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# Tribute To Professor Ken Margolis

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the same lawyer for a year, and was a colleague of his for fourteen years in the clinical program. Ken is a good friend, a wonderful colleague, and one of the best lawyers and law professors I have ever known. I know that the faculty and staff of the law school will miss Ken greatly as he heads into his retirement.

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*Judith Lipton*<sup>†</sup>

Kenneth Margolis has served the Case Western Reserve University School of Law since 1984 as a valued teacher, mentor, advisor, and leader. He served as Co-Director of the Milton A. Kramer Law Clinic Center for fifteen years, and was the law school's inaugural Associate Dean for Experiential Education. From modest beginnings in that maid's quarters of a neglected old mansion across the street from the law school, under Ken's leadership, the Milton A. Kramer Law Clinic Center grew to become one of the most well-respected programs of its kind in the nation. The Clinic now has a prominent place in the building, it has tripled in size, clinical faculty are now hired on the tenure track, and the clinical program forms the pillar of our curriculum and our recently established capstone requirement. Those are the facts, but they are not the story.

Ken and I joined the Case Western Reserve University clinical faculty within six months of each other. We worked in offices next door for over thirty years. It is impossible for me to separate the personal from the institutional. We co-taught, co-supervised, and co-directed. For Ken, collaboration was not a policy or an intellectual theory; it was a way of being. Our decision-making, planning, testing, and designing often took place around a table, coffee in hand, struggling to imagine all of the potential and possible pitfalls of our ideas. Ken built the clinical and experiential program, always with the biggest picture in mind, never narrow, never focused on himself. He has always been a superb advocate for clinical education and clinical faculty nationally and locally. The lawyering-skills program grew and improved significantly under Ken's leadership. He was the primary architect of the CaseArc Writing and Skills Program, which laid the foundations for the school's current ambitious LLEAP Program. He also helped

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establish the Ault Mock Trial competition and greatly expanded the use of externships.

In recent years, Ken has taught in the Community Development Clinic, which focuses on launching and representing community-based nonprofits. When he began his teaching career, he taught in all of the clinics, including the Civil Litigation, Criminal Justice, and Family Law Clinics! We were all generalists, believing that exposing students to many supervisors was important. It gave them several models of lawyering and made clear that there was not one right way to approach a problem. Ken maintained his commitment to team teaching even as we moved toward more specialization.

Ken is also a creative rule maker not limited by rules as they have been. This led him to an important role as chair of several Law School and University committees. He rewrote and shepherded to passage important portions of the University Faculty Handbook dealing with rank, status, security of position, grievance procedures, and appointments and promotions processes when he was chair of the Personnel Committee. He drafted many of the key provisions of the Law School Faculty Bylaws pertaining to non-tenure-track (and later tenure track) clinical and lawyering-skills faculty. He also served as a member of the Advisory Committee to the U.S. District Court for the Northern District of Ohio.

When Charlotte and Mark Kramer began to discuss endowing the clinical program at Case Western Reserve University with Dean Peter Gerhart, the dean asked Ken to join the conversation. Ken soon developed an excellent working relationship with Mark Kramer built on mutual respect and trust. Through five-year strategic plans, he worked with the Kramers, our faculty, and an advisory committee to define and implement shared goals. These included the integration of skills-based teaching throughout the curriculum, clinics and externships to complement every specialty area in our curriculum, increased hiring of clinical faculty, and the transition of clinical faculty to the tenure track. Ken led our advisory committee in a process of focus groups identifying the needs of different kinds of practice, identifying what hiring partners and managers were looking for in our graduates in order to best design a curriculum that was educationally rigorous and relevant.

Ken has written in the areas of law school curricular reform, attorney-client relations, and the delivery of legal services. He has made significant contributions to the national dialogue about what and how law schools should teach. In *Rethinking the Curriculum for Balance* he says, “[I]n discussing curriculum reform, it is almost always helpful to reframe binary conversations as conversations about balance and comprehensiveness.”<sup>1</sup> Just as he did at Case Western Reserve

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1. Martin J. Katz & Kenneth R. Margolis, *Rethinking the Curriculum: A Balanced Curriculum*, in BUILDING ON BEST PRACTICES: TRANSFORMING

