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VICKI MACDOUGALL, BELOVED PROFESSOR,  
MENTOR, AND FRIEND

Dan Morgan

A cherished childhood memory: a young girl sits beside her grandfather, Charles Hale, listening to hair-raising tales of the old cowboy west, ridin', ropin', bulldogin', rodeos, pretty cowgirls, handsome cowboys courting the cowgirls, all told in the classic Oklahoma drawl of a master storyteller. Grandpa Charlie had lived the life to tell such stories; he was the longtime foreman of the iconic 101 Ranch in Oklahoma, a sprawling cattle operation producing beef cattle and rodeo cowboys in equal measure. Charlie claimed to have broken every bone in his body rodeoing, and no one contradicted him. If you listen carefully, you can still hear a touch of Charlie's drawl in the voice of Vicki MacDougall, his beloved granddaughter. Reaching further back, Vicki's great-grandfather was the Brand inspector who supervised the last cattle drive from Edmond to Kansas City.

Vicki is an Oklahoma City native, born and bred. A self-described nerd in high school, and active in the math and science clubs, her chief claim to fame was being one of the designers of an operating cannon (Thank God she ditched the cannon before she began her OCU career!). She was class Salutatorian, and with some scholarship aid, entered OU in 1970 with a math/history double major, graduating *summa cum laude* with recognition as a Phi Beta Kappa Scholar.

Vicki supported herself as a computer expert in the auditing department at Sears, a job she held in various roles until she graduated from law school. At the time of her college graduation, Sears offered her a very attractive job which many in her family advised her to take, including her father. *Nevertheless, She Persevered*, and decided to take the challenge of beginning a career in the law, then a male-dominated profession in which a few dedicated women were beginning to make inroads. Vicki chose OCU to be close to the family who depended upon her so much.

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Two events which occurred before Vicki's time at OCU still affect her profoundly.

One of Vicki's heroes is her father. Clyde Lawrence, a longtime engineer for the Union Pacific Railroad and the longtime President of the local UP union, the Brotherhood of Locomotive Firemen & Engineers. During the '60s and '70s, unions had significant power and high status in the community. Clyde was a vigorous advocate for his employees, making sure they received fair representation during work disputes and industry bargaining issues. The Lawrence phone rang day and night with railroaders needing assistance, but Clyde was always there for his people whether the problem was job related or personal. At that time, a significant number of the union family were people of color working in steward or kitchen jobs on the trains.

The first event Vicki vividly remembers: a clamor in the Lawrence kitchen one evening. Her dad had arranged a Fourth of July union picnic at a local amusement park and was told by the park management that "all members except blacks and other colored folk are welcome." Clyde went ballistic. Almost ripping the phone from the wall, he let the manager know, in the colorful language that only a fellow UP engineer could replicate, that *all* members would be coming, and that there would be hell to pay if anybody was denied admission. The manager backed down, and Vicki remembers attending the picnic at the amusement park. *All* union families were there together, and Clyde Lawrence's courage made that possible. That courage lies in Vicki.

The second event: May 16, 1970, Clyde Lawrence Jr., Vicki's eldest brother, was killed in action in Vietnam. Later, the Lawrence family was at home when the knock on the door came, and two soldiers step into the living room to announce Clyde's loss. Vicki's mother, May Ellen, dissolved in tears and fell to the floor, Clyde Sr. was shattered, numbed by grief and loss. At that moment, a 17-year-old Vicki Lawrence became the glue which holds the Lawrence family together. To this day, she remains in that role.

Vicki worshipped her oldest brother. She was the kid sister who hung out at the ballpark watching him star on the baseball field. Clyde played college ball for OSU, attended school on a full scholarship, and graduated, only to draw a low number in the draft. Shortly thereafter, Clyde found himself on the road to Vietnam as a combat infantryman.

Clyde Jr. is a true American hero, one of the most decorated Oklahomans in the history of the state, the recipient of a Silver Star and

two Bronze Stars.

Friends and many family members hoped that Clyde could be honored by a large public service, befitting his heroism. But another dark shadow of the war hung over the family, fear that a large funeral would attract Vietnam protesters and religious fanatic sects from Kansas which had marred many military funerals of the time. In order to show love and respect for their beloved son and brother, the family decided on a much more private service to protect the dignity of Clyde's memory.

We thank the Lawrence family for its service.

