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DEBORAH TUSSEY: THE (OXYMORONIC)  
UNOSTENTATIOUS LAW PROFESSOR

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Professor Deborah (“Debbie”) Tussey was a truly remarkable colleague and teacher, in part because she seems so unremarkable. For many years I counted on her as a reliable, competent, and sensible member of the faculty of the School of Law without really knowing why I thought so highly of her. But as I started to think about writing this tribute, her special qualities started to emerge, like the image on a photograph in an old-fashioned tray of developer.

The largest thing for which Professor Tussey will be remembered at the Law School, materially speaking, is the building at 800 North Harvey. Professor Tussey was the faculty representative on the building committee and one of the members of the all-important “furniture, fixtures, and technology” committee. She kept the focus on teaching capabilities and the student experience, which I suspect was not an easy task among all the other sorts of considerations that building-people (architects, contractors, designers) tend to think about. Her labors helped to set up the features of the space that we use every day to connect (or try to connect) with our students. There are many features of the space that we now take for granted—blackout shades, curved seating, side entrances, and windows in the doors of the classrooms, for example—that we lacked in the Sarkeys building and that now make things appreciably better, if we remember to appreciate them.

I confess that I was a bit of a pain in the neck in the building process, by the way, for which I belatedly apologize. When I look back at some of my old email correspondence, I see that I was the worst kind of kibitzer. I was constantly asking questions like a four-year-old: “Why are you doing that? Have you thought about this?” And I wasn’t always sweet and polite

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when I asked. She was always patient and she always—of course—had good answers, because of course she had thought it all out long before it had occurred to me. She never appeared to get annoyed at me either, which I now think is truly remarkable. (I still think we should have stuck with chalkboards, however.)

But although the building is large and concrete (if you will pardon the pun), Professor Tussey's real legacy is her students and her scholarship. Some of her students went on to break into, and help develop, the small intellectual property law community in Oklahoma City, which is a special accomplishment. And her scholarship, which is described in the biography published nearby, will live on forever in libraries around the world. Or, at least, it will live on as long as we have books or their electronic equivalent. Professor Tussey is not pretentious about her expertise in computer law, intellectual property, and the intersection of technology and law. She doesn't seem like a "techie"—she doesn't wear black, and she doesn't have gadgets appended to various parts of her body. But she knows her stuff. Almost every year as I was teaching my Property class or seminar I would ask her the same questions about copyright and software or patents and genetics. She patiently answered them (and never reminded me that I had asked them before) with a level of knowledge and detail that left me feeling a bit like I had stepped into a windstorm.<sup>1</sup>

Primarily, though, Professor Tussey was a teacher—an effective teacher loved by her students. She was not a flashy dresser or a loud talker or a larger-than-life "stage presence," but she connected with her students in the way only a real teacher can. That connection started with a deeply felt desire to do what was required to ensure that her students learned, including spending ten to twelve hours preparing for a single (seventy-five-minute) class when she was teaching a new course.<sup>2</sup> Part of that effort was to bring the outside world into her classes, by way of *Harry Potter*, *Downton Abbey*, and the news issues of the day, for example. She made spooky ghost noises when teaching *Stambovsky v. Ackley*,<sup>3</sup> the case in which a buyer backed out of the purchase of a home because it was haunted.<sup>4</sup> She talked about the pernicious aspects of zoning and put

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1. In this respect she resembles another great retired OCU Property professor, Fred Schwartz, who always quickly disabused me of any notion that I had asked a simple question about future interests.

2. Students who spend forty-five minutes preparing for those same classes, take note.

3. 169 A.D.2d 254, 572 N.Y.S.2d 672 (1st Dep't 1991).

4. The court ruled that it was haunted as a matter of law, since the seller had herself publicized the existence of the ghost.

together an ad hoc class on the mortgage crisis. And in Art and Cultural Heritage Law she let her students complete extra-credit art projects, which adorned her office. I don't think she did it because it was cheaper than buying pictures; I am pretty sure the point was to connect with her students in a different way: artist and viewer, student and teacher.

Similarly, her favorite property cases were those with interesting real-world backstories: *Pierson v. Post*,<sup>5</sup> the famous fox-hunting case, which supposedly involved a family feud;<sup>6</sup> *Riddle v. Harmon*,<sup>7</sup> in which a wife destroyed a joint tenancy without her husband's knowledge; and *Swartzbaugh v. Sampson*,<sup>8</sup> also one of my favorites, which involved a wife who was angry at her husband for leasing part of their land for a "boxing pavilion." The students connected with the cases, and Professor Tussey connected with the students.

