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TRIBUTE

THE PORTFOLIOS OF PROFESSOR EMERITA VICKI LAWRENCE MACDOUGALL

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When, from time to time, I ponder the history of the Law School, some individuals come to mind as students, others as graduates, still others as faculty members. Professor Emerita Vicki Lawrence MacDougall is one of a very small group (six in all) in the more than one hundred year history of the Law School to be in each category. With Ted Foster, Richard Coulson, Marian Opala, Alvin Harrell, and Jim Roth, Vicki is, or has been, student, graduate, and faculty member.

Vicki first came to the Law School in the mid-1970s from the University of Oklahoma with degree and Phi Beta Kappa key in hand. A few years before her arrival as a student, the law school, under the leadership of Dean Ted Foster and Associate Dean Richard Coulson, made a major decision that changed significantly the ethos of the institution. In 1972, the School opened a day division. Until then, the Law School offered only evening classes, serving almost exclusively students who worked by day and attended classes at night. Now, the School would have two divisions, day and night.

Vicki's outstanding performance as an undergraduate easily won her acceptance as a day division student. Her law school grades placed her at

the very top of the class, a performance noted by her fellow students. James Winchester, in time a justice of the Supreme Court of Oklahoma, reflecting on his law school days, observed that he was “surrounded by really bright students such as Vicki Lawrence.”¹

Not surprisingly, when the Law School started a law review, Vicki was invited to join the Editorial Board, and served as Managing Editor of the Review. She also penned two articles for the Review, one titled *Exclusionary Zoning as a Reasonable Exercise of the Police Power*,² and one on that “dismal swamp, filled with quaking quagmires,”³ titled *Conflicts of Laws*.⁴

Vicki’s law school record earned her a clerkship with Judge Dwain Box of the Oklahoma Court of Civil Appeals. This was followed quickly by an offer from the Law School to join the faculty as a tenure track professor. Vicki accepted the offer, and her faculty relationship with the Law School began with the academic year 1978-1979.

From the beginning, Vicki’s teaching has been in the areas of Torts, Products Liability, Health Care, and Gender Bias. For Professor Lawrence MacDougall, the most important responsibility of a faculty member is teaching. Indeed, she views teaching as a calling, not as a job. Students in her courses find a teacher who is fully conversant with the material, demanding but fair, and readily accessible. Students in her courses learn how to read, to think critically, and to speak and write articulately. Consistently, she is rated by students as one of the very best teachers on the faculty. Her service to the students has been unstinting. Fine lawyers in metropolitan areas and small county seat towns, in large firms and as solo practitioners, are thankful that they had one or more courses with Professor Lawrence MacDougall.

Of course, there are other requirements for a full-time faculty member. Perhaps the most famous, if not infamous, is the publish or perish rule. Professor Lawrence MacDougall began legal writing as a student editor and has not stopped. She has put pen to paper, and now fingers to keyboard, producing two books on products liability,⁵ and articles on

1. Von Russell Creel & Bob Burke, OKLAHOMA CITY UNIVERSITY LAW SCHOOL, A HISTORY, 62 (2008).

2. Vicki E. Lawrence, *Zoning: Exclusionary Zoning as Reasonable Exercise of the Police Power*, 1 OKLA. CITY U. L. REV. 243 (1976).

3. William L. Prosser, *Interstate Publication*, 51 MICH. L. REV., 959, 971 (1953).

4. Vicki E. Lawrence, *Conflicts of Laws*, 2 OKLA. CITY U. L. REV. 98 (1977).

5. Vicki Lawrence MacDougall, PRODUCTS LIABILITY LAW IN OKLAHOMA (1990); Vicki Lawrence MacDougall, OKLAHOMA PRODUCTS LIABILITY LAW (2006).

products liability,⁶ medical malpractice,⁷ punitive damages, tort reform and the Constitution,⁸ and landowner and landlord liability for injuries on the premises.⁹ Her writings seek to inform the relevant constituencies of significant issues in a particular area of the law and offer thoughtful and balanced approaches.-