Vicki entered law school at OCU in the fall of 1974 as one of ten women in a day division class of two hundred students. Suffice it to say, Vicki (to use a baseball metaphor) hit a grand slam with the bases loaded during her law school career. She graduated first in the class of 1977, was the Managing Editor and then editor of the very first OCU Law Review. This was her first crack in the glass ceiling!

Further icing on the cake of her law school record: she and then-Dean Syllas "Bob" Lyman literally saved the OCU Law Library. Vicki, in the course of her law review duties, was working in the Law Library on a bitterly cold December afternoon. The book collection was then located in the old "barracks" building, a World War II vintage Quonset hut which had been repurposed as a classroom/library building before the move to the Goldstar Building in 1978. Frozen water pipes located in the ceiling above the book collection broke, sending water cascading over the books. Vicki sprang into action! She grabbed everyone in the building, including the Dean and two other students, and frantically pulled most of the books out of the flood. She wryly notes that the University recognized the students' service by paying hourly minimum wage to her and her fellow students for their assistance. Such generosity!

After law school, Vicki continued her string of firsts: she was the first woman law clerk in the Oklahoma Court of Civil Appeals, hired by the Honorable Dwain D. Box, whom she describes as an inspirational leader with a terrific work ethic. During her two years in the position, 1977-1978, Vicki learned the anatomy of litigation from inception of suit through appeal and, under the Judge's tutelage, gained extensive experience in legal writing and drafting opinions, skills she has since passed on to generations of OCU law students.

In 1978, Vicki was invited by Dean Richard Coulson and the faculty to accept a tenure-track faculty position at OCU, the first OCU female law graduate to be offered such a position. To the great good fortune of OCU,

Vicki accepted, putting yet another crack in the glass ceiling.

#### VICKI AND HER STUDENTS



*Professor MacDougall as Professor McGonagall*

Her students say it best:

Distinguished learning institutions are known for including on their faculty a renowned professor who simultaneously commands great respect from graduates and causes immense trepidation in incoming students. Such a professor's name is whispered by the lips of students before her face is recognized and is sure to echo throughout the halls of the school long after she has left the lectern. A well-known matriarchal archetype of such distinction in the literary world is Hogwarts School of Witchcraft and Wizardry's Professor Minerva McGonagall. We here at Oklahoma City University School of Law have someone akin to the great McGonagall in Professor Vicki Lawrence MacDougall. Just as McGonagall is a Hogwarts legend, MacDougall is a legend

in her own right here at the law school.<sup>1</sup>

From 1978 to the present, Professor MacDougall has been providing her special brand of magic to more than 10,000 students, teaching a broad variety of courses in Torts and law and medicine. Vicki described the high aspirations she set for herself as a teacher: “to motivate, encourage, challenge, and inspire.” For the record, Professor MacDougall, you have met and exceeded those lofty goals. You measure up as one of the best classroom teachers (if not *the* one) ever to step behind the podium at OCU. Your lasting legacy will be that bit of “magic” every one of those 10,000 students carry with them into their lives and legal careers. Your wisdom and character carry the day!

Vicki taught Torts, one of the building blocks of the law, to her first-year students until her formal retirement in 2018. Her students agree that she made the class a memorable experience, exposing them not only to the content of the law but also to the rigorous logical skills to understand and apply it—the so-called “thinking like a lawyer.” In MacDougall’s torts class, one stood when called on, facing an audience of 60-80 classmates, a daunting task. Many will say that surviving the MacDougall treatment in those first class days was the most memorable event of their legal careers. In those first class sections, Professor MacDougall would be rigorous and fair, but woe betide the ill-prepared or thoughtless statement by the reciting student. The bar was set high, but no higher than the rigor demanded in the courtroom. However, with hard work, commitment to learning, and courage to step out of their comfort zones, students could survive and eventually thrive in her class.

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1. Brandi M. Haskins, *Something Akin to Magic*, OKLA. CITY UNI. SCH. OF L., Summer 2013, at 76-77.



that, experienced that” on so many levels. At the same time, many male students looked to her for the same kind of support so valued by the women—truly an “equal opportunity” professor.

Vicki had a long and notable tenure as faculty Advisor to the OCU Law Review (2004-2017). Vicki used her experience under Judge Box as an invaluable teaching experience for these students, many of whom practice in prestigious legal positions throughout Oklahoma and the United States.

