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## TRIBUTE

### FROM ONE LEGEND TO ANOTHER: A TRIBUTE TO PROFESSOR MARJ DOWNING

*Paula Dalley*

When Professor Vicki MacDougall wrote *The F-Word Tribute* to Professor Downing in 1998, I had been teaching at the law school for barely two years. Even in that short time, however, Marj Downing had made a lasting impact on my life. I met Marj when I interviewed at OCU Law in 1996, and, although I don't remember the interview, I remember that I liked her immediately, and, when the time came to decide to make the unlikely move to Oklahoma, Marj's presence drew me. I reasoned that, "If someone like that is there, it can't be a bad place. And at least there will be someone there I like." I got to know Marj a bit in the eighteen months that I knew her before she retired, and I discovered that I had been correct in my judgment. I did like her, and OCU was a good place.

Professors Downing and MacDougall represented different eras in the life of the school, but they shared a bond that was (and I hope still is) part of the fabric of the school. While Marj was a dean and a founder of the modern incarnation of the school, Vicki is often acclaimed as one of the best classroom teachers in living memory, and she single-handedly developed a top-notch health-care law program at the school. Similarly, Vicki and I were of different "generations" on the faculty. She was a (young) member of what we thought of as the "Old Guard" when I arrived. I suspect they thought of us as young know-it-alls (which we were). But I

think Vicki and I both felt a bit like outsiders on the faculty, and we developed an odd relationship—I would like to think of it as a friendship—that spanned our generation gap. After Vicki's official retirement, she continued to teach in an adjunct capacity, and in my role as Associate Dean I was fortunate to have continuing contact with her. By then, the generation gap seemed like an amusing juvenile conceit—we were all OCU long-haulers now.

When Marj Downing died in 2023, her loss was felt by all the faculty who had known her, of every generation. At her funeral, I sat next to Vicki MacDougall. The presider spoke well and sensitively about Marj, referring not only to her family's memories but also to an "article he found" that said so much about her. He did not know the person who had written it, he said,<sup>1</sup> but their relationship and the author's memory of Marj came through the text vividly. It was, of course, Vicki's *F-Word Tribute* that he had found. Vicki, in a way, wrote Marj's eulogy. It was a striking moment, with Marj's memory passing through Vicki to me, by way of the Tribute.

Only two months later, Professor MacDougall herself passed away in another great loss for the school. Nothing could be more fitting than that the Law Review should now reprint Vicki's tribute (and later unexpected eulogy) to Marj, as a tribute from one now-lost legend of the faculty to another.

*The following is a piece written by the late Vicki Lawrence MacDougall to honor Marjorie Downing upon her retirement from OCU Law.*

When the Law Review first asked me to write a tribute to Professor Marjorie Downing for this issue, I hesitated because I really do not think I am very good at that sort of thing. I did have some things that I would like to say about Marj, but I feared they would appear rather radical. I listened to the tributes made to Marj at her retirement party on February 7, 1998, and realized that all the comments were certainly true, but there was one thing lacking, which should be included in any full description of Marj's accomplishments. There was no mention of the "F" word, "feminist." I realize that the word "feminist" has come to be more of a dirty word at times than the other "F" word we are all familiar with. However, a full description of Marj's accomplishments should include an acknowledgment of her position and fight on women's issues and a description of what Marj

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1. He met Vicki after the funeral, in another somewhat poignant moment.

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has meant to women entering the legal profession. Marj relentlessly worked for the Equal Rights Amendment, birth control, and abortion. She was extremely active in attempts for women's equality and has worked for many years for Planned Parenthood. Marj also established and maintained in her office a women's legal study collection, which was subsequently donated to the library. Her record reflects a politically active career to advance equal rights for women. The purpose of this tribute, however, is to tell Marj what she has meant to me as a colleague.

