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Interview with Dean Emeritus Lindsey Cowen (transcript)

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Lindsey Cowen
Dean and Professor Emeritus
Interview with Oliver Schroeder, September 22, 1988
transcription by Kerstin Ekfelt Trawick

This is Oliver Schroeder, the date is September 22, 1988, sitting in the law library office with Dean Lindsey Cowen, and we shall discuss Dean Cowen's activities at our law school over his period of tenure as dean and as member of the faculty. We'll do this very informally and call each other "Lindsey" and "Ollie."

Lindsey, have you any recollections of your ideas about our law school at Case Western Reserve before you came here as dean? Had you ever had any contact with the law school, with people from the law school? What were your general impressions of our law school before you became so intimately a part of the leadership?

Well, I did know about Case Western Reserve. We had a lawyer in our hometown named Roy Lewis, who graduated here and was anxious that I come up here--as a student--and told me that it was a very fine school. But instead I was guided by my prep school people to go to the University of Virginia for undergraduate work on the theory that I could get into law school there easier if I'd had my undergraduate work there.

When was your first official introduction to our law school?

Well, after I had gotten into legal education at the University of Virginia, after graduating there and practicing law a little while, I started going to the annual meetings of the American Law Association, and of course I heard a great deal then about the school. But I never had a thought that eventually I would end up here.

How was that first contact made, that began your pathway toward the school, as its dean?

Well, Lou Toepfer contacted me at a very opportune time. I had been dean at the University of Georgia for eight years, and about four years before Lou contacted me the president of the University of Georgia appointed a provost who was to have supervision of the vice presidents and the deans. He and I simply did not hit it off at all. He started, in my judgment, to attempt to run the law school, with no legal background--he was a chemist, as a matter of fact--and so I was really ready to do something else.

Millard Ruud, who was then executive director of the Association of American Law Schools, heard that I was unhappy at Georgia, and he happened to pass the word along to Lou, whom, incidentally, I had known for many years since I had gone to Harvard for graduate work. And so he called me up and asked if I wouldn't come up to talk to him about it. My wife and I came up, stayed out on the farm; he told me what his ambitions had been for the school, and what had attracted him here as dean, before he became president. Of course at that point the new building was here, and there were some very fine members of the

faculty. But Lou knew--as I knew too as a general proposition--that we would have to raise a great deal more money in order to keep the fine professors we had and to attract others as well, and also to raise money for scholarships for students so that we could compete with schools which held a higher reputation, although not necessarily a deserved higher reputation.

You visited the school at that time. Did you observe places where you thought you might be especially effective as the dean? You mentioned one, for example--the need for additional money to maintain and enhance legal education at a high level. Were there any other things that you observed would be helpful in improving the school?

I really don't know that I do remember anything like that. I knew that the salary scale would have to go up, and that we would have to have more scholarships for students and to attract better students. We had good ones, but not enough good ones. At that point we were drawing primarily from northern Ohio, and I thought it was important that we have a broader base than that, and that we would have to recruit students in order to achieve that, and the way you recruit is through having adequate scholarship money for it. I was impressed with the staff which was on hand here. Lou had told me that there were some very fine staff people, and I soon found out that that was true.

What did you think of the building? You have had a broad experience in legal education and have visited, I know, many law school facilities. What was your impression of Gund Hall?

Anyone would have to be impressed with Gund Hall. We had under construction while I was dean at Georgia a new facility there which was a really very good one. But this one was at least as good if not better. When I was first told by Lou about the new building, my thinking was that it couldn't be any better than the one he was asking me to leave. But I was impressed with the design of the building, and especially the moot courtroom, which was much, much better than the one we had at Georgia.

Now when you came here, you had a long tenure, almost ten years. Over that period of time what do feel greatly satisfied in having accomplished?

You know, I hate to get back to fund raising all the time, but I came here with the idea that we would have to have endowed chairs beginning right away. And after a certain period of time we had raised enough money to have either five or six endowed chairs. One day Mr. David Ford, one of our distinguished alumni, told me that he was impressed by what had happened, that I had come up here with an idea of what had to be done, and that I had gone out and seen that it had been done. I'm not so sure that we did so well in scholarships, but we did raise some, and more needs to be done there still, I'm sure.

You always taught classes, even though you were a dean. How did you find teaching classes here, as compared with your prior experience in the classroom?

I don't know that I noticed any particular difference. The quality of the student bodies as measured in numerical terms was about the same. We had some very bright students at each school, and some who were not that good, although each school had a floor below which they would not go in the admission process. We constantly attempted to raise that floor in order to increase the quality and the distribution of the student body.

You've had a long experience also in public service, along with your legal education experience. While you were here as dean and member of the faculty, what areas outside of the law school did you find particularly challenging and participate in?

Well, the most prominent one nationally was to be an Ohio member of the delegation to the National Commissioners on Uniform State Laws. I had also been a member from Georgia. But that was a very rewarding experience. The second one may sound even a little funny. The mayor of Cleveland at that time was having trouble with his police department, and he appointed a commission composed originally of all ministers and rabbis, and he added--later--me and a practicing lawyer from downtown. The newspapers, because of the members of the clergy in it, dubbed us the God Squad. That was a very interesting experience, to be a member of the God Squad.

What particular areas of the law have you been interested in for your legal research and your teaching?

