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By Roger C. Henderson*

David Dow—Teacher

Seldom does one have the occasion to know in a personal way an individual like David Dow, much less to be afforded the contact with him that many of us were indeed privileged to have through his association with the University of Nebraska College of Law. Whether from the bench, bar, faculty or in the classroom, we all were and are students of Dean Dow, as he is still known to many. It is no mean compliment to say that he taught us all and continues to teach us.

Dave's father was a professor at the University of Michigan for many years. Perhaps he inherited his capacity for knowledge and his desire to communicate it from his parents. I understand from people at Michigan that his father was a distinguished and respected scholar. I have seen his home which is just a block from the University of Michigan Law School where Dave received his J.D. degree in 1936. I suspect though, without knowing more than what I have just mentioned about Dave's background, that he was not a mere duplicate of another. I just cannot imagine another so like Dave Dow.

Dave is unique in the many facets of his person. When we on the faculty were ready to carve up some poor soul—whether student or colleague—it would quite often be Dave who in a very humble and quiet demeanor chastised us because we were too quick to find deficiencies. Surely it must have been the same in his association with the bench and bar. When Dave did this, it revealed much about his sensitivity to individual rights and privileges. He saw things and proceeded to explain the relevance when the matter might have otherwise passed unnoticed. More than a few who were and are associated with the legal profession are unknowingly indebted to him.

Oh, to be sure, there were those occasions when we invoked his wrath. But he never discriminated. He treated everyone the same—judges, presidents of the bar, officers of the university, students and, most often, his colleagues on the faculty. Uncomfortable as it was at times to be the object of his ire, mainly because he

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was usually right in principle, no one ever harbored ill feelings—least of all Dave. Conversely, if he could be provoked, he could just as easily be moved to compassion and understanding. His concern for others was not ephemeral. In fact, his wrath usually came forth when his concern for someone or the college was at its greatest—when he perceived an injustice in the offing. This also reveals much about another facet of his character.

Dave is not only intellectually honest, as any respected scholar and teacher must be, he is simply honest through and through. Hesitant at times to express an uncomplimentary opinion for fear he may have misjudged or overjudged, he was and is generous in his praise for a job well done or, for that matter, well attempted. Insincerity and hypocrisy are foreign to him. His standards were and are high. He kept those around him honest in the process.

The facet of Dave that most impresses, however, is his capacity for knowledge. What he knows, not only about law, but about art, music, history and similar things in life is intimidating though he certainly does not intend it to be so. One quickly learned, after being acquainted with Dave, that he was an encyclopedia. If you did not understand some reference in a case or about some point of law, he was the person on the faculty that you most often sought out to explain it. If he did not know about the origin and history of the matter, which he usually did, he could very quickly tell you where to find the answer. At times he acted as if he were slightly embarrassed by having this capacity at his command. He never misused it however. Never pedantic, he was always quick to tell you his doubts or lack of understanding. He was at once the student and the teacher.

David Dow, the teacher, is a facet upon which I began and would like to conclude this tribute. Dave was not only a teacher of students who aspired to enter the legal profession, but he was a teacher in a broader sense. He taught, as previously mentioned, his colleagues on the law faculty and in the University. The subjects were not limited to law. But more importantly he taught and still teaches the bench and bar through his efforts on various study commissions such as the Nebraska Supreme Court Commission on Jury Instructions, the American Bar Association Constitutional Convention Study Commission, the Nebraska Supreme Court Commission on Evidence Law and the Nebraska Constitutional Revision Commission. His success in supervising the preparation and presentation of the continuing legal education program on the new Nebraska and Federal Rules of Evidence adopted in 1975 causes us all to be in his debt.

There are only a few who leave indelible imprints on people and institutions—some for the better and some for the worse.

Dave's imprint on the law college and legal profession is much for the better. The respect paid him evidences his positive influence. Though he now retires from the University after three decades of selfless service, he surely will continue to be, as we all have known him, a great friend and teacher. I cannot picture him otherwise.