Collegiate Hockey Association and represented the University of Wisconsin when it found itself in difficulty with the NCAA. As was usual with Bill he earned the respect of university faculty, administration, coaches, and players alike.

There will never be another Bill Coffey. But the justice system will continue to be served by those who were privileged to know him and who will try to be as good as he was.

Judge Terence T. Evans, U.S. District Court, E.D. of Wisconsin

Bill Coffey. Just looking at his name in print convinces me that the task at hand is hopeless. How can I, with mere words, express thoughts that will come close to capturing the essence of the man—Bill Coffey. I suspect that similar feelings haunted his friend Richard Kenyon when he wrote the Milwaukee Journal story about Bill that is reprinted here as the centerpiece of this tribute. For, you see, those of us who knew Bill Coffey know that he cannot be adequately described. For us, Bill Coffey was there to enjoy. And enjoy we did!

By the time I first met Bill, twenty years ago when I was a new Assistant in the Milwaukee County District Attorneys' office, Bill's reputation as a giant of the law was already established. After I met him and tried a case with him I realized firsthand that his reputation as a brilliant

He was a fair man, and although courts expect or hope that all lawyers have a sense of fairness, it is rare to find one combining a core belief in fairness with the interesting mix of logic, sincerity, humility, judgment, and common sense that was part of the fabric of Bill Coffey.

and persuasive lawyer was well-deserved. As my good fortune would have it, I became a friend of Bill Coffey's and in later years, as a judge in several different courts, I had the pleasure of presiding over cases involving people represented

by this talented and extraordinary lawyer. For the twenty years that I knew Bill, his reputation, his aura, his presence if you will, continued to grow. It is from this vantage point of familiarity and experience that I recall the essence of this truly remarkable man.

Bill Coffey had a special warmth, a special wit, and a special grace. The power of his presence is most clearly expressed by the great sense of loss experienced by all of us who have witnessed his untimely passing.

Bill Coffey was not a narrowly trained legal mechanic. For him, the practice of law was an outlet, a place where he could express his talent and put to use his creative energies. He was a fair man, and although courts expect or hope that all lawyers have a sense of fairness, it is rare to find one combining a core belief in fairness with the interesting mix of logic, sincerity, humility, judgment, and common sense that was part of the fabric of

Bill Coffey.

When engrossed in a case, Bill seemed to experience the sheer delight of exploring the nooks and crannies of the law. But he always explored those sometimes hidden and often difficult-to-find places with a sense of honesty and fairness. When he came to court he was "loaded for bear." He came prepared to be aggressive, but he was never rude or overbearing. He had a marvelous sense of humor and seemed to understand the therapy of laughter which sprang, no doubt, from his marvelous self-assurance and ability not to take himself too seriously.

Bill had a certain style and grace that is almost impossible to define. When he rose to speak, everyone in his presence knew that it was time to listen. He could display a temper when it was appropriate, but it was always a temper born of righteous indignation, never phony opportunism. He had a casualness, an ease with himself, that I believe sprang from his personal, family-centered private life. And it was that comfortable personal life, I believe, which invigorated his more public actions. He found strength and comfort in the devotion of Nancy, his wife, and in the

love of his children, Patrick, Michael, Peggy and Jane, and in the friendship and camaraderie that he enjoyed with his brother and partner, Dennis. His love for them and his knowledge of their love for him made him content as a human being and enabled him to reach the great heights that he did as a lawyer.

The premature death of this wonderful man has left a great void in the practice of law in the state of Wisconsin. But we who knew him were truly blessed with his presence while he was among us. We hope he knows how much he is missed.

Jeremy C. Shea ('61), Ross & Stevens, Madison, Wisconsin

Bill Coffey was my law school classmate and a wonderfully close friend for 30 years. He was also the best criminal defense lawyer in Wisconsin, but this is more of a personal rather than legal reminiscence.

