

In Memoriam: Beverly Ray Burlingame

The Scribes community suffered a loss with the passing of Beverly Burlingame in September 2014. Her many accomplishments are best summarized in the eulogy delivered by her friend Bryan Garner at Beverly's memorial service:

29 September 2014

As anyone who knew her can attest, nothing about Beverly Ray Burlingame was common — except perhaps her fanaticism about the Dallas Cowboys. But even that had uncommon origins, as I'll try to explain in due course.

Beverly was tenderhearted and sensitive. At one point in the late 1990s, she became rescue central for hurt squirrels in Dallas. We once talked on the phone when she had three baby squirrels in a file cabinet at her office at Thompson & Knight. She would feed each one with an eyedropper. When I told her that she was probably violating both her building's and her law firm's policy, she was undaunted. She knew that those little lives depended on her. Still, she was concerned that various secretaries and colleagues might have heard some squeals and pips emanating from her office. Her house soon became a menagerie of recuperating squirrels, raccoons, and birds. When she released her little charges into the wild, her joy was always visibly commingled with agony at the loss.

Beverly had a prodigious intellect and a keen wit. She was the best law student I ever taught, and I gave her the highest grade of the students I had in my years on the University of Texas law faculty. She liked to remind me that it was the second-lowest score she received in law school.

She was one of the most fiercely dedicated people I have ever known. In the spring of 1990, she saw me working late in

the Tarlton Law Library — laboring to produce the very first issue of *The Scribes Journal of Legal Writing*. She immediately offered to help, and proceeded to spend much of the next two weeks fact-checking and editing every piece of the *Journal*, despite her own punishing workload as a law student.

One of the publications in that first issue of the *Journal* was her own essay — her final paper for my course — entitled “Reaction and Distraction: The Pronoun Problem in Legal Persuasion.” She vehemently rejected my suggestion that the piece be called “Sex and the Singular Pronoun.” She would have none of it. In retrospect, I know that her title was better.

By the second-annual issue of the *Scribes Journal*, which appeared in 1991, I had made Beverly executive editor. Having just finished her prestigious clerkship with Judge Duhé of the Fifth Circuit, whom she adored, she had joined Thompson & Knight. Even as a first-year associate, she took charge of all the *Scribes Journal* book reviews. She wrote them singlehandedly for the next 16 years — long after she had made partner in the late 1990s. Her book reviews were always imbued with her incisive intellect, and they made her judgment the acid test for pedagogy in effective legal writing.

She was fearless. About one book, she wrote in 1991:

The book abounds in writing weaknesses, including incorrect words (*proscribe* for *prescribe*), incorrect pronouns (*which* for *that*), and agreement errors (*they* in reference to a singular witness). Its most distracting stylistic attribute is rampant virgules. Hundreds of times the author uses *s/he* and *his/her* — and, on one memorable occasion, *his/her/its/their*. But by far his most outrageous word is *s/he/it*. This creation is truly unspeakable, except perhaps in a barn.

In another review in the mid-1990s, the subtitle of the book was *Getting It Right, and Getting It Written*. Beverly wrote that the authors got almost nothing in the book right. So she concluded, “At least they got it written.”

Beverly would always come to the rescue of friends in need. All her friends have memories of that. Shortly before the seventh edition of *Black's Law Dictionary* became due to the publisher on an expedited schedule, Beverly announced to her colleagues at Thompson & Knight that she would be taking two weeks' vacation. She spent up to 18 hours a day editing and proofreading the dictionary — and prodding all my staffers to higher levels of excellence. She contributed enormously to the quality of that edition, and to every edition that will ever follow.

Beverly was a great lawyer. Her briefs are quoted more copiously in my book *The Winning Brief* than those of any other lawyer. Six of her briefs are reproduced in part or in full. Her Fifth Circuit brief in *Alvarez v. Lakeshore Medical Center* is reproduced in full as Appendix B4 in *Legal Writing in Plain English* as a model of sound thinking joined with eloquence. It's an extraordinary brief, well beyond the abilities of most appellate lawyers. Her briefs were selected from among thousands of candidates.

My voluminous correspondence file is studded with strange and fascinating memos from Beverly. In 1995, I opened a fan letter addressed to *The Scribes Journal* and directed to Beverly's attention. I apologized for opening her mail. She faxed me an odd memo with the subject "Recent Correspondence." It said:

Bryan—I find it hard to accept your explanation that in going about your usual business, you illegally opened my mail. I believe, instead, that the act may be attributable to your love of secrecy—it is, after all, your failing. I can't find a single sincere sentence in the letter not addressed to me. It's a masterpiece of deception. Warmly (really), Beverly

I would find this inscrutable today except that I wrote a note to myself at the bottom: "This fax came to me two days after I recommended Jethro Tull's 'Under Wraps' album to Beverly. Most of the words that she uses in this note come from songs on that album."

Like me, Beverly was a fan of Jethro Tull. And in 2002, we attended the Jethro Tull concert together at the Bass Performance Hall in Fort Worth. It was one of the most memorable times I had with her. As a gifted pianist herself, she could appreciate the virtuosity of Ian Anderson. And she knew all the lyrics.

Beverly was for many years the general counsel of my company, LawProse. I thought of Beverly as the most effective lawyer I knew because she was incisively intelligent and outworked everyone else. My wife Karolyne and I last saw her a month ago, as we were advising a client who had a real-estate problem. Beverly served as our cocounsel that day, dispensing her characteristically sensible advice as we helped solve the client's problem.

During our marathon sessions on the *Scribes Journal* in the 1990s, Beverly and I became confidants. Her travails in this world were great — as great as anyone's. But she never complained. Now her woes are at an end.

She loved her family intensely — her mother, her brother Tom, her sister JoAnne, her nieces Erin and Kaitlyn, and her nephew Daniel. She loved Thompson & Knight and her colleagues there, especially her mentors Schuyler Marshall (in the early days) and Bruce Sostek.

In 1996, she wrote me a letter that ended: "I realize that my devotion to the Dallas Cowboys is glaringly inconsistent with my views about violence and women's rights. But bonds between little girls and their fathers are impervious to reason."

For the many people who loved you, Beverly, the bonds between us and you are impervious to death.

We love you. — Bryan A. Garner