

BASICALLY, ESSENTIALLY, COMMONSENSICALLY:
THE THOMAS PAINE OF OKLAHOMA CITY
UNIVERSITY SCHOOL OF LAW

Cindy Richard*

In 1776, the rebel Continental Army suffered great losses and was often found in retreat. The troops were tired, ragged, and ill-equipped. Indeed, the average soldier may have been losing heart and losing sight of the goal. But then, two days before Christmas, a voice pierced the cold darkness: "These are the times that try men's souls. . . . I bring reason to your ears, and, in language as plain as A, B, C, hold up truth to your eyes."¹ George Washington ordered these words read to his men to bolster their spirits, to raise them up again, to urge them back to the battle. These were not the words of the wealthy, gentrified, colonial George Washington but rather the words of an immigrant, the words of the son of a corsetmaker, the words of one who had lost his wife, child, and business, the words of Thomas Paine.

Law school cannot be compared to war, but the life of a law student can seem like a battle, a trial of the soul. The voice that often led us through the confusion was not that of Thomas Paine, the revolutionary, but that of a humble, humorous man from Wyoming, a man who worked in his father's rural law firm and who served the people there as an elected county attorney. Fortunately, his ability and heart for teaching won the day, and Professor Daniel Morgan ventured to Oklahoma City University School of Law. There, he fit us for the battle of law school and kept us focused on the goal of becoming able, ethical, and trustworthy lawyers.

* Cindy Richard, Deputy Municipal Counselor, City of Oklahoma City; J.D., Oklahoma City University School of Law.

1. THOMAS PAINE, *THE AMERICAN CRISIS* 1, 8 (James Watson ed., 1835) (1776).

In his famous pamphlet, *Common Sense*, Thomas Paine wrote:

I offer nothing more than *simple facts, plain arguments, and common sense*: and have no other preliminaries to settle with the reader, than that he will divest himself of prejudice and prepossession, and suffer his reason and his feelings to determine for themselves: that he will put on, or rather that he will not put off, the true character of a man, and generously enlarge his views beyond the present day.²

Those of us who were lucky enough to have Dan Morgan for our professor undoubtedly remember his favorite and oft-used phrase, “basically, essentially, commonsensically.” In fact, we felt slighted if we didn’t hear that triumvirate phrase at least several times during each class accompanied by the infamous Morgan chuckle. Professor Morgan, in those three words, was calling on us to enlarge our views beyond the present day by, paradoxically, getting back to the basics.

In the 1990s, if a student was fortunate enough to be a 1L under the professorial team of Dan Morgan, Richard Coulson, Michael Gibson, and Marge Downing, that student would learn the love of the law, the honor of collegiality, and the power and influence of a united, familial team. We saw it modeled in our professors and we adopted that behavior with others in our class. It was an ironic twist on many of our *Paper Chase*³ expectations of law school. Instead of being demeaned, embarrassed, and taught to “cut the legs” out from under our classmates, we were taught to think, to reason, and to remember and build our humanity. Each of our professors had their particular strengths. Professor Morgan had the exceptional ability of taking the most complex issue and breaking it down into its smallest parts. He excelled at making the difficult become simple.

Those of us who had the unparalleled experience of being a member of one of Professor Morgan’s trial teams had the good fortune to put his lessons into practice while still in school. We began to get a glimpse of the power that comes from being able to put things in a way that anyone can understand. Stick to the basics, the ABCs. Use the essentials to make the point and get rid of anything unnecessary. Use your common sense to

2. THOMAS PAINE, *COMMON SENSE* 36 (E. Haldeman-Julius ed., 1920) (1776) (emphasis added).

3. *THE PAPER CHASE* (Thompson-Paul Productions 1973).

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determine the importance of information, the magnitude of a point made, the depth of a weakness, the logic of the path to be taken, and the momentum needed to build to the final turn. He didn't only sound the call for us to be independent, critical thinkers; he also laid the groundwork. He taught us how to get there—basically, essentially, commonsensically. The phrase should be the metaphorical string around every lawyer's finger, reminding us to peel away the layers to get to the heart of the matter.

Day after day, week after week, evenings and weekends, Dan Morgan worked with his classes and trial teams. Undoubtedly, he could have been preparing for classes, drafting an article or book, drinking a beer with his friends, or spending time with his family. How blessed we were that he chose to invest so much time in so many of us! I was one of the truly lucky ones.

Twenty-five years ago, I walked into Torts I and met Professor Morgan. I later had Torts II and Consumer Law with him and was on his trial team for two years. After graduation and the bar exam, I was a prosecutor and litigator for many years. Now I primarily advise clients, supervise lawyers and staff, prepare budgets, and create strategic plans. I'm also the single mother of a beautiful daughter I adopted almost 15 years ago. I share these things to make this point: No matter how many years have gone by or the path that I have taken, no matter whether the setting is personal or professional, I still hear the words of Professor Daniel Morgan echoing through time—"Slow down. Basically, essentially, commonsensically, you'll get where you need to go by taking one bite of the apple at a time."

His lessons come to mind in my office and my home, with my clients and my child. His teachings cause me to take an extra breath and pause for a minute, to think things through one more time, to find a simpler way, and to not use a five-dollar word when a quarter word will do. The teachings of Professor Daniel Morgan were not just meant for the classroom. His words were not just important for trial team competitions or just suited for the courtroom or just vital for a legal career. His lessons still reach into our personal lives as parents, friends, and mentors.

Dan Morgan is one of the best men I know. His humble approach to life does not hide his brilliance but, instead, emphasizes it. His warmth and humor dispel the cloud of fear and confusion of his students and, having set fears to rest, he puts challenges before us like a call to battle. A call to stand in the gap. A call to use our abilities and our education to

make difficult things easier. To use our love of the law to make life better for others. To invest our time and our lives in the worthwhile.

Thomas Paine was truly an influential writer in the first half of his life, in large part because of his ability to articulate his points logically and simply. Perhaps it was also because he could relate so well to his readers. Perhaps it was because he was a man they could understand. So it is with Daniel Morgan. As students, we understood him, we liked him, and we trusted him. Thomas Paine lost the admiration of his contemporaries in the second half of his life, so there the comparison between the two must end. Our esteem for Dan Morgan only continues to grow.

In language as plain as ABC, let me hold up this truth to your eyes: Dan Morgan is one of the best men I know. Oklahoma City University School of Law has been a better place because Dan Morgan was there. We are better lawyers and better people for having known Dan Morgan.

It's just that simple.



Professor Daniel Morgan was a long-time sponsor of the OCU School of Law ATLA Trial Teams. He is pictured here, center, with the 1991–1992 Trial Team, which won the regional competition and placed fifth in the national competition. Team members, from left to right, are Marlene McVeigh, Cindy L. Richard, Leslie Lynch (current sponsor of the OCU Trial Teams), and Earl “Trey” Harris, III, 3L.

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