The Annual Law Review Banquets were special times under Vicki’s tenure. Vicki would often introduce the speaker, who always would be a distinguished alumnus of the Review. Without further elaboration, Vicki’s 2017 speaker introduction:

Welcome. I am Professor MacDougall, and I am the Faculty Advisor to the Review. It is every woman’s fantasy to be handed a microphone in front of a room full of people and be asked to introduce her ex-husband.<sup>2</sup>

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2. Introduction of Outstanding Law Review Alum Steven Karotash, Law Review Banquet (2017).



*Left to right: Laana Layman, Professor Vicki MacDougall,  
and Vickey Cannady*

In addition to all of the close Law Review student friendships so treasured by Vicki, she is deeply indebted to her close friend, confidant, master problem solver, and Executive Assistant, Laana Layman, who kept the Review running smoothly on a day-to-day basis.

Vickey Cannady, her longtime Administrative Assistant and close personal friend, also played an important role with the Review and Vicki's general faculty activities throughout Vicki's long career.

Vicki also led the OCU Certificate Program in Health Law since its inception in the early 2000s, in which students complete a range of courses in the legal medicine practice area and develop special expertise and training in this expanding sector. Vicki has been the Director of the Certificate Program since its beginning, another first, and also hosts the annual Integris Lecture funded by the Integris Medical Group, which brings distinguished legal and medical experts to speak and meet with the faculty. Then-Dean Larry Hellman worked with Vicki to establish this excellent program. Courses Vicki teaches as a part of the program include Bioethics, Law and Genetics, Public Health Law, Disability Law, a basic Law and Medicine course, and various health law related seminars. First-year Torts provides the introduction to this practice area but only scratches

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the surface of its developments. Many certificate alumni now practice throughout the state and nation, and OCU's program is recognized as a legal education leader in this area. Vicki has developed much of her own teaching material for program courses. Even in retirement, Vicki continues as its Director.

As an important part of her broad portfolio of courses, Vicki has taught Products Liability throughout her career. She brought special legal "chops" to this course as the author of the definitive and comprehensive treatise on Oklahoma product liability law, first published in 1990 by Butterworth Publishing and then continued in supplemental iterations by Thomson/West and Thomas Reuters Oklahoma Practice Series.<sup>3</sup> The treatise is frequently cited and is on the desks of most judges and lawyers in Oklahoma and throughout the country. In retirement, Vicki continues to supplement this text.

In her father's tradition of standing up for equality and equal opportunity, Vicki for many years chaired the Special Accommodations Committee and wrote the OCU standards used campus wide. Vicki also served as Faculty Prosecutor under the OCU Honor Code during the tenure of Acting Dean Jay Conison.

Vicki's teaching in her wide variety of subjects extended well beyond the Law School. She made countless Continuing Legal Education presentations to the Oklahoma County Bar and Oklahoma Bar Associations, for many years taught Torts for Professor Alvin Harrell's Oklahoma Bar review course, and was a frequent lecturer for Professor Harrell's Consumer Finance Quarterly programs. For decades, she has held a high profile as a teacher and scholar with Oklahoma judges and lawyers.

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3. -Vicki Lawrence MacDougall, OKLAHOMA PRODUCT LIABILITY LAW, Thomson/West (2006); first published as PRODUCTS LIABILITY LAW IN OKLAHOMA, Butterworth Pub. Co. (1990).





*Hooding Ceremony: Professors Vicki MacDougall  
and Dan Morgan*

It is a cliché appearing in most professor’s tributes that “she or he was beloved by the students.” In Vicki’s case, however, it is a provable fact. During my forty years on the faculty, Vicki has either served as a Marshall or Hooder at every graduation. Graduates choose the professors, and it is in many respects the most tangible recognition of students’ love and appreciation—four decades worth! Enough said.

## SCHOLARSHIP

Vicki's scholarly contributions to products liability law have been noted earlier. Products liability law, however, is only one of Vicki's subject areas, with an additional area of impressive work in law and medicine issues befitting her Directorship of the Health Law Certificate Program, also discussed earlier. In 2002, Vicki wrote a well-received article, *Medical Gender Bias and Managed Care*, in the *Oklahoma City University Law Review*.<sup>4</sup> That article was included as a chapter in a national sociology text, *STRUCTURED INEQUALITY IN THE UNITED STATES*.<sup>5</sup> It is a testimony to the quality of the article for it to be republished cross-disciplinary in such a fashion.

