

# Tributes

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## Dave Frohnmayer: The Legacy of a Life of Leadership and Law

Dave Frohnmayer's life was characterized by leadership and law. Virtually every article in this issue of *Oregon Law Review* (OLR) is a testament to these twin passions. Some of the articles emphasize Dave's leadership, highlighting his time as an elected official,<sup>1</sup> as the co-founder of a groundbreaking non-profit,<sup>2</sup> as a scholar,<sup>3</sup> as law school dean, or as university president.<sup>4</sup> Others

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<sup>1</sup> David R. Hubin, *Nominated by Both Parties*, 94 OR. L. REV. 531, 531 (2016) (noting that Dave was the nominee of *both* political parties when he stood for reelection as attorney general); Hardy Myers, *Dave Frohnmayer and the Oregon Legislature*, 94 OR. L. REV. 541, 559 (2016) (describing Dave's "reputation as a superb public servant").

<sup>2</sup> David Schuman, *Dave Frohnmayer – A Tribute*, 94 OR. L. REV. 673, 674–75 (2016) (describing the circumstances leading to the creation of the breath-takingly successful Fanconi Anemia Research Fund).

<sup>3</sup> Jesse H. Choper, *Dave: Student, Friend, and Hero*, 94 OR. L. REV. 629, 629 (2016) (describing Dave's award-winning essays on constitutional law); Jack L. Landau, *Legislator, Lawyer, Scholar, and Teacher: Dave Frohnmayer's Contributions to Oregon Administrative Law*, 94 OR. L. REV. 565 *passim* (2016) (describing Dave's influential taxonomies of administrative regulation).

<sup>4</sup> Hubin, *supra* note 1, *passim*; Michael H. Schill, *Foreword on David Frohnmayer*, 94 OR. L. REV. 493 *passim* (2016); Barbara West, *Supremely Worthwhile: Two Decades of Dave Frohnmayer Teaching Leadership*, 94 OR. L. REV. 509, 510 (2016) ("Frohnmayer taught [during his presidency] because it kept him engaged with what he believed mattered most at a university: what happens in the classroom for a student.").

emphasize Dave's contributions to the law by discussing his time as a legislator,<sup>5</sup> as state attorney general,<sup>6</sup> or as a gifted classroom teacher.<sup>7</sup>

Appropriately, virtually every article, in truth, speaks of Dave's commitment to both leadership *and* the law. Were we sitting in one of Dave's classes inside the law school, he would no doubt urge upon us the notion that a lawyer's role, properly understood, is fundamentally one of leadership. And were we students in one of Dave's classes outside the law school, he would no doubt remind us that many of the enduring challenges for leaders are intertwined with the rule of law.<sup>8</sup> To the extent any of us spoke of leadership and law as entirely distinct concepts, we would likely receive only partial credit in Professor Frohnmayer's view.

Within an hour of the news of Dave's far-too-early passing, I received a flood of inquiries about what the law school and the university would be doing to assure that Dave's legacy would be properly honored and perpetuated. The ideas poured in, as did the offers of support. Each idea was beautiful, of course, in its own way. Members of the Frohnmayer family were both gracious and instrumental in helping to craft the vision for a University of Oregon initiative appropriately honoring Dave. Dave's own philosophies and actions provided guidance as well. Dave sometimes fluently quoted the Sioux Lakota saying, "Tell me, and I will forget. Show me, and I will

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<sup>5</sup> Landau, *supra* note 3, *passim* (describing Dave's exceptional influence on the Oregon Administrative Procedures Act—an Act which itself has influenced so many other aspects of law); Myers, *supra* note 1, *passim*.

