

HON. DAVID SCHUMAN*

Dave Frohnmayer – A Tribute

Dave Frohnmayer hired me in 1985 as an assistant attorney general in the Oregon Department of Justice, my first job as a practicing lawyer. Shortly thereafter, I left the Department and joined the University of Oregon School of Law faculty where, in 1991, I was on the search committee that persuaded Dave to serve as our dean. I would like to characterize these two events—his hiring me, my “hiring” him—as reciprocal or symmetrical. That would not be accurate. In both cases, it was I who was the petitioner, trying in the first instance to persuade Dave that I was qualified enough to hire, and in the second, trying to persuade him that we were qualified enough to be the beneficiaries of his intelligence, judgment, and energy.

In any event, I worked for Attorney General Frohnmayer, Dean Frohnmayer, and President Frohnmayer for twelve years. During that time, our professional relationship morphed into what I flatter myself to call a friendly relationship between our families. During these years, Dave—and it was always Dave, never Attorney General Frohnmayer or Dean or President—made incomparable contributions to the life of the University of Oregon, the State, and, by virtue of his nationally recognized leadership as both an enormously influential state attorney general and flagship university president, to the entire country.

Other writers in this volume discuss these contributions with respect to Dave’s legal and academic accomplishments. Demonstrably, these professional accomplishments derived in large measure from two of Dave’s character traits: first, his faith that individual and societal well-being flourish when citizens are more concerned with the justice of their community than with maximizing their own self-interest; and second, that the proper response to any seemingly insurmountable

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obstacle was to unleash energy in search of a solution and to inspire others to do the same. The degree to which he brought these precepts to bear in his professional life is extraordinary. But that accomplishment occurred in a context. In Dave's case, that context was an unspeakably cruel onslaught to his daughters. It would have been extraordinary if Dave had simultaneously endured that onslaught and maintained a minimal professional life. The fact that he devoted himself to battling that private curse while simultaneously and energetically excelling as a public servant, magnifies his accomplishments in both arenas.

The curse to which I refer, of course, is Fanconi anemia (FA), an incurable (at least for now) and inevitably fatal (at least for now) inherited disease that has taken two of Dave and Lynn's daughters and threatens a third. Where most of us would have responded to such a curse with despair, or impotent anger at an unjust God, or passive faith that a just God's apparent sadism serves some unknowable divine plan, or self-anesthetization by drink or drugs—I myself cannot imagine even getting out of bed in the morning—Dave, along with Lynn, attacked the disease with the same relentless vigor and confidence in the altruism of others that he brought to bear on the challenges confronting Oregon's government, its law school, and its flagship university. As attorney general, he (for example) guided the State through a period in which a religious cult threatened to take over an entire county in eastern Oregon and attempted to poison a variety of elected officials. As law school dean, he mollified influential and wealthy interests that threatened harm to the institution based on their perception that its environmental activism was harmful to their business interests, while simultaneously refusing to stifle or insist on the moderation of that activism. As president of the University of Oregon, he not only guided the institution through a period of unprecedented legislative disinvestment, he also cultivated private generosity leading to an improved built environment and a solid academic reputation. As Jews recite at every Passover Seder, *daiyenu*—*that much by itself would have been enough*.

But along with these accomplishments, he also, as a parent, working with Lynn, attacked FA. First, they organized an FA family support group, which (among other things) provided FA families with the opportunity to interact, support each other, and exchange information about treatments. Next, Dave became a founding director of the National Marrow Donor Program, which created and maintains a voluntary international register of people who could donate

hematopoietic cells to help children with FA and other bone marrow or immune system disorders—a register that lists nearly 12.5 million individuals and has facilitated more than 74,000 transplants.¹ And finally, in 1989, he and Lynn founded the Fanconi Anemia Research Fund. That organization, which began in Dave and Lynn’s living room, has grown exponentially. It now sponsors annual expense-paid summer camps where FA patients and families gather to exchange information and support, and to learn of the latest developments in FA research. The fund also sponsors annual international symposia attended by leading scientists. Most significantly, it raises and distributes funds—so far more than \$18 million²—to researchers whose proposals meet rigorous, peer-reviewed scientific standards. The immediate purpose of the research fund is to improve the treatment of FA and to search for a cure. This research has produced advances that are relevant not only to FA but to several cancers as well. And although a cure has remained elusive, the fund has contributed to the significant improvement of life expectancy for FA patients, who now typically live into their midthirties and sometimes into their forties and fifties.

Beyond this immediate goal, Dave identified a mode of operation and a larger mission, both of which reflect the traits that made Dave such a successful public servant. Addressing researchers at a ceremony giving him and Lynn an award for “outstanding contributions to biomedical research,” Dave emphasized that, “[w]hile competition is healthy and Nobel fever may be unavoidable, there is an irreducible need . . . for combinations of brains, not division of intellects into competitive and warring or secretive camps.”³ And he also identified the larger mission: “We simply are trying to solve a problem and alleviate some quantum of misery in the human condition.”⁴

¹ *How We Help Patients*, BE THE MATCH, <https://bethematch.org/About-Us/How-we-help-patients/> (last visited Jan. 29, 2016).

² E-mail from Lynn Frohnmayer, Board Member, Fanconi Anemia Research Fund, Inc., to Sharon Schuman, Board Member, Fanconi Anemia Research Fund, Inc. (Feb. 2, 2016, 12:13 PM PST) (on file with author).

³ DAVE FROHNMAYER, FANCONI ANEMIA RESEARCH FUND, INC., *THE FANCONI ANEMIA RESEARCH FUND STORY: BUILDING SOMETHING FROM NOTHING* 1, 3 (2008), http://fanconi.org/images/uploads/other/The_Fanconi_Anemia_Research_Fund_Story.pdf.

⁴ *Id.* at 2.

