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A Tribute to Professor Monique Lillard

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VII. A TRIBUTE TO PROFESSOR MONIQUE LILLARD

by John Rumel

I am honored and delighted to type these words about my colleague, Professor Monique Lillard. Professor Lillard will be retiring this Spring after over thirty years of dedicated and, indeed, remarkable service to the University of Idaho College of Law, its faculty and staff, and the many students who have passed through its doors.

I first met Monique toward the latter third of her career; however, I have learned that the profound effect she has had on those with whom she has worked and taught pre-dated her arrival in Moscow from her native California in the Fall of 1987 and has continued up to her pending departure in Spring 2020.

Emeritus Dean and faculty member Don Burnett recounts that, while serving on the Idaho Court of Appeals in early 1987, he encountered Dean Sheldon Vincenti outside the College of Law's courtroom in the Menard Law Building. As Dean Burnett puts it, Dean Vincenti "had a beaming expression on his face" because he had just received word that "a brilliant young legal scholar . . . had agreed to join the faculty. Her name was Monique Lillard, and she had made his day."

Monique has made my days and those of her other faculty colleagues on countless occasions over the years. She has shown an abiding willingness and ability to listen, express concern for the rights and feelings of others, and serve as a problem-solver; yet, at the same time, she has demonstrated a steely resolve concerning issues ranging from salary equity for women faculty and staff members (not surprising given her status as a consummate workplace law teacher and scholar) to curricular and academic freedom issues, including course requirements, grading policies and the like. For me, as with many of our mutual colleagues, Monique has been a sounding board, as well as a never-ending source of support, encouragement, and well wishes. She has been a colleague who has enthusiastically and respectfully allowed me to bounce harebrained, scholarly ideas off her in our overlapping areas of endeavor (mostly, employment law), who has responded with a creative perspective on the problem at hand that invariably made my scholarship better, who has genuinely taken joy in my and others' accomplishments and provided solace during our setbacks, and who has always made sure to check in after any hiatus in our communications.

Monique has had the same effect on faculty with whom she has worked during the latter part of her career. Associate Dean and Professor David Pimentel, who joined the College of Law faculty in 2015, commented, "When I was brand new on the faculty, untenured and comparatively inexperienced, Monique made it a point to treat me like an equal, as her colleague. She made me feel like I was an important part of the law faculty, and my contribution here was meaningful." Regarding his limited exposure to Monique's long career, David lamented that he felt like "someone who walked in the theater for the final minutes of what must have been a truly remarkable film. I feel bad for what I have missed, and grateful for the small part I was able to see—indeed, she has played the role of professor

and mentor with exquisite sensitivity and nuance.” And, Professor Dylan Hedden-Nicely, a former College of Law student who joined the faculty in 2017, stated, “Many of my role models—the people I have tried to be like in my practice and now as a member of the faculty—were my law professors. Monique is one of those people. . . . The College of Law is in the business of shaping future leaders and our community is better because our leaders have learned just a little bit of Monique’s values.”

Monique’s impact has extended to Moscow, the State of Idaho, and beyond. Monique and her husband, Duncan Palmatier, have not only opened their Moscow home to faculty and students for fellowship and camaraderie, but also to community activists for organizing purposes. Monique was instrumental in forging a connection between the College of Law’s Women’s Law Caucus and the statewide Idaho Women Lawyers Association. Well after Monique and Duncan’s children had completed their primary schooling in Moscow and gone on to college, Monique promoted the importance of education through her work with Palouse Pathways, a nonprofit group that counsels high school students about the value of higher education. For many years, she has served on the Board of Directors of Catholic Charities of Idaho and has been an officer of the Labor Relations and Employment Law and Employment Discrimination Law Sections of the Association of American Law Schools, a national legal educational organization.

Monique also has directed her scholarship toward benefitting her adopted home state of Idaho and, specifically, the Idaho legal profession. She conducted significant research and wrote extensively in the areas of Idaho employment termination and medical malpractice law. Monique’s work filled a major gap in Idaho jurisprudence and has served, and will continue to serve, the lawyers and judges of the Gem State.

Monique’s legacy? “Respect.” Each of my faculty colleagues who contributed to this tribute used that word in describing Monique. She has been and always will be respected because she has treated with respect all those with whom she has come in contact. As Professor Hedden-Nicely said of Monique, “From her I learned to treat everyone with respect; I learned to presume good faith until proven otherwise; and I learned to take time to laugh.” Likewise, Dean Burnett, in chronicling the generation of young women on the faculty and staff and in the student body Monique has mentored, remarked, “People in the academic community have taken their concerns to her . . . because she gives each person time, respect, and thoughtful attention.”