<sup>6</sup> See e.g., Garrett Epps, *Public Funding and the Road to Damascus: The Legacy of Employment Division v. Smith*, 94 OR. L. REV. 659 *passim* (2016); Marion Goldman, *Dave Frohnmayer and the Apocalypse That Evaporated*, 94 OR. L. REV. 633, 652–55 (2016) (describing Dave's creativity and firm commitment to the rule of law in the Rajneeshpuram case). See generally William F. Gary & Alison K. Gary, *The Frohnmayer Method: Advocacy, Legal Policy, and the United States Supreme Court*, 94 OR. L. REV. 589 (2016); Marla Rae, *Dave Frohnmayer: Legacy, Schmegacy*, 94 OR. L. REV. 699 (2016).

<sup>7</sup> As Lorry Lokey, the largest donor to the Dave Frohnmayer Memorial Fund observed, "In working with Dave, I can understand how he must have been a whiz-bang in the classroom. I would have loved to have him for a teacher." *Honoring Dave*, UNIV. OF OR. (last visited May 29, 2016), <https://law.uoregon.edu/explore/frohnmayer-leadership-fund/>; see also John Frohnmayer, *Reflections of Law, Family, and Brotherhood*, 94 OR. L. REV. 561, 563 (2016) (describing Dave's use of creative pedagogical instruments in the classroom, including the board game Diplomacy); Ellen Rosumblum, *A Tribute to Dave Frohnmayer*, 94 OR. L. REV. 585 *passim* (2016) (describing Dave's mastery of the classroom and as a mentor to students during law school and beyond).

<sup>8</sup> Michael Clark reminds us of this fact, in vivid detail, in his description of the tensions Dave navigated in the *Smith* case. Michael J. Clark, *A Legacy of Expression: David Frohnmayer and the Humanities in Oregon*, 94 OR. L. REV. 677, 691–97 (2016).

remember. Involve me, and I will understand.”<sup>9</sup> It was clear that any tribute, if truly to fit Dave, would need to focus on leadership and the law, and would need to involve students.

Universities typically make initial announcements about the launch of an important new initiative—particularly ones for which large private gifts have been raised—through glossy brochures and splashy public media campaigns. With all appropriate love for OLR, it is neither glossy nor splashy. And yet this OLR issue seems to me exactly the right vehicle for commemorating the launch of the leadership and law initiative bearing Dave’s name.

We are lucky. We are lucky to have known Dave and to have benefitted from his visionary leadership. We are also lucky to have loyal and generous friends and alumni of the university who have already stepped forward to provide several major gifts in order to launch the Dave Frohnmayer Leadership Fund. When we received the largest gift, Lynn Frohnmayer, Dave’s partner in every sense of the word, declared it “so comfortable and so fitting, that these two huge loves of his life—the law and leadership—are coming together in this absolutely magnificent gift.”<sup>10</sup> We will continue to look for additional funds to expand the initiative’s reach, and I am confident that others will be inspired to join me in contributing to this important effort as well.

The broad umbrella of leadership and law provides outstanding opportunities for creative, applied, and meaningful work with students. We have offered the “Leadership for Lawyers” course Dave loved so dearly. Dozens of students have been able to participate in a national conference on leadership. Leadership principles have been introduced into courses without “Leadership” in their titles. And all of this within months of the creation of this initiative. Imagine what smart people with inspiration and support will be able to do as this initiative matures and grows. We are lucky indeed.

I miss Dave. Badly. I have no idea how many people counted Dave as a mentor. Based on the number of people who have reached out to me, it was likely hundreds, if not thousands. And, as is probably true with respect to incredible mentors, each of them (like me) probably felt as though Dave were always there. Just for me. That Dave is not easily

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<sup>9</sup> *Honoring Dave*, *supra* note 7. Further research shows that—while Dave always said this quote came from the Sioux Lakota—a quotation very similar to this may actually have origins with the Chinese philosopher Confucius. See CHRISTOPHER BRAMLEY, INVOLVE ME: . . . AND I WILL UNDERSTAND 1 (2d ed. 2015).

<sup>10</sup> *Honoring Dave*, *supra* note 7.

reachable by phone or by a quick walk across campus is still jarring. But I could not be prouder of the legacy we are creating in his honor here at the law school—where leadership and law will forever be intertwined in Dave Frohnmayer's name.