Professor Tussey worked so hard at the foundations of teaching (knowledge, material, even environment) because she valued the connection that good teachers make with their students. According to her students, in class she was warm, encouraging, and helpful—words that are not often used to describe law professors. Professor Tussey tells me that she still (already?) misses that connection with her students, both in and out of the classroom. That was for her the best part of teaching, as it is for all real teachers. And she did connect with them, to such a degree that some of them followed her from class to class.

As a colleague Professor Tussey was low-key but surprisingly deep. She did not engage in intense arguments about faculty matters (which for some of us is a hobby), and she did not conduct orations at faculty meetings (another popular hobby). But her positions were always fully thought-out and strongly held. She did not avoid conflict or revel in it; she just ignored it. And her quiet firmness was more likely to produce results than the noisy carrying-on of the rest of us. I suspect that same quiet firmness enabled her to hold her own on the aforementioned building committee, which was a varying agglomeration of characters unlike normal faculty committees (which, however abnormal they may seem, are ultimately just a bunch of faculty members).

The one thing about which Professor Tussey is not low-key is her retirement. She stopped me in the hall—which was unusual in itself—on

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5. 3 Cai.R. 175 (N.Y. Sup. Ct. 1805).

6. There have been a number of theories about how this ridiculous case made it into a distinguished court in New York.

7. 102 Cal. App. 3d 524, 162 Cal. Rptr. 530 (1980).

8. 11 Cal. App. 2d 451, 54 P.2d 73 (1936).

the day she found her dream house in Virginia. No wonder—it looks just like the place in *Christmas in Connecticut*.<sup>9</sup> Since she has moved there, she has been an enthusiastic Facebook poster,<sup>10</sup> which again seems uncharacteristic. She posts about the birds and other animals she sees in her yard and neighborhood, and glories in sitting on the porch with her dog and cat. It is worth mentioning her dogs and cats, by the way, because she cared for them in much the same way she cared for her students and everyone else. Just as she quietly planned to meet her students' needs, she quietly planned her days around the needs of her pets. I'm sure she is still doing so, even as she relaxes on the porch with a cup of joe.

Which is all by way of saying that as a person Professor Tussey reflects the OCU tradition that good teaching and good scholarship tend to come from good people. I suspect that many of her good deeds went undetected, but Professor Spivack related a shaggy dog story that says more about Professor Tussey (and about Professor Spivack) than my little essay ever could. Here is Professor Spivack's version of the story, edited for a family publication:

Debbie and I rescued a dog (a lab-pit mix) who had been left on his owner's porch when the guy was dragged off to the drunk tank. It was a s—— show: There were actually two dogs; the other one was the dominant one and would growl at us every time we held up a leash, so we kind of gave up on him—not knowing whether drug addicts get their dogs immunized and such—and dragged the subservient one (easement joke here?) to Dr. Graham's, where they treated him for free. He had a knife wound apparently received when he tried to defend his owner from a drug dealer (dog, not Dr. Graham). Other assisting characters were a passing postal worker, a recovering addict, and [Dean] Pete Serrata. We got into a big fight with Lab Rescue OK about getting [the dog] in line for a home. Pete Serrata recommended this woman, saying, "She'll take in any dog—she once took in a three-legged dog." So we emailed her, but unbeknownst to us she was the head of Lab Rescue OK and *very* touchy about people trying to jump the line—as she thought. Frankly, as Debbie said, "a word for a female dog comes to mind." *However*, I finally got her to meet in a parking lot, and once she saw the dog she forgot how much she hated us and gave us the name of this family who really does take in a lot of dogs, where this one—"Buddy," by the way—found a home. They were

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9. CHRISTMAS IN CONNECTICUT (Warner Brothers 1945) (the Barbara Stanwyck version). Not a great movie, but a great house.

10. So I hear. I am not on Facebook, so don't waste your time looking for me.

supposed to be fostering him, but I have a feeling he's still with them; it was a good match. To me, the story is about how Debbie is a really good person in a very unostentatious way. She was up for whatever we had to do, and we ended up splitting the about \$1,000 of vet and boarding bills.

Yes, Professor Tussey is a really good person—and teacher, and scholar, and colleague—in a very unostentatious way. I don't know if there is anything that anyone can say about anyone that is any better than that.