

# DAVE CARROLL: AN APPRECIATION

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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.

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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.