

1-1-1994

"A Man For All Seasons": A Tribute to Dean J. Martin Burke

John M. Dietrich

Cynthia Ford
University of Montana, cynthia.ford@umontana.edu

Ann Monaghan

Follow this and additional works at: <https://scholarworks.umt.edu/mlr>



Part of the [Law Commons](#)

Let us know how access to this document benefits you.

Recommended Citation

John M. Dietrich, Cynthia Ford, and Ann Monaghan, *"A Man For All Seasons": A Tribute to Dean J. Martin Burke*, 55 *Mont. L. Rev.* (1994).

Available at: <https://scholarworks.umt.edu/mlr/vol55/iss1/1>

This Tribute is brought to you for free and open access by ScholarWorks at University of Montana. It has been accepted for inclusion in Montana Law Review by an authorized editor of ScholarWorks at University of Montana. For more information, please contact scholarworks@mso.umt.edu.

TRIBUTE

"A MAN FOR ALL SEASONS": A TRIBUTE TO DEAN J. MARTIN BURKE*

Writing a tribute to our friend and colleague, J. Martin Burke, not only has been a particular pleasure, but also a challenge to adequately describe someone who has touched the hearts and minds of so many in such a short span of years.

My first association with Martin coincided with the launching of his professional career as an associate in our law office following a distinguished clerkship with the Honorable William J. Jameson, Federal District Judge, now deceased. Martin wanted experience in the estate planning arena, and it fell his lot to work in our firm primarily with me and with agricultural clients. I smile at certain memories relating to his attempt to become familiar with agricultural terms and slang totally foreign to a young Butte Irishman. His enthusiasm, responsibility, intellectual ability, honesty, and good judgment, combined with a compassion for others and a sense of humor, surfaced quickly and instilled an immediate respect in those who had the privilege to work with him.

To say that Martin is a many-faceted person is to state the obvious. He has been described using a host of different superlatives, but perhaps the title to Robert Bolt's play, "A Man for All Seasons" (the life and struggles of Sir Thomas More, the patron saint of lawyers), is as succinct a description as possible. It says it all! The uniqueness of Martin is in the depth of his contributions both to the profession of law and to the affairs of an expanded community.

Martin's career as a lawyer has been devoted to excellence—as a student, practicing lawyer, teacher, author, and dean. But academic ability, alone, would not have enabled him to attain his

* The following Tributes to Dean J. Martin Burke were written by John M. Dietrich, a partner with Crowley, Haughey, Hanson, Toole & Dietrich; Cynthia Ford, an associate professor at the University of Montana School of Law; and Ann Monaghan, a third-year law student at the University of Montana School of Law.

goals, nor have made the impression upon others that he has. Each of those attributes mentioned was a catalyst, but the presence of mature judgment and concern for others were the salient characteristics that have caused Martin to stand out in the crowd.

First, as a practicing lawyer Martin demonstrated the ability to analyze a problem; determine what was relevant to its solution; research and apply the law; and communicate succinctly his observations and conclusions to his client, opposing counsel, the court, and others involved with the issues. He jealously guarded time, recognizing that he did not always have the luxury of that commodity in pursuing a given project. He elicited opinions from others to develop a consensus without it being apparent that he was presiding. Clients left his office convinced that their matters would be personally attended to with dispatch. He instilled in others immediate confidence in his ability to properly represent them. His "people" skills soon enabled one to foresee that the areas of family planning for "living and dying" would be Martin's forte. His ability to develop a sense of accommodations to others by others, coupled with an undercurrent of compassion, have elevated Martin from not just a good to excellent lawyer, but to a great lawyer. It became obvious that this young man had a deep and abiding set of personal convictions.

Following the academic pursuit of estate, gift, and income tax law at New York University and as a professor at the University of Montana School of Law, the elements of his personality—animated, organized, kind, articulate, brilliant—literally endeared him to students. All were present in his contact with students, faculty, and the larger university community. His forceful, energetic, and methodical presentation of complex subject matter in an understandable manner has endeared him to audiences of all ages, whether they were students attending one of his classes or lawyers attending a CLE seminar. Any graduate of the law school fortunate enough to have experienced Martin agrees that Martin is confident in his abilities, but humble in their application. He made a difference with students, just as he had with clients. Ultimately as the dean, Martin's influence throughout the legal community has been felt by all of us regardless of whether we attended the University of Montana. Under his direction, the continued and renewed focus on excellence and the adherence to the highest standards of professionalism are cornerstones of the law school (which institution is the envy of others).