In 2018, Vicki served as Editor-in-Chief of a major national compendium of state tort law, which has an appropriately meaty title: *Negligence Purpose, Element, and Evidence: The Role of Foreseeability in the Law of Each State*.<sup>6</sup> Vicki worked closely with Executive Editor, Professor Lee Peoples, a local attorney, Gregg Luther, and OCU law librarians to organize and compile the massive case law and legislative materials to produce this book. In addition to her editorship role, she wrote chapters for five additional states as well as the introduction. If this isn't enough, Vicki just published an additional article, *The Jury Verdict Favored Helen Palsgraf: A Critique of the Restatement (Third) PEH and Foreseeability—"What Does it Mean?"*<sup>7</sup>

Like her Oklahoma products liability book, it is safe to predict that this compendium will serve as an important, if not definitive, reference in this key area of tort law. Vicki is already receiving "thank yous" from many lawyers and judges already relying on this scholarship.

Another facet of Vicki's writing includes the articles she wrote for Professor Alvin Harrell's Consumer Finance Law Quarterly Report,<sup>8</sup>

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4. Vicki Lawrence MacDougall, *Medical Gender Bias and Managed Care*, 27 OKLA. CITY U. L. REV. 781 (2002).

5. Adalberto Aguirre, Jr. & David V. Baker eds., *STRUCTURED INEQUALITY IN THE UNITED STATES*, at 323-39 (Pearson/Prentice Hall 2008) (citing Vicki Lawrence MacDougall, *Medical Gender Bias and Managed Care*, 27 OKLA. CITY U. L. REV. 781-910 (2002)).

6. Vicki Lawrence MacDougall Chief ed., *NEGLIGENCE PURPOSE, ELEMENT, AND EVIDENCE: THE ROLE OF FORESEEABILITY IN THE LAW OF EACH STATE* (2018).

7. Vicki Lawrence MacDougall, *The Jury Verdict Favored Helen Palsgraf: A Critique of the Restatements (Third) PEH and Foreseeability—"What Does It All Mean?"*, 43 OKLA. CITY. U. L. REV. 1 (2018).

8. See, e.g., Vicki Lawrence MacDougall, *The Impact of the Restatement (Third)*,

covering a broad range of tort-related issues not usually the commercial fare of the Quarterly Report, such as punitive damages and tort reform and landlord liability, to name a few. Nothing like a few spicy torts stories to pep up the more stodgy aspects of finance law (apologies to Alvin!).

Good law schools must have good law reviews. Reputable scholarship recognized by peers in the academic community, and the bench and bar, is the *sine que non* of a fine institution. Vicki's service for the Review began literally at its creation (dare I say, its Eve?) and continued throughout her career. She is the longest serving Faculty Advisor to the Review, and in that capacity she has taught legal research and writing skills, the backbone of the profession, to generations of law students. Her guidance of student law review governance was wise and firm. Many of her Review students will tell you that experience on the Review was an important introduction to professionalism, civility, and teamwork, all modeled by their Advisor.

Another MacDougall "first" is the most faculty tributes for fellow professors (including a recent one for yours truly). Not only has Vicki contributed her time and effort more than any other faculty member in this regard, but she also played an important role in encouraging other faculty to write tributes. She also provided the necessary nuts-and-bolts supervision to see those tributes published in a timely fashion. This is simply a labor of love, not for academic recognition or career advancement, but just to say "I care about you." In the long scheme of things, that's what really counts.

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*Torts: Products Liability (1998) on Product Liability Law*, 62 CONSUMER FIN. L. Q. REP. 105 (2008); Vicki Lawrence MacDougall, *The Supremes: "Reflections" on Punitive Damages: The Constitutional Dimensions of Tort Reform*, 61 CONSUMER FIN. L. Q. REP. 864 (2007).

## NOT SO WELL-KEPT SECRET: VICKI MACDOUGALL IS A HAM!

If you have spent any time around Vicki, you will be acquainted with her wicked sense of humor, which manifests itself to this day in all sorts of wacky and wonderful ways.



*Powderpuff Football: Professors Art LeFrancois and Vicki MacDougall*

A student favorite sporting event for years was the Powderpuff Flag Football Game between the second-year and third-year women. News flash—women lawyers can be fairly aggressive folks when the situation calls for it; they don't like to be pushed around, even by each other! The Powderpuff provided an annual opportunity for these self-selected gals to work off a bit of this tension, and the faculty announcers for this free-for-all were always Art LeFrancois and Vicki. I will only say that, after games, I had Consumer Law students with black eyes and Trial Practice people on crutches, and it appeared to take about two months for the apologies to end and the wounds to heal. Art and Vicki relished the opportunity to preside over this carnage—go figure!