University when he worked to design our skills curriculum, Ken and his co-author Martin J. Katz clearly state that decisions about the balance between doctrinal and practice-oriented teaching cannot be based on marketing and recruiting considerations but on consideration of what students should learn in law school. Finally, Ken and his co-author summarize powerfully: “Striking a balance more in favor of practice-oriented learning does not necessarily mean less doctrine is taught. It means that doctrine is not taught as an end in itself, but rather as one of the many issues to consider in solving problems that have a legal dimension. Practice-oriented courses do not replace doctrine; they contextualize it.”<sup>2</sup> Ken and Martin Katz have also written about the need for curricular leadership and have defined a path to effective collaborative decision-making that involves all stakeholders.<sup>3</sup> This is the process of dialogue with students, faculty, administrators, staff, alumni, practicing attorneys, judges, and clients that led to Ken’s success in building the experiential program at Case Western Reserve University. His commitment to engaging all stakeholders and always considering the role of lawyers in society resulted in a three-year curriculum that led the way in teaching skills, values, and doctrine in a coherent, reflective, and integrated way.

Ken’s leadership stretches beyond the teaching and practice of law. A talented musician and singer, Ken teamed up with various faculty and students to build the law school community and to support Student Public Interest Law Fellowships through musical fundraisers at the Barking Spider, Euclid Tavern, and other local venues. But for me, as Ken eased us toward his retirement, my memory is of his formidable presence even when he wasn’t physically on campus. I often walked past his office, hearing a heated debate about tactics or a detailed analysis of how copyright rules could be applied to choreography on a day I knew he was not in. But there he was, so much more than a talking head on a computer screen, completely engaged with his students and his clients. The students and clients completely engaged with him. His skills as a teacher were not limited by distance or technology.

Ken was the guide leading our program on the journey across the street into the Law School and the Milton A. Kramer Law Clinic Center, to tenure and to national recognition for our experiential program. We congratulate Kenneth Margolis on his exemplary career and

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LEGAL EDUCATION IN A CHANGING WORLD 45, 46 (Deborah Maranville et al. eds., 2015).

2. *Id.* at 47.
3. Martin J. Katz & Kenneth R. Margolis, *Transforming Legal Education as an Imperative in Today’s World: Leadership and Curricular Change*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD, *supra* note 1, at 444.

his dedication to our law school, to his students, his clients, his colleagues, and the legal profession.

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*Matthew J. Rossman*<sup>†</sup>

RENAISSANCE MAN

A multi-talented fellow, Ken Margolis had his choice of many careers. Music was an obvious one. Ken was a teenage musical prodigy and keyboard player for The Choir, one of Cleveland's most well-known 1960s rock bands.<sup>1</sup> Along with its own impressive collection of hits, The Choir served as a launching pad for musicians who would go on to national fame as members of other groups, most notably The Raspberries and The James Gang.<sup>2</sup> Ken certainly had his own opportunities to make music his livelihood. But he has been content (until now) with it as a sideline that has kept local audiences, including many of his students and colleagues, thoroughly entertained.

Applied mathematics was another option. Going against the grain of a profession which often proclaims to be "not good with numbers," Ken reveled in every opportunity to incorporate mathematics into legal practice. Seeking to show students in his Focused Problem Solving course the many tools a lawyer might employ to aid a client in arriving at a decision on a complicated matter, Ken developed an interactive, user-friendly chart laying out the client's objectives and options on X and Y axes. By working with a client to numerically weight each of his or her objectives, a lawyer could help the client see which options best accomplished the most important of these objectives. As Co-Director of our public interest law firm, the Milton A. Kramer Law Clinic Center, Ken developed a formula for calculating full-time equivalent students to balance our teaching loads. Less famously, he devised an elaborate system for dividing the lunch bill at our quarterly firm birthday lunches

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1. See, e.g., CARLO WOLFF, CLEVELAND ROCK & ROLL MEMORIES: TRUE AND TALL TALES OF THE GLORY DAYS 60-64 (2006).
2. Anyone wishing to research the frequently changing membership of The Choir and all of the bands from and to which its members came and went should consult The Choir Family Tree on the wall of Dave's Cosmic Subs, 1842 Coventry Rd, Cleveland Heights, OH 44106. While there, I invite you to try The Crazy Dave™, a bag of Dirty Chips, and a homemade Dave's Root Beer. There is no finer lunch.