Not every law activity of Professor Lawrence MacDougall has been academic in nature.—_At one time, Vicki, Marge Downing, Nancy Kenderdine, and Cindy Sparling started an OCU Law School bowling team. The quality of their play is best illustrated by the team’s nickname, “the gutter ballers.”¹⁰

Professor Lawrence MacDougall’s service to the Law School has been plenteous and diverse. She has served as Associate Dean, as Director of the Health Law Program, on committees and more committees, and for many years in one of the schools most important and stressful positions, Faculty Advisor to the Oklahoma City University Law Review. Indeed, it was during her watch that perhaps the most important issue in the history of the Law Review was conceived and completed, the In Memoriam issue for Judge William J. Holloway, Jr., of the United States Court of Appeals for the Tenth Circuit. Appropriately, Professor Lawrence MacDougall received the Outstanding Law Review Alumna Award in 2000.

It was mentioned earlier that Professor Lawrence MacDougall joined the faculty soon after the opening of the day division, perhaps the most important decision in the history of the Law School. It should be noted as well that she joined the faculty during the most critical time in the history of the school, when the American Bar Association threatened the withdrawal of the school’s accreditation. The threat was very real, and the future of the school was in great jeopardy. One proposed solution was to

6. Vicki Lawrence MacDougall, *Products Liability Law in the Nineties: Will Federal or State Law Control?*, 49 CONSUMER FIN. L. Q. REP. 327 (1995); Vicki Lawrence MacDougall, *The Shared Risk of Potential Tort Liability of Health Maintenance Organizations and the Defense of ERISA Preemption*, 32 VAL. U. L. REV. 855 (1998).

7. Vicki E. Lawrence, *Drug Manufacturers’ Recommendations and the Common Knowledge Rule to Establish Medical Malpractice*, 63 NEB. L. REV. 859 (1984).

8. Vicki Lawrence MacDougall, *The Supremes: “Reflections” on Punitive Damages: The Constitutional Dimensions of Tort Reform*, 61 CONSUMER FIN. L. Q. REP. 864 (2007).

9. Vicki Lawrence MacDougall, *Premises Liability After the KFC Case: Potential Liability of a Commercial Establishment to a Customer Injured by Provocation of an Armed Robber*, 50 CONSUMER FIN. L. Q. REP. 397 (1996); Vicki Lawrence MacDougall, *Landlord and Landowner Liability for Injury on the Premises*, 60 CONSUMER FIN. L. Q. REP. 256 (2006).

10. Creel & Burke, *supra* note 1, at 75.

merge the school with the College of Law at the University of Oklahoma. It was then that Professor Lawrence MacDougall responded with the phrase, “Better Dead Than Red.”¹¹ Fortunately, thanks to the efforts of the Oklahoma Bar Association, the Methodist Church, and the Oklahoma City business community, accreditation was saved.

One of the major problems with the American Bar Association was the building housing the Law School.

The law school was housed in a World War II building with a brick facade. Water pipes in the building were exposed. When it rained, water flowed in the halls and classrooms. After air conditioning was added, students could not hear professors in the classrooms because of the noise from the air conditioning units. The choice was not an easy one. Be hot and hear what was being said. Be cool, and not hear what was happening in class. In one classroom, there was a large pillar in the center of the room. Students sitting in that area could not see the professor. Of course, some students may have considered that an advantage for they could not be seen either. Windows leaked in the building, letting in cold air in the winter, and dust in the spring and summer. Finally, the space, such as it was, was not the law school’s own. The building was shared with the business school.¹²

Professor Lawrence MacDougall came to the law school in early days of the day division and law review. The school did not participate in moot court competitions. Most of the faculty members had earned their law degrees at Oklahoma schools. The doors of the most respected and highly regarded law firms in the state were closed even to the most outstanding graduates of the school. The school was accredited by the American Bar Association, but not by the Association of American Law Schools. And, of course, classes were held in the barracks.

