

THE EMINENT DOMAIN BANQUET

During my last semester of law school, in the Spring of 1980, I had already written two published Notes for the Texas Law Review. One day a letter was received by TLR and posted on the bulletin board of the TLR offices. It was from a Texas law firm called Finley & Scroggins, which for many years apparently had sponsored a \$100 cash award for the best published note on a topic related to eminent domain, a specialty of the firm. The firm observed that the award had not been given for 16 years, because no such note had been written. Accordingly, the firm advised, they were terminating their sponsorship of the award but instructing that the entire accumulated prize fund be awarded to the next person who wrote such a note.

I announced, loudly and to all assembled, that I would write a Note, win the \$1600 prize, and spend the money on an extravagant 2 day party. People were enthusiastic about this, with the exception of EIC Parker Folsie, who dourly warned that to claim the prize, a note would have to be of “publishable quality,” and that in evaluating whether my promised note met this exacting standard, he would not be swayed by my intended use of the prize funds.

I announced that I would write the note over the course of a three day period, during which I expected to work without sleep, so long as TLR members continuously supplied me with sustenance and encouragement. They did, and I did. Once the note was written and submitted, a vigorous lobbying campaign was undertaken by interested TLR members, whose goal was to persuade Mr. Folsie that the note was, indeed, of publishable quality.

Mr. Folsie ultimately announced with great fanfare that, although it was in his considered opinion an extremely close call, he was satisfied that the note met the standard and would be published. The prize money having been won, planning for the Eminent Domain Banquet began.

The full name of the event actually was the 1st Annual Wahoo McDaniel – Ronnie the Beaser Eminent Domain Banquet. Wahoo McDaniel was a retired professional wrestler who, during an earlier career as a member of the New York Jets, had popularized the saying (from an old Cab Calloway tune) “A chicken ain’t nothing but a bird.” Ronnie the Beaser was a woman of low repute whom I had briefly dated.

The party began on a Friday evening at the home of Kathy Edwards, a classmate who (unlike the rest of us) owned a very nice home with a large back yard. Someone prepared life-size effigies of Wahoo and Ronnie. Someone else purchased a suckling pig, which we roasted, and served in addition to a wide variety of other food, drink, and substances. TLR member Craig Youngblood somehow arranged for several thousand pounds of drilling mud to be deposited in one corner of the backyard, so that mud wrestling matches could be held. They were. In the championship round, Catherine McCartney trounced Parker Folsie, in what was the first time it had not been merely figurative when our EIC was dragged through the mud.

The party ended sometime well into Sunday. There were, unfortunately, quite a few photos taken during the event, but Mr. Folse has been fairly discrete in sharing them with others over the years.

A delightful footnote to the event came the following year. While clerking on the 9th Circuit, I received a call from the new EIC, Ellen Smith. TLR had received a copyright waiver request from the Journal of Land Use Planning, which wanted to reprint my note as part of its annual compilation of the finest published works in that field. With great pleasure, I gave my consent and informed Mr. Folse.

Neal Manne, Class of 1980