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Tributes from the Bench

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TRIBUTES FROM THE BENCH

THE HONORABLE JAMES A. FINCH, JR. *

I was very pleased when I learned that this issue of the Missouri Law Review is to be dedicated to Joe Covington. He has been an outstanding dean and member of the faculty and has earned this recognition. I am honored that the Law Review has asked me to write one of the tributes.

I first met Joe in 1958. Dean McCleary had submitted his resignation as dean several months before, and President Ellis, after an extensive search, had recommended to the Board of Curators that Joe be selected as dean of the law school. I was a member of the board at that time and participated in that process. I have always counted it as one of the major accomplishments of that board that we brought Joe Covington to Missouri.

There was a bit of humor in the timing of Joe's move to Missouri. He had been serving as dean of the law school at the University of Arkansas, and in December 1957, Frank Broyles left Missouri and went to the University of Arkansas as head coach. Some of us kidded Joe by telling him that we received him in trade for Frank Broyles.

When Joe came to Columbia, he knew very few Missouri lawyers. He recognized the importance of becoming acquainted with members of the bench and bar throughout the state, including, of course, alumni of the law school at Columbia. He worked at doing that and attended local and district bar meetings all over the state. Wade Baker had joined the Missouri Bar as its Executive Director in 1957, and many times he and Joe went to these meetings together. Wade tells of one meeting when he, Joe, and Wally Richter drove to Springfield to attend a dinner of the Greene County Bar honoring Clarence Woolsey. They drove home after the meeting because Joe had an eight o'clock class the next morning. They drove through rain, snow, ice, and fog and got home around 3:00 a.m. after a very difficult trip.

Joe has done many things for the law school at Columbia. Perhaps the most important has been his selection and recruitment of some very able and dedicated teachers. The law school salary scale improved during Joe's tenure, but it was not high, and faculty members were attracted in spite of, and not because of, the salaries offered.

Apparently, Joe had a unique talent for recognizing able teachers and then persuading them that there was an attractive opportunity for them at Missouri. Most of those recruited by Joe were young and had not yet gained the recognition that would be achieved subsequently. Some of them were

* Retired Judge, Supreme Court of Missouri. A.B., 1930, University of Missouri; J.D., 1932, University of Missouri.

lawyers who had never taught. A recital of the names of some of those brought to the Columbia campus by Joe demonstrates what an outstanding job he did. Included in that group were John S. Divilbiss, Henry T. Lowe, James E. Westbrook, Elwood L. Thomas, Grant S. Nelson, Fred B. Davis, Robert L. Ross, and William P. Murphy.

In addition to his efforts to increase faculty compensation from state appropriations, Joe sought to obtain outside funding to establish named professorships to provide additional compensation. The only such position which the law school had at that time was the R. B. Price Professorship. It was used for several years to bring a distinguished teacher to the campus for a few days, but ultimately Professor Fratcher was appointed R. B. Price Distinguished Professor of Law.

Around 1967, Joe completed arrangements for a gift of \$500,000 to the Law School Foundation from the Rosenstiel Foundation. The income from that gift was used thereafter to fund distinguished professorships. The first such appointment was of Professor Pittman in the 1968-1969 year. Subsequently, several distinguished professors were appointed; the Phil Sheridan Gibson Professor of Law is Joe Covington. This is particularly appropriate because Phil S. Gibson, longtime Chief Justice of the California Supreme Court and graduate of the Missouri Law School, was the person who worked with Joe Covington to obtain the Rosenstiel gift.

A second thing that characterized Joe's tenure as dean was his genuine interest in the students in the law school. For example, he recognized that existing scholarships and student loan funds were inadequate. He wanted to make it possible for students to attend the law school who otherwise would be unable to do so. He began to talk to alumni about this subject, and he obtained a response. Judge Cullen Coil obtained four scholarships from the general university alumni association. At one meeting where Joe talked of the need, Henry Andrae gave Joe a check to establish a scholarship in the name of his law firm. Other firms throughout the state began to do the same thing.

The first concerted effort to raise money to establish scholarships and loan funds was a campaign for a Margin of Excellence. This effort was conceived by John Divilbiss and embraced by Joe Covington. It sought to raise \$100,000 for the UMC Law School Foundation for this purpose. Joe arranged for Chancellor Schwada and Bus Ensminger, Director of Alumni Activities, to accompany him to Kansas City to attempt to persuade Lowell Knipmeyer to head the campaign. Lowell agreed, and the subsequent effort exceeded the campaign goal.