Monique’s respect for others and her inculcation of respect as a value have played out, most notably, in the classroom. Both Dean Burnett and Professor Pimentel relayed to me comments from Monique herself about her approach to and best moments while teaching. Regarding teaching the occasional male student who harbored stereotypes regarding women in the legal profession, Monique once told Dean Burnett that she tried hard not to alienate those students but that she did endeavor to “soften their ideas (or at least open their minds) on a few matters.” She also recounted to Professor Pimentel a memorable classroom discussion where two students who were from powerfully opposed ideological camps set aside their differences and achieved a moment of connection—reaching a previously unattainable level of understanding and appreciation of the other’s point of view. According to Professor Pimentel, although Monique was “largely responsible for

creating that moment, she viewed it not with a sense of accomplishment, but with a sense of wonder and awe: sheer joy that it happened and admiration for the courage and humility of the students who had reached out to bridge a yawning divide.”

Thank you, Professor Lillard. During these currently divisive times (and before), we—the University of Idaho College of Law and its stakeholders—are indebted to you for all you have done for us and our communities large and small. May the values you have lived and taught us be your legacy and may joy continue with you in the days ahead.

March 23, 2020

John Rumel, Professor of Law, University of
Idaho College of Law

Additional Comments from Faculty, Staff & Students

Patrick Fackrell '16

Dear Professor Lillard: Congratulations!! I have no doubt your retirement will be filled with joy, intellectual engagement, and excitement. I am eternally grateful for your endless mentorship and instruction during law school. Needless to say, my law school experience would not have been the same without you. From first-year Torts (where, I will never forget, you called on me the first day of class), to Advanced Torts, to Workplace Law, and then to serving as your research assistant, I can honestly say that I am forever and positively impacted by your instruction. Your decades of dedication to legal education have benefited not only me, but scores of law school students and lawyers. I sincerely thank you for everything.

Fran Talboy Kershisnik '92

First, let me say Monique, you are an amazing woman. I was blessed to have you as my instructor. I always appreciated how you allowed me to explore ideas rather than shutting me down with a “no, this is the way it is.” That has served me well in life and in my practice of the law. I think too, from a female perspective, that empowered me to stand up and say, there are other ways, ideas, arguments, let everyone be heard, my argument is equally (if not better) than yours, sir! Thank you for that.

On a personal level, I treasure our friendship. I have enjoyed you staying at our home, allowing my daughter to stay at your home and our interesting discussions.

While time and distance keeps us apart, I will always cherish you as a teacher and a friend. Enjoy your well deserved retirement.”

Carolyn Todd, Staff

Monique: Monique has always felt like my connection to my SoCal roots - we went to high schools just a few miles apart and i think both of us have never

completely shed that L.A. vibe. Plus she was inspired to go to law school by Perry Mason - also one of my favorite shows ever!

VIII. "THANK YOU, PROFESSOR MILLER"

by Dennis C. Colson

John A. (Jack) Miller rolled onto the University of Idaho campus during the summer of 1988 to begin his appointment as an Associate Professor on the College of Law Faculty. Now, thirty-two years later, Professor Miller has decided his job is done. No doubt all who have been students, colleagues, or acquaintances of Professor Miller will join us in saying: "Thank you, Professor Miller."

Jack arrived in Moscow well-prepared for his appointment. He earned a B.A. (1972, Political Science, *Phi Beta Kappa*) and Juris Doctorate (1976) from the University of Kentucky. The J.D. was followed by ten years of practice, mostly with the Kentucky Attorney General's Office, eventually serving as the Chief Tax Counsel for the State of Kentucky. The practice whetted Jack's appetite for tax law, and he wanted more, perhaps a bigger pond to swim in, so he took on the Internal Revenue Code and earned an LL.M. – Tax from the University of Florida College of Law (1987). After a year as a Visiting Assistant Professor at Florida, Jack found himself at the front of a classroom in the Al Menard Law Building.

Associate Professor Miller became Professor Miller in 1994. Professor Miller became Dean Miller in 1995 and served as Dean of the College of Law until 2002. In 2004 he was appointed the Weldon Schimke Distinguished Professor of Law. These various appointments evidence the talent and dedication Professor Miller brought to the College and cause us to say: "Jobs well done."

Professor Miller's primary teaching responsibility has always been federal income taxation of individuals, corporations, partnerships and trusts, and federal estate and gift taxation. Like many on the faculty he joined, Professor Miller made teaching a high priority, and he is good at it. He received the Peter E. Heiser Award on three occasions, given by the graduating College of Law class to their selection of the outstanding law professor. Professor Miller, with co-author Jeffrey Maine, created *The Fundamentals of Federal Taxation*,³³ which is accompanied by a teachers' manual and problems and solutions, with the hope of making the subject more accessible to students.

Scholarship has been as important to Jack as teaching. One of the most striking features of his work is the range covered and the careful analysis applied. A variety of topics are covered and a range of perspectives considered, from the practical needs of lawyers to the jurisprudential needs of the academy. Compare *Wealth Transfer Tax Planning for 2013 and Beyond*³⁴ and *Preserving Wealth and*

³³ (with Jeffrey Maine) Carolina Academic Press (5th Ed 2018).

³⁴ (with Jeffrey Maine) 2013 BYU L. REV. 879–948 (2013).