I started Law School in Fall of 1974. When I told people that I was going to law school, I was met with looks of confusion and bewilderment and statements like "that's no career for a woman" and that it would be a waste of time and money when I got married and had children. Many thought it was just a crazy decision. My parents were quite convinced that I should remain at my job at Sears. I entered law school and began classes. Within the first couple of days, a fellow student pointed to a woman walking down the hall and said, "that's Marj Downing" in a hushed tone. I wanted to know who "Marj Downing" was. I was informed that she was an excellent Property professor, a well-respected member of the bar, and an excellent practitioner. One of my big regrets in my legal education is that I did not have the opportunity to have Marj in more classes. Still, she made a significant contribution to my legal education. There was a woman who had made it in this profession. She had excelled. It sent a strong message that maybe, just maybe, I had not made such a weird decision and maybe, just maybe, I could make it and be accepted in the legal profession as well. Her presence validated my presence. I suspect that this is true for Professor Nancy Kenderdine as well. Although it would have been hard to follow Marj's footsteps academically at the University of Oklahoma, I suspect that Nancy probably appreciates that she had those footsteps to follow.

Marj's presence also sent an equally important message to the male law students. They were entering a profession where they would have to deal with women as colleagues and, heaven forbid, occasionally in positions of power. Enrollment in law schools in the eighties reached fifty percent women nationwide. That was a big change in a short period of time. Marj was the only woman in her law school class; Nancy was one of five; I was one of ten. Women today confront a significantly different environment when they enter law school, and I have to wonder if they really understand what it used to be like in the not so distant past. Marj once stated that women

would achieve equality in the legal profession when "average" women are accepted into the profession like average men. In a short period of time we now see "average" women going to law school and establishing legal careers.

Shortly after law school, I joined the law faculty. I was told that Marj had stated to the faculty that if we wanted more women on the faculty that we needed to consider "home grown" ones because at that time women were not as likely to relocate for professional advancement as perhaps they are now. Perhaps it is no accident that the faculty extended an offer to Nancy Kenderdine holding an OU degree and shortly thereafter to me holding an OCU degree. I doubt there were very many, if any, law schools in the country that had three women as members of the full-time tenure track faculty at that point in time. OCU has never been given enough credit on that particular issue. At a faculty meeting shortly after my arrival on the faculty, the Appointments Committee raised the question of whether we needed to be concerned about hiring more women. Did we have enough? Man could have gone for the jugular on that one. Instead, she responded that there would only be enough women on the faculty when we could sit boy, girl, boy, girl at faculty meetings. Everyone laughed. But the point was made, and no member of the faculty has ever raised the issue again.

My early years on the faculty were made more pleasant from the companionship of Marj and Nancy. It was very nice to have lunch with the "girls" or go to Marj's house for a swim, where we could discuss freely some of the problems that we confronted. The support was very much appreciated. I remember the time that I was in the dean's office and went to have coffee with some male colleagues. I got back to my office to confront a redfaced dean, who informed me that I was not to have coffee with the men faculty because "people would talk." Shortly thereafter, I had to discuss some law school business with Marj and Nancy and was told by an again redfaced dean to be sure to leave the "door open" or "people will talk." I was in a quandary because the two mandates left me no one to associate with without "people talking." I went to Marj's office to discuss my outrage. Of course, I made sure I closed the door first. My conversation with Marj provided comfort because she agreed it was outrageous, should not happen, should be ignored, and finally should be laughed at. I'm still laughing. Similar conversations took place through the years, as when an administra-

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tor introduced me as the "ugly" member of the faculty, and the time another male administrator referred to a certain part of his anatomy (decorum precludes further descriptions of this incident). That one took longer to laugh at, by the way. Marj and Nancy were both there to provide support when it was needed.

Marj is also a fighter. She will fight and state her opinion on issues she feels strongly about. It is not surprising that one administrator suspected Marj of leading a walkout at graduation. Marj was certainly a force to be reckoned with when she fought for any issue either within the law school or at the university level. Marj's willingness to fight on issues she believed in also sent a strong message that it was the appropriate thing for me to do as well. It was something "lathes" could do as well as the guys. Although my opinions usually were not as well-received as Marj's, I think the faculty understood that I could at least have an opinion, even if wrong.

I would like to thank Marj for being a friend and an excellent colleague through the years. The last message I would like to send, however, is remotely feminist in character. Marj Downing helped pave the road for women to enter the legal profession, as did the women who preceded her. That road was paved gradually. The entry road into the legal profession would have been built without the presence of Marj; however, that road would have been constructed more slowly and less well. A heartfelt thanks from me and countless women for paving that road.