But there is another Martin known to many not involved in the legal profession. This face is of a citizen anxious and concerned

with people's welfare. Maintaining community services, as well as recognizing and responding to the increasing demands which confront society, are on the checklist of his "musts!" Thus, Citizen Martin has become involved, as a trustee or otherwise, in the expansion and efforts of hospitals and other state and local organizations to address the needs for health care. His presence as a trustee of educational institutions, unrelated to the university, is yet another instance of Martin's boundless enthusiasm to make a difference.

Finally, we see Martin "at play." Many of his law school colleagues were admittedly envious of yet another facet of Martin—namely, the ability to so organize his life that he had time for the arts and humanities. His interest in painting, music, literature, the theater, and even the preparation of a gourmet meal all have been a part of his life. Indeed, no one so young ever left the city of Billings receiving the applause of that community in an article published by the Billings Gazette, written by the editor for travel and entertainment, Ms. Christine Cosgriffe Meyers, entitled "We Will Miss You Martin."

Much will be heard from Martin in the years to come, and each of us shall bask in the sunshine of "The Man for All Seasons."

John M. Dietrich

Martin Burke is a teacher, a scholar, a servant of the law and the bar, and a true and dedicated friend to all those whose lives he has touched, both in Montana and throughout the country. He was also a wonderful dean here at the University of Montana School of Law. His retirement from that position is the occasion of these written tributes, but in fact all of us who are honored to call Martin our friend pay silent tribute to him every day.

Martin is a gifted teacher. Since becoming a faculty member at the University of Montana School of Law in 1977, Martin has taught a wide variety of courses, including Legal Writing and a plethora of tax courses. Some of these are required courses, which in other schools students take reluctantly or not at all. Others are advanced elective courses attracting a smaller but dedicated group of tax enthusiasts. Regardless of whether they are dragged to or run toward Martin's classes, his students uniformly enjoy the experience and even the subject matter. He transforms dry code sections into living policy vehicles, probing both the reason behind and the actual application of each section. Martin's enthusiasm is contagious and transcends the specific subject matter. His students come to know by observation and then firsthand the joy of intellectual endeavor, which they emulate in all sorts of subject areas. Little wonder that Martin was voted the law school's "Most Valuable Teacher" in 1978, 1979, 1985, and 1987, and received the first University of Montana "Distinguished Teaching Award" in 1981.

Martin is a dedicated scholar. His teaching and scholarly work go hand in hand, each complementing the other. All of us on the law school faculty chose this profession in part because of the advertised time to reflect, write, and create. However, all of us have realized the frustration of trying to accomplish these goals amidst the swirl of daily responsibilities for classroom work; administrative committee work; and service to the university, bar, and community. Martin has not only found the time and energy to perform all these duties, but has assembled an astounding record of scholarship in his chosen field of taxation: two editions of a textbook on individual income taxation, two chapters in the Federal Tax Service, and twenty-seven (at last count) law review articles on a host of tax subjects. In addition, Martin serves as co-editor in chief of a quarterly national tax journal and on the Board of Editors of the Florida Tax Review. Other law schools continually seek Martin's judgment on the scholarly work of their own faculty members when making hard decisions about promotion and tenure, knowing that Martin will be both forthright and fair. In these endeavors, as in all others, Martin has performed above and beyond the call of

duty. Martin is a tireless servant of the bar and people of Montana. As dean of Montana's only law school, Martin successfully sought to unite the bar and the school so that each could benefit from the other. He was on the road continually. We have joked that Martin was responsible for organizing all meetings of any legal significance anywhere in the state during his deanship, arranging subject, speakers, transportation, and refreshments. Among many other contributions to the bar, Martin has served as chair of the State Bar Professionalism Committee since 1988 and played an important role in the Montana Supreme Court's program to bring oral arguments to communities throughout Montana. His dedication to the people of Montana as well as to the lawyers of Montana is reflected in Martin's many community activities: director of the Citizens' Law School, chair of the Montana Health Care Committee, director of St. Patrick Hospital, and board member of Loyola-Sacred Heart High School.