Flashback—an early ‘80s Student-Faculty Gridiron party; Andrea and I are a new professor couple attending our first gridiron, trying to maintain a low profile. Suddenly, two gorillas burst into the room, wreaking havoc. My drink is spilled, my hair is ruffled, my beard pulled, my dignity shattered. The gorillas? Professors Nancy Kenderdine and Vicki MacDougall! You would think they would reflect on this experience and amend their ways. Hell, no! Next year, they appear as oversize white bunnies, same corny routine. Faculty/student morale is shattered for years.

A further catalog of Vicki’s shenanigans would shame the average academic, but this author can state definitively that is not the case for MacDougall.

A few additional hijinks deserve mention: organizing a conspiracy with Professors Gibson and Fishman to stuff Professor Lyman’s office with helium balloons; arranging a highly improper visit of the Unreasonable, Imprudent Woman to Morgan’s Torts class; participating in a weird exercise program with Professors Lyman and Gibson (*that’s* a trio to draw to); participating in raucous late-night poker games at the Arrow-Dillon cabin during numerous faculty retreats (noisy poker player with no poker face and an exaggerated Okie twang only Grandpa Clyde could appreciate); *and*, last but not least, theft of a cowboy boot from your author at a midwinter faculty luncheon, resulting in frostbitten toes!

My apologies to your girls, Vicki, but at some point they had to know the whole truth about you! Grade: D+ for department aggravated by serial offenses over decades. The prosecution rests its case, Your Honor.

## WHAT COUNTS

Her daughters, Katie and Emily MacDougall, have grown up as certified OCU Law Library rug rats. Both girls spent considerable portions of their young lives in the hospitable environments of the OCU Law Library, under the generous supervision of “Mr. Bill,” then-law librarian and all-around lovable guy Professor William Beinteman. They both claim knowledge of hide-a-holes in the library stacks and supply rooms never discovered by most faculty and relatively few library assistants. Tom Sawyer in the OCU library, who’d a thunk it! When not out loose in the library, both girls have recollections of curling up under Mom’s podium, absorbing (or not) scintillating discourses in Torts or Products Liability. First names with faculty and students were second nature to the girls, and it was a treat for us all. As a single mom for many years, Vicki walked the tightrope between career and family. Sleep and social life were rare, but baking cookies, having close school friends for dinner, and sitting on small chairs while attending many a school conference, etc., were never missed. The MacDougall girls grew up watching a special role model—a career mom always there for them. *That’s what counts!*

Katie and Emily have taken their family values into their adult lives, both are entering “helping” professions. Both girls are graduates of OCU. Katie has her Masters of Divinity Degree in Counseling from Baptist Theological Seminary and has a successful counseling practice in Oklahoma City, as well as being extremely active in her local Baptist church. Emily is an EMT and is currently working on an additional paramedic certification through OSU-OKC. She just completed her certification to engage in water rescues with helicopters (who ya gonna’ call?). Vicki has the great pleasure of having funny, wonderful children so close and enjoys them on a daily basis. Speaking from experience, that’s what retirement is all about.

Vicki MacDougall has lived a lot in her 60+ years. She saw parts of the Civil Rights Movement play out in her own family through the courage of her father, she experienced the horror of Vietnam with the loss of her beloved brother and the cruel rejection by some of the great sacrifices made by veterans. She learned the ongoing costs of service to country, with the responsibilities she assumed at 17 years old to become the emotional rock of her family. She was among the first of a brave cohort of women who fought for equal rights for women, both in society and in entering the practice of law. All Vicki’s “firsts” in academics, in law school, and throughout her legal career have not been without their costs

and burdens. She has weathered the challenge of “work-life balance,” which she was living before the term was coined, and has come out on top.

For the law school mom struggling to balance home and family, Vicki was there. For the Afghan War vet struggling with PTSD, Vicki was there. For a young lawyer writing his first appellate brief on a products liability issue, or a graduate seeking a job in health care, Vicki was there. For the thousands of students who sought advice and counsel over four decades, Vicki was there.

That’s what counts! Godspeed, Vicki!

(P.S. The author still suffers from frostbite proximately caused by the boot theft incident!)