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TRIBUTE

WITH GRACIOUS SCRUTINY: A TRIBUTE TO PROFESSOR VICKI LAWRENCE MACDOUGALL

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Section One at Oklahoma City University School of Law buzzed with excitement, tempered by anxiety. It was the morning of Day One of 1L year for the 2012 Fall Semester. Students prattled about their pre-law school summer, the experiences that had prepared them for this journey into the legal profession, their study plan for the semester, how they would succeed in law school, and more. Then the clock struck ten.

The door opened. The chatter evaporated. A tall professor—exquisite posture, prim gray-blond hair, an impeccable sweater, and thin glasses behind which peered piercing eyes and a look that could wither—stepped inside. She regally ambled to the lectern, carrying two lawbooks in her arms. Papers shuffled only for a moment as she pulled out a roster.

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“Garratt v. Dailey. Ms. Smith, what are the facts of the case?”

Ms. Smith¹ didn't know there was a reading. Ms. Miller, next, didn't have the right textbook. In that moment, it seemed as though Professor McGonagall incarnate would whip out her wand and transform Smith and Miller into mice.² The class breathed a collective sigh of relief as Ms. Evans, third in the roster line, answered the call to action and began to recite the facts. And so we were introduced to the first day about intentional torts, a semester of learning from one of Oklahoma's best Torts professors, and the thorough examinations of Professor Vicki Lawrence MacDougall on who had done their reading.

Professor MacDougall loved the law. She loved her students as well as teaching her students. She taught us the fate of Mrs. Palsgraf forever enshrined as the prevailing plaintiff, at least at trial, and leading character in the saga of liability to an unforeseeable plaintiff through the lens of Chief Judge Benjamin Cardozo and his dissenter, the esteemed Judge William Andrews. She guided us through the alternative liability in *Summers v. Tice*, where multiple tortfeasors could each be held fully liable.³ And when her Socratic questioning had explored the strengths and weaknesses of our analysis and found us grasping for the right answer, she would smile with a knowing look, bifocals folded in hand and resting on her chin, and ask, “Might that be a question for which reasonable minds would differ?”

Perhaps the most enduring lesson she taught us was, “Is the court correct?” I imagine every law professor lives for the day when students discover, with their help, that courts can, in fact, get it wrong. For those of us law students who venerated authority more than we realized, the novel question stumped us. Who were we to question a court of law? After all, they had made a legally binding decision. In helping us recognize that court decisions are built on facts, from which are built arguments, briefs, rulings, verdicts, and appeals, all from which are built the case law that could control economies, systems, and daily lives of people, she flipped

1. The names of students have been changed completely to protect their privacy.

2. Thank you to Brandi Haskins, Oklahoma City University Law Review Managing Editor 2014-15, for enshrining Professor MacDougall's McGonagallism. Brandi M. Haskins, *Something Akin to Magic*, OKLA. CITY U. SCH. OF L. ALUMNI MAG., Summer 2013, at 76.

3. 199 P.2d 1 (Cal. 1948).

on that switch of discovery for many of us. She taught us that our clients' lives, and the issues that flowed from them, mattered. She opened our eyes to the essence of the attorneys' power that could affect those lives, for better or for worse: interpretation of law.

But as much as I learned from my Torts professor, it was not until the end of the 2014 Spring Semester that I began to learn from Professor MacDougall personally. As Faculty Advisor for the Oklahoma City University Law Review, she shined. Much ink has been spilled regarding her love for the Law Review: I endeavor to spill a bit more, with some tangible detail.

As the incoming Editor in Chief for the 2014-15 Board of Editors, I found my team tasked with moving our Law Review offices from the Draper Hall dorms at Oklahoma City University's main campus to the beautiful, historic new Harvey building in downtown Oklahoma City. While perhaps ninety-five percent of the credit goes to Laana Layman, our dear Editorial Coordinator, for accomplishing the move (including through a torrential downpour that partly flooded those Draper offices and endangered precious technical edit binders), and while Ms. Layman also deserved the title of "Executive Director" for accomplishing ninety-nine percent of the logistical workings of the Law Review behind the scenes, including editorial consistency, Professor MacDougall unquestionably held the Law Review's directional reins.

Our team worked through where the office would be established in the new building for ease of access, privacy, and workability for the board. Whereas at the main campus, the Law Review staff needed to traverse nearly half the campus to reach the Gold Star Building's multi-storied law library, our new offices were strategically placed across from the new law library on the same floor. Specifically, this meant that the offices were one floor above the computer lab and its printing station and only a few steps from the office of Timothy Gatton, one of the world's greatest law librarians. There, one could find some candy or some baked goods, depending on the day, and receive serious assistance in statutory research, for example, supporting a footnote listing all fifty states' statutes that we needed to track down and verify with original sources. Ultimately, it was Professor MacDougall who approved that new location for the Law Review for those efficient logistical and academic purposes.

Professor MacDougall was also at the forefront when the Law Review found new relevance for the modern era to supplement our print edition: she gave the green light for us to move our issues online. In just a couple

months, one could view all articles, notes, and comments from 2012 onward on their own page, with the articles in searchable PDFs. She helped us tackle novel issues, like permalink, to preserve the members' comprehensively researched references from link rot. This "herculean effort," as she described it, endures on the OCU Law website.

With this new additional publication format under way, the Law Review was due for a logo refresh. We chose "Excelsior," inspired partly by Henry Wadsworth Longfellow's poem, as a motto to inspire Law Review members to strive "ever upward." Three other Latin words, "Intelligens," "Disceptatio," and "Academica," represented the intellectual endeavors of academic pursuit and the publication resulting from the Law Review members' and staff's internal discussions inherent with cite checks, technical editing, and proofreading. Professor MacDougall specifically desired the olive branches as a matter of elegance and to remind us that subject matter in each of our issues, even matter with which reasonably minds could vehemently disagree, could and should be discussed peacefully and civilly.

Professor MacDougall graciously guided us through our questions and empowered us to make decisions as leaders for our team. She knew that our decisions would chart a course for how the Law Review could be represented for years ahead. She taught us to tap into and unravel the strengths of our team in order to work together, to rise above in the midst of conflict, and to focus on how overcoming obstacles would ultimately make us better attorneys and public servants. Her penchant for sifting through seemingly complicated issues to get to the real questions taught us not to miss the forest for the trees, and vice versa. After all, a forest is not a forest without its trees.

In the military, we extol the values of transformational leadership, displayed through inspirational motivation, idealized influence, intellectual stimulation, and individualized consideration.⁴ Professor MacDougall's diplomatic demeanor—complete with her kind smile adorning her decisive calculations—wittingly or unwittingly embodied those qualities while also demonstrating that the vast majority of issues can be not only resolved without rancor but also determined with grace and dignity. She showed that it was possible to speak one's mind, advocate for a position, negotiate reasonable compromises, maintain an unrelenting perspective for what matters, and ultimately succeed in fulfilling a desired

4. Dr. John J. Sosnik et al., *Character into Action: How Officers Demonstrate Strengths with Transformational Leadership*, 32 AIR & SPACE POWER J. 4, 7 (2018).

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*With Gracious Scrutiny***415**

objective, all at once. While the legal community mourns the passing of our Torts professor, we her students endeavor to carry her banner of gracious scrutiny ever onward and upward.