This list of Martin's activities and accomplishments surprises no one who knows Martin, and who does not? Walking with Martin across campus, through the Farmers' Market downtown, at any State Bar meeting, or at the annual meeting of the Association of American Law Schools is an eye-opening experience. Martin is, above all else, a real people person. People reach out to Martin from all walks of life—people for whom he has done some small or large kindness and people who remember his dedication and personality. Martin remembers them all by name, and always responds with genuine interest and concern. People respect and like Martin because he truly respects and likes them.

Martin's resume cannot show how much fun he has in life or how much fun he is to be with. Indeed, the extent of his professional work appears to foreclose any possibility of either the time or energy to do anything else. Not so: Martin is the one who leads the group in song at the piano, encouraging all the little children to join in; it is Martin's house where the students end their annual Christmas caroling evening, because they know the party will go on long into the evening there. With Martin as dean, there was a party for every occasion, and what parties. Whatever else we lacked here at the law school, the wine and food flowed freely at Martin's house. Most of us just assumed that the law school somehow funded these gatherings, when in fact Martin hosted most of these splendid soirees from his own pocket. Martin's broad-ranging knowledge and appreciation of music, art, the theater, and literature ensure that conversations with him anywhere will be lively and challenging. However, no pretense exists: Martin's house is

hung with wonderful art from the best of contemporary artists as well as with a black velvet oil painting of Elvis shedding a single tear.

In sum, Martin Burke is the consummate scholar and gentleman, with all the best connotations of those two words. The University of Montana School of Law was fortunate indeed to enroll Martin as a student, more fortunate that he decided to devote his considerable talents to legal education here, and more fortunate yet that he dedicated five years of his life to being our dean. Our best fortune, however, arises from the fact that Martin is still among us, guiding students, faculty, and the bar by his sterling example.

We, the faculty, thank Martin for all he has done as a colleague and as a dean for us individually and for the institution as a whole. We honor him for his commitment, integrity, ability, and compassion. Most of all, we love him. Martin, as dean and as professor, makes our small community and the larger world around it a much better place.

Cynthia Ford

Former Dean Burke is one of those people who is always willing to go out of his way to help you. When I was considering a law school, he was the main reason that I applied to the University of Montana. Not only had I heard many good things about his character, interest in students, and great teaching ability, but I heard him speak to a group of prospective law students. His presence, enthusiasm, and encouragement were tremendously impressive. I remember feeling at the time that everyone in that room could be successful both in law school and in the legal profession. Now, as a third-year law student, I know first hand that Martin Burke was "for real" when he gave that speech.

Martin Burke's successes, whether in the form of student support or contributions to the law school and legal community, cannot be fairly summarized in this short tribute. Whether as dean, professor, or attorney, Martin Burke can be described as one totally dedicated to the legal profession. In addition to his law school responsibilities, he contributes time to many university committees and community organizations.

One of Martin Burke's most impressive qualities is his ability to always make himself available to students. Not only is he willing to meet with students to answer questions from his tax classes, but he also is willing to assist students in their job searches, law school exchange programs, pursuit of advanced tax degrees, and any other student needs. This accessibility is greatly appreciated by his students. He is always there for the students.

As a professor, Martin Burke teaches one of the most difficult law school topics—tax. He approaches his classes with the idea that all of the students in his courses will be successful. Throughout the semester he encouraged the students to "turn the crystal" to enable the class to see the issues at hand from all perspectives. Students enjoy learning from a professor who is genuinely concerned with whether students learn the material. Because tax is my area of emphasis, I have a special bias toward having the opportunity to learn from Martin Burke. Students, past and present, acknowledge that they too are fortunate to have had the opportunity to learn tax law from him and have used what they learned in practice.

Martin Burke worked as an advocate for the students during his time as dean. Even now he continues to help students, never failing to take the time to chat in the hall or wish a student good luck on finals. Because he stays involved with such a variety of student activities—the Christmas party, Christian Legal Society, Phi Delta Phi, Student Bar Association—most students develop a

personal relationship with Martin Burke. Through these many activities, students are reminded that he takes a genuine interest in each student. Martin Burke will be missed as the dean because he truly represents what education should be. Martin Burke, thank you for all your great work.

Ann Monaghan