I'm not sure when we first met, probably in the long since demolished old Law Building. The University of Wisconsin Law School, in the late 1950's, was small, the enrollment about half of its present size. Perhaps through the haze of nostalgia, it seemed a friendlier, less competitive place. Bill thrived in this atmosphere, everyone knew the silver-tongued Irishman from Racine. I regret to report he was not a zealous student, yet somehow his contemporaries knew that he would excel. Of course, few of us realized the extent of future acclaim.

I confess that we would often forsake the library for afternoons in Milwaukee County Stadium. Bill was addicted to baseball, the Braves and later the Brewers. He enjoyed other sports, but somehow baseball's slow rhythm and arcane statistics enthralled him. Who else would follow the Brewers on a road trip to Toronto and then attend an Ontario Shakespearean festival?

I have heard all the accolades and agree with most. Bill really was a champion of unpopular defendants and a lion

Bill really was a champion of unpopular defendants and a lion in the courtroom. However, he fought to win and often took no prisoners. He was a passionate believer in the merits of the adversary system.

in the courtroom. However, he fought to win and often took no prisoners. He was a passionate believer in the merits of the adversary system. Bill even had a few faults. In the face of overwhelming reality, he was steadfast in predicting Badger football and basketball triumphs. Despite decades of assorted machinations, he never could give up smoking. And to the despair of his colleagues, Bill was an incurable procrastinator.

If I could be permitted one war story. Several years ago Bill asked me to assist him in representing the University of Wisconsin Athletic Department before the NCAA infractions committee. I arrived in Kansas City complete with voluminous files and notebooks all duly tabbed and cross-indexed. Bill came to my hotel room the night before the hearing with a sketchy outline on a couple of yellow pads. He glanced at my prodigious work product and gleefully announced,

"Forget all that office stuff, Shea. Now is the time to prepare this case." The story has a familiar ending. We stayed up all night and the next day the famous Coffey mastery and eloquence prevailed. Unfortunately, this lesson is only applicable to someone who possessed Bill's talents.

All lawyers, particularly litigators, have inflated egos and Bill was no exception. Yet he also had a curious aversion to praise and recognition. He was actually embarrassed by the awards and hated to attend ceremonies when he would be honored for his latest achievement. Bill commuted to Madison to teach seminars in criminal law. During one of the Law School's many financial crises, the Dean announced that there would be no further funding for part-time lecturers. Bill said he would continue to teach without an honorarium, but only if his generosity was kept secret.

The Irish are fatalists, we expect only the darkest consequences. I suspect that after his second heart operation, Bill knew the risk. Why then enter the area once more? The question, of course, is why not? Bill gladly exchanged a last hurrah for the retirement he could not have abided. So he departed at the height of his career, leaving a legacy of legal excellence and a host of good memories. He will be missed by his friends, associates, even by his adversaries, and most of all by his family. I know I will miss him; I already do.

**Professor Frank Tuerkheimer,
U.W. Law School**

It is difficult to write about Bill Coffey's death because just the combination of words seems so unreal. Bill enjoyed life and was the essence of vitality. His premature death is difficult to grasp. A far more realistic exercise than the preparation of these comments would appear to be anticipation of a visit from Bill. But the unreality of such expectations must give way to objective realities. So rather than the delightful exercise of focusing on a future visit from Bill, it is necessary to turn to the more painful task of looking at the past in a present without him.

Bill and I met and then got to know each other in a strange and unusual way: we were opponents. It began in the mid-1970's when he and I were asked to debate various questions on criminal practice and procedure. Bill invariably took the side of the defense lawyer, I invariably took the side of the prosecutor. It is safe to say that when we finished, while neither of us changed his mind, each saw the other side with new clarity.

A fitting sequence to these law school debates came a few years later when I was in the United States Attorneys' office in Madison. Our law school disagreements continued but now in a courtroom setting. I remember well when Bill asked me to make discovery material available before indictment, an unusual but imaginative request. My denial later appeared in his motion for adjournment of the trial. I have always regretted that his first heart attack

The image of Bill which emerges very clearly from all the overtly antagonistic contacts is of a lawyer and person deeply committed to the cause of his client and the system which permits a client such assistance when the power of the state is arrayed against him.

prevented him from trying the Joyce case which he handled so expertly during the pre-trial stage.

