

JOHN FROHNMAYER*

Reflections of Law, Family, and Brotherhood

Otto Frohnmayer, father of Dave and the writer here, worked his way through the University of Oregon School of Law running the elevator in the Eugene Hotel. Upon graduation, he took a job with Porter J. Neff in a dusty office upstairs in the Cooley Theater Building in downtown Medford for forty dollars a month. Times were tough and our mother MarAbel wrote her sister that they were delighted to be asked by friends to dinner because they were down to their last three dollars for the rest of the month.

Otto and MarAbel expected Dave, indeed all of us children, to be good citizens and to reflect favorably on the family. “Remember who you are and what you represent” was the mantra we heard so often it became a kind of joke. Sunday mornings were instructive. Otto could only stand so much church (he pretty much faked it his whole life to please his wife), so he would take us kids to his office after the first service. We would screw up the margins on the secretary’s typewriters, play with the corporate seals, make paperclip chains, and mess around with the carbon paper while Otto was dictating letters and contracts at his huge, leather-topped table. Those Sunday mornings taught us that law is a lot of work; it comes out of books, but mostly out of your head; and a law office is a place full of learning, commerce, and a healthy dose of mystery.

Dave was slated to be a lawyer from very early on. He was a voracious reader, he was smart, he liked to argue. Perfect. Otto had him saddle soaping the old leather-bound law books one summer (they looked worse when he was done than before), and Dave actually worked on a revision of the probate code with Otto. What I remember

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most about the discussions was how unfair the existing fee structure was to the clients. It was an early lesson that ethics should inform the law. Otto would take the family on a drive in the country to see a piece of property in dispute (“you always have to look; I mean get out there and walk around on real property”). One parcel we visited belonged to “Dangerous Charlie,” who got off his tractor long enough to say hello and then demonstrated driving skills that would keep him in the poorhouse for a lifetime.

Dave hung around the law office in part because it was fun to talk to skilled and friendly lawyers like Phil Lowry, Bill Deatherage, and Erv Hogan. They treated him like a colleague, and he solicited their advice when he joined the Medford High debate team. He was, for his entire life, a careful listener (when he wanted to be, which by no means was all of the time).

He was the first student selected from Medford High to spend a summer abroad through the American Field Service in 1957. The Oregon kids took the train across country from Portland to New York, boarded an old 1919 vintage tub named the *Arosa Kulm*, and landed in Germany where he lived with a family in Hannover. His worldview would never be the same. He learned about Harvard, about foreign politics, about drinking beer. In 1962, he won a Rhodes Scholarship and went to Oxford’s Wadham College, where he studied Philosophy, Politics, and Economics. He was particularly interested in the debate between Lord Devlin and H.L.A. Hart over the ramifications of law, liberty, and morality.

Back in the United States at Berkeley’s Boalt Hall, he devoured his classes, got a parking ticket a day on his old green and white Volkswagen bus, and edited the student notes for the law review. He became an associate at Pillsbury, Madison & Sutro in San Francisco, but that only lasted a couple of years before he got a job as a speech writer for Robert Finch, Secretary of Health, Education and Welfare under President Richard M. Nixon. Washington, with its electric politics and pretty women (including his soon-to-be wife, Lynn) was as close to nirvana as he could get on earth. He wrote endlessly dull speeches, planned policies that were never to happen, went to parties where everybody was smarter than everybody else. Those were the halcyon days of Nixon, but by the time the shit hit the fan, Dave was back in Oregon with a newly created job: half-time law professor and half-time counsel to the University President. (He showed me a copy of a *Time* magazine in which he circled the Watergate perps that he knew—about half of them.)

He taught at the law school until he became attorney general in 1980, and again after that when he became dean in 1992. Oregon law school at one time boasted that it had at least five deans or former deans hanging around—a tough place to leave. And he could have taught, and in some cases did, just about the whole curriculum: constitutional law, administrative procedures, legislation, health law, contracts, property, jurisprudence.

He was elected to the Oregon House of Representatives in 1975 at a time when there was such a beast as a liberal Republican. He loved the political process, the gamesmanship of politics, and the real work—the honest dedication to the common good—that was possible if one didn't demand the whole loaf. One legislative accomplishment of which he was a part was the Newgather's Shield Law.¹

The lessons he had learned in Washington, the Oregon legislature, and throughout his life as a scholar became the basis for a course on leadership he taught, with Barbara West, for over twenty years at the University of Oregon. That course consistently got the highest rating the students could give it. They learned the art of compromise and teamwork by playing the board game *Diplomacy*. They interviewed real leaders. They learned to appreciate that brilliant leadership can be virulently antisocial, and that ethics and successful long-term leadership are inextricably bound.

After his fifteen years as President of the University of Oregon, Dave had the opportunity to really practice law. He joined Bill Gary, with whom he had worked at the attorney general's office, as "of counsel" to the firm Harrang Long Gary Rudnick P.C. He loved it. I mean he was obsessed. He left a dinner celebration where we were sitting at the head table to take a call and came back a very long and somewhat embarrassing time later reporting that he had billed three quarters of an hour.

As smart as he was—maybe the smartest I have known—he didn't practice long enough to appreciate that not every client who made his way through his door was a saint. And while most lawyers don't like to talk to the press, Dave loved it, and he got really annoyed when reporters suggested, sometimes with substantial justification, that his client's actions were not wholly dedicated to the good of the commonweal.

¹ OR. REV. STAT. §§ 44.510–.540 (1973) (amended 1979).

So what's to be said of Dave's life in the law? That he served it honorably and well. That he prized intellectual integrity. That he shared his wisdom. That he made those around him better.

From the earliest days at the dinner table when Otto would dispatch one of us four children to get the encyclopedia to settle an argument (and we had plenty, and all of us learned to defend our positions with confidence and bluster), to his sudden but not unexpected death, Dave was a man of words, of intellect, and of substance. His presence in Oregon and the nation was, and will continue to be, a tribute to the profession—the law that he loved.