When I first started at Virginia, I was assigned, first of all, Civil Procedure, Federal Courts, and Conflict of Laws--which may sound like a big load to many people but not to you because you have taught a great many subjects over your time in legal education. But those are the subjects which I taught almost constantly. Every so often, I worked in a course on Introduction to Law when there was a need for that. I taught seminars in constitutional law. Ted Mearns, who was one of my students, is down in the conference room right now teaching one that I think even he would admit was my brain child, which was to pick several cases currently before the Supreme Court of the United States, have the students brief them, and then argue them before the other members of the class. And hopefully, before the school adjourned for the year, we would get the Supreme Court's opinion on the various cases and then we would meet to discuss them and criticize the opinions.

In your activities here as the leader of the faculty, do you remember incidents of humor or surprise or of special significance in the relations with the faculty and with what the faculty was doing or what we were trying to do here in the area of legal education?

I suppose the funniest thing was that I had been here for several months and all of a sudden Morrie Shanker came into my office and said, "Have you ever met Fletcher Andrews?" I said, "No, I've never met him." And he was in an office up on the second floor. So I went and met him at that time, and we were good friends from then on until he died. That may indicate one of the problems which some members of

the faculty thought that I had, which was that I didn't spend enough time on the second floor--that I ought to be up there talking to the various members of the faculty about whatever their problems were and whatever they were doing, and so forth. But generally I think that I was well accepted by the faculty.

You had experience, of course, with the law alumni. Do you tell anything of significance in those experiences--what impressed you, and your thoughts about the alumni at the school?

Well, there are two things that come immediately to mind. First is, that the ones that I have met--and that's a great number--are all fine men and fine lawyers. The second thing is their loyalty to the school. The number of people who would turn out for the telethons which we conducted every year was astonishing to me. They would take their evenings and come down there and call up people, and we would try to make our annual fund, and quite typically came very close to it.

In the course of your activities, what were your impressions of the other schools in the university? How much contact did you have with them? And what university activities did you participate in?

I served on the University Senate for a while, so through that means I met a lot of members of other faculties. And believe it or not, there was a time when I played a lot of handball; I used to play with the dean of the social science school, so I got to know him very, very well. For one reason or another, I think through my wife, I got to know people over at Case as well--the deans at Case--because she played bridge with their wives.

The law school is composed of a number of units that have some independence in legal education, and one is the library. What is your feeling about that, your experiences with the library?

I was very pleased with the staff of the library. They were always cooperative with me. I used to go into the workroom almost every day to talk to the people in there. The collection of course is the heart of the matter. What I had to do during my tenure was to protect the law library from a loss of space. Everybody wanted more space, and it was needed. First of all, we took a little space down on the bottom floor--stack space--and turned it into storage. Then it was suggested that we take some space up on the second floor and convert that into office space, with the doors opening onto the hall. I wasn't able to persuade myself that we needed to take that much space from the law library, but it has since been done of course, and I was told today by the former librarian that it did not hurt their operation any--that he could get along with what he had.

During your tenure as dean and then afterwards, since your retirement, have you had any contact with individuals who are not part of the law school as to their impressions of our law school? Maybe some of them have never even visited the law school. But what shall we say is the reputation, from your point of view, in contacting other people?

Let me speak first of what went on while I was dean here. One of the things that a dean is asked to do every so often is to join a group, a committee, representing the AALS to reaccredit other schools, and I served on several of those committees. Everywhere I went, the faculty members at least were knowledgeable about what we were doing here and frequently told me that they wished that they could have done there what we were doing here.

Do you have any feeling as to why this reputation was prevalent amongst the law faculties around the country that you visited?

Well, of course we had a president at that time who was not only a former dean of this school but had been at Harvard for a long, long time and was well known around the country in legal education circles. Any time that anybody mentioned Lou Toepfer's name, it was recognized as a really fine educator and doer. He came here knowing what he wanted to do, and he did part of it. He told me that I was to help do the rest, and I did try to do as much of it as possible before I had to leave. And I think the people who are here now are doing the same thing.

As you look back, you've had a career of great success in several law schools and also in your personal life and in your service to the profession and to the public. Do you see any spots in there that were high points in this experience?

Well, as you say, I've been at three different law schools as a faculty member--the University of Virginia, the University of Georgia, and here. At the University of Virginia, I was very happy but--we've talked about salaries before--salaries at that point were not what I and many others thought they ought to be. So when I got an offer from the University of Georgia I went down there. I had been very happy at Virginia and would happily have stayed. At Georgia originally it was a good experience. But as I've said, there came a time when I thought I ought to leave. Lou Toepfer's proposal came at the right time for me and was a very happy one. I was very happy here at Case Western Reserve. Everyone was very pleasant and cooperative and had the same goals as I did. There was no difficulty in any way. I don't know about high points, because almost everything that went on here was at a high level.

There came a time when you left the law school. And in view of what you said about the University of Georgia, maybe we ought to ask you why you left here.

Well in a way that wasn't my own choice. I had a stroke, a very serious stroke, and when I finally got back to Cleveland after several weeks in a hospital in Connecticut I eventually got back to work, but it was clear to me and probably to others that I really wasn't able to do the job that ought to be done. My children thought that my wife and I ought to move to Georgia, where they were located, so they wouldn't have to commute between Georgia and Cleveland all the time to check up on us. So we moved.