Over the many years we knew each other, the only time we were not antagonists was at a law school convocation several years ago when both Bill and I were asked to speak at the law school graduation. We each remarked how unusual it was that for once we were under the same roof and not disagreeing with each other; we noted the distinctiveness of the occasion and enjoyed it.

Despite this history of polarity, I would like to think that the antagonism was superficial and that in deeper terms, Bill and I were on the same side. I would hope that both in the law school setting and in the courtroom, like Bill, I was committed to the pursuit of fine ideals, and that, like Bill, I took the commitment seriously. The image of Bill which emerges very clearly from all the overtly antagonistic contacts is of a lawyer and person deeply commit-

ted to the cause of his client and the system which permits a client such assistance when the power of the state is arrayed against him. At the same time, he was able to commit himself so totally without challenging the good faith of an opponent. In the last analysis, Bill was incredibly comfortable in the role he played so well, a comfort which permitted him the luxury of dispassion and objectivity.

What emerges more clearly than anything else from the image of Bill as the criminal defense lawyer is his ability to put all of his significant intellectual and emotional talents into the defense of a case so that from the perspective of the defendant, the defendant was getting everything that Bill had. At the same time, Bill never came close to crossing the line of impropriety. His reputation for honor and integrity were well deserved. He was the extraordinary attorney who could both give the client the feeling of satisfaction that comes from a 100% effort on behalf of the client and at the same time leave an opponent with the feeling that Bill played completely by the rules. There are not many defense lawyers in the state who are capable of combining these two skills and Bill was certainly the best.

One cannot mitigate the loss, both professional and personal, that those who knew Bill feel. We can hope that the example of his life is one that will be followed by others. To expect that there will be others like him is asking too much. But somehow, if others try, perhaps motivated by his image, the future will be a better place even without him, as the past was a better place with him.

Justice Donald Steinmetz, Wisconsin Supreme Court

Though each of the authors, except for Richard Kenyon, is writing separately and concurrently, I'm sure that many of the comments regarding Attorney William M. Coffey will be duplicitous. The reason for this is Attorney Coffey was a consistent person.

I knew Attorney Coffey personally and professionally and respected him in both roles. As a family man, he was devoted to his wife and children. He made sacrifices for them willingly and without hesitation. He was a partner and friend of his brother, Attorney Dennis Coffey. There was a friendly rivalry between them as to which one deserved the title of "most respected criminal defense attorney." The

He was always willing to inform the court honestly as to the law. He preferred to win; however, he could accept as a true professional a judge's or jury's decision contrary to his client's interest.

issue was never resolved since each sincerely believed so strongly in the other's abilities.

Attorney Coffey was a pleasure to have appear in court representing a client since he was always prepared to give the best representation possible. He was always willing to inform the court honestly as to

the law. He preferred to win; however, he could accept as a true professional a judge's or jury's decision contrary to his client's interest. He would then prepare his appeal, if appropriate, since he always made a good record to serve his client at the next level of judicial review.

As a fellow attorney, William Coffey made himself available to other professionals. He was always available to instruct others from his experience either on a one-to-one private basis or as an instructor to groups.

As a friend, Attorney Coffey was truly loyal and willing to be of assistance whenever called upon. Attorney Coffey accomplished a great deal in his lifetime and left a mark on his family, profession and friends that continues and will continue into the future.

In consultation with the family of Bill Coffey the Law School has created a William M. Coffey Memorial Fund. The Fund will be used in appropriate ways (such as occasional lectures) to stress the qualities which made Bill Coffey so highly respected as a criminal law practitioner. Contributions can be made in the name of William M. Coffey Memorial Fund, and sent to the University of Wisconsin Foundation, 702 Langdon Street, Madison, WI 53706 (attention: David Utley).