During Professor Lawrence MacDougall’s years as a faculty member, moot court competition became an integral part of the school. Faculty backgrounds changed appreciably. Only two members of the faculty today attended Oklahoma law schools. The faculty now has members with degrees from Harvard, Yale, Michigan, Chicago, New York University, Notre Dame, Kansas, Texas, and Fordham. OCU School of Law graduates

11. *Id.* at 163.

12. *Id.* at 64.

are partners in national, even international, firms, hold coveted judicial clerkships, serve as state and federal judges, as university presidents, and as chief executive officers of major corporations. Under the leadership of Dean Lawrence Hellman, the school has achieved AALS membership. And the Law School now occupies a wonderful new building in downtown Oklahoma City. The contributions of Professor Lawrence MacDougall to these, and numerous other achievements, are many and significant.

Professor Lawrence MacDougall had endured nine of the thirteen deanships in the history of the Law School and tolerated five interim deans. She has attended in the neighborhood of four hundred regular and special faculty meetings, has listened, more or less, to sixty some commencement speeches, and attended lectures and special addresses by some one hundred twenty-five speakers. Professor Lawrence MacDougall has studied, then taught, in the barracks, and taught in Gold Star, Sarkeys, and the new venue.

I have known Professor Lawrence MacDougall as student and colleague. It is my great good fortune to consider her as a dear and valued friend as well. Emerson wrote that a friend is a gift you give yourself. In Professor Lawrence MacDougall's friendship, I have given myself a great and imperishable gift. If I were to choose a scripture reference that describes the person Vicki is, I would select the Good Samaritan, Luke, Chapter 10, verses 25-37, King James Version. Vicki is truly a caring person. When I had health concerns, she always asked what she could do to help. When there were family problems, she was ready and willing to assist. When my Mary was in the hospital for the last time, she regularly and faithfully visited, bringing comfort and solace to both of us at that sad time.

I think one of the best tests for the kind of person one is is to ask how the person treats animals. Vicki passes the test *summa cum laude*. The animal who is welcomed into the Lawrence MacDougall Family is fortunate indeed.

Vicki has a wonderful sense of humor. For years as a professor of Civil Procedure, the Foundation of All Law, I would remark in her presence that anyone could teach Torts. One semester, we were teaching the same section. Vicki suggested that we change classes one day for a few minutes without saying anything to the students. Give the 1Ls another shock. We agreed that I would go to her class that day. She showed me where she was in the book, and I entered, and immediately called on a student. I had no idea what the case involved, but I thought Vicki would come in the

classroom quickly. Well, the minutes passed, and no Professor Lawrence MacDougall. As the students spoke the language of Torts, I desperately tried to make the case a Civil Procedure case. After all, Civil Procedure is the Foundation of All Law. Finally, it probably wasn't as long as it seemed, Professor Lawrence MacDougall came and rescued me. (For Vicki's somewhat different version of this occurrence, see 36 Oklahoma City University Law Review 36, footnote 12.)¹³ From that time, I was very careful what I said about Torts.

It is my fervent hope that Professor Lawrence MacDougall's² retirement will not end our lunches and conversations at Lido's about the Law School, faith, families, mysteries, and anything else that catches our attention at the moment. Those times are great fun indeed.

For more than four decades, the Oklahoma City University School of Law and Professor Lawrence MacDougall have been as one. She has served the Law School with fidelity beyond measure to its mission and values. As Professor Emerita Lawrence MacDougall enters retirement years, it is, as the Book of Common Prayer so aptly instructs, "very meet, right, and our bounden duty"¹⁴ to recognize that her many and very important contributions to the Law School are an integral part of its history, and say, inadequate as it is, thank you.

13. Vicki Lawrence MacDougall, *Professor Von Russell Creel: Chapters*, 36 OKLA. CITY U. L. REV. 33, 36 n.12 (2011).

14. *Eucharistic Prayer I*, THE BOOK OF COMMON PRAYER AND ADMINISTRATION OF THE SACRAMENTS AND OTHER RITES AND CEREMONIES OF THE CHURCH TOGETHER WITH THE PSALTER OR PSALMS OF DAVID 333 (2007).