Joe also brought Jack Edwards to the law school as assistant dean. Jack spent considerable time working with and for students, making the first real effort in placement of law school graduates.

Another important development during Joe's tenure as dean was an expansion of the student role with the Missouri Law Review. Previously, the

student editors had written casenotes and comments, but all editing was done by the faculty. In addition, the faculty advisor made all arrangements for articles published. Professor William F. Fratcher, in describing the work of Hiram H. Lesar as faculty editor during the period 1946-1957, observed that students “wrote comments and casenotes but the faculty editor sought and edited the leading articles, read and edited all the comments and casenotes, and bore the whole responsibility for both editorial policy and business management.”¹

This policy was changed under Joe Covington, and students began to assume the duties previously performed by the faculty editor. This was a gradual change, not something accomplished overnight, but the change ultimately resulted in the students taking over the tasks of securing lead articles, assigning and editing comments and casenotes, and determining editorial policy. The increased benefit to students from this increased responsibility is obvious.

Still another important development under Joe’s leadership was the development of an excellent trial practice program. Previously, the school had a course in trial practice and a limited moot court program, but this was enlarged and improved by John Divilbiss. He began to utilize videotaping of moot court in the new courtroom in Tate Hall, and this permitted effective critiquing of student efforts. After the untimely death of John Divilbiss, the program was continued and developed by Elwood Thomas and Bob Ross.

Perhaps I should mention Joe’s role in connection with the construction of the west wing of Tate Hall. When Joe came to Columbia, this wing was being constructed. Final planning of the courtroom had not been completed, however. Various suggestions had been made, including where the judge’s bench should be placed. Joe visited some recently constructed courtrooms in which the bench had been placed in the corner rather than in the center of the wall and eventually he recommended, and the Board of Curators approved, a plan whereby the bench was placed in the corner of the courtroom. It was designed so that it could accommodate appellate panels of three judges as well as a single judge in a jury case.

The second Covington accomplishment in the new wing was to obtain an elevator. The architects had planned an elevator shaft but advised that funds available would be insufficient to provide the \$10,000 that would be needed to purchase an elevator. Joe met with the trustees of the Missouri Law Foundation in an effort to secure the needed funds. One trustee spoke up and said that he would be opposed to using foundation funds for that purpose. In addition, he added, it was not necessary to provide an elevator for old faculty members. Joe responded that he wanted trustee approval for

1. Fratcher, *Hiram H. Lesar: A Professor in the Missouri “Law Barn”*, 1980 S. ILL. U.L.J. 10, 10.

solicitation of funds, not use of existing funds, and that the elevator was needed to transport books between floors, not as transportation for faculty members. Joe was persuasive, and the trustees approved. Subsequently, the money was raised and the elevator installed. I recall that in meetings of the Board of Curators, we referred to it as "Joe's booklift."

When I contacted Joe for some information in connection with this tribute, he complied but remarked, "Don't make a big production out of this thing." This is characteristic of Joe. In his work as dean, he acted in a quiet, unassuming manner, without fanfare or show, but he was effective. In searching for a way to describe Joe's work at the law school, I was reminded of an expression that my wife uses. When we have visited a room or a home that is warm and beautiful but not pretentious or gaudy, she will say that the place has "quiet elegance." I would say that Joe's performance as dean and faculty member has had quiet elegance.

THE HONORABLE JAMES H. MEREDITH*

I have known Joe Covington since he came to the University of Missouri as Dean of the School of Law in 1958. He served in that position until 1969 when he retired as dean and became a professor. He came from the University of Arkansas School of Law, where he served on the faculty from 1941 to 1958 and as dean from 1954 to 1958. He had a distinguished career at the University of Arkansas School of Law.

While dean, Joe Covington served the University of Missouri from 1958 to 1969. He enlisted the support, help, and enthusiasm of many law school graduates. He raised the level of the University of Missouri School of Law to the point where the graduates were sought by law firms in Missouri and outside the state because of their excellence and their training. Joe has been an outstanding dean; he served the University, its graduates, and the State of Missouri in many capacities. I admire him. I respect him, and I consider him to be a good friend.

The Law School will miss his presence, and all of us wish him well in whatever endeavor he decides to undertake.

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