Dave Carroll: An Appreciation

Charles D. Weiselberg

Berkeley Law

Follow this and additional works at: https://scholarship.law.berkeley.edu/facpubs

Part of the Law Commons

Recommended Citation
DAVE CARROLL: 
AN APPRECIATION

CHARLES D. WEISSELBERG*

David Carroll was an extraordinary man, a generous teacher and colleague, and all-around good guy. Others have noted his significant scholarly contributions in the fields of commercial and poverty law. But I came to appreciate Dave for his warmth, sense of humor, and willingness to talk through difficult problems in law and life.

I met Dave when I joined the USC faculty in 1987. I taught primarily in the Post-Conviction Justice Project, part of USC’s clinical program. Dave was a mentor to faculty who taught USC’s classroom courses. But he also proved a wonderful colleague for me. He had a real knack for getting to the heart of a legal problem, and he understood and respected the world of practice. I found myself talking to him on a regular basis. Although my work was, at first glance, far afield from his area of specialty, we discovered a number of connections. For one thing, the Project’s clinical practice—in which we usually represented sentenced prisoners—regularly required a careful review of the deeds and deals that led many of our clients to be guests of the government. Courts are fond of stating that the validity of a plea agreement (I sometimes have difficulty calling it a “bargain”) should be judged by contract law standards. So Dave and I had much to discuss.

We regularly talked about basic principles of contract law as applied in the context of the criminal justice system. I recall his amazement at the terms of some clients’ plea agreements. In one case, a defendant had pleaded guilty to all of the charges in the indictment, cooperated fully with the government, forfeited a big pile of cash, and received a lengthy sentence. In exchange, the federal prosecutor promised to bring the defendant’s cooperation to the attention of the U.S. Parole Commission.

* Professor of Law and Director, Center for Clinical Education, University of California School of Law (Boalt Hall). Member of the clinical faculty at USC Law School, 1987–1998.
But the client clearly did not know or understand the terms of the deal; he pleaded guilty to a non-parolable offense. Dave spent a fair amount of time helping me work through contract law principles as we tried to overturn the plea. He was outraged by the agreement; but, having a fine sense for the absurd, he was less surprised than I when the courts upheld the conviction.

I miss Dave's generosity. I miss his sense of humor. I miss having him as a colleague down the hall, a person to whom I can turn with any question at all. I know that many students benefited from Dave Carroll's deep knowledge and gentle manner. Many faculty did as well, and I am fortunate to have been one among them.