

ELLEN ROSENBLUM*

A Tribute to Dave Frohnmayer

I genuinely appreciate the opportunity to offer this tribute to our dear friend and colleague, Dave Frohnmayer. I think fondly of Dave and his remarkable legacy practically every day as I pass by his photo on the wall at the Oregon Department of Justice. And I often go over in my mind the “top ten” neatly handwritten tips (for success as attorney general) he gave me on a small folded sheet of paper the day I was elected.

I met Dave on the first day of law school in 1972, when I was assigned to his torts class at the University of Oregon School of Law. As a professor, Dave stood out for the refreshingly issue-oriented focus of our 1L torts class. His course highlighted the intersection of law and policy, while weaving in ethics—this was the Watergate era, and Dave had recently left his position with the federal government in Washington, D.C.—and leadership as well. I don’t think I’ll ever forget all the class time we spent discussing no-fault insurance!

Dave was rigorous and demanding—and also noticeably different from our other professors. Here’s just one example: he memorized every one of our names in what was a large survey course. (He did this by reviewing a seating chart he’d created with our photographs. He even showed me his chart once.)

Twice during that year of torts, he invited our entire class over to his home for a barbeque, greeting us by name as we arrived. He made us feel like honored guests. I am told this is a tradition he and Lynn continued in their home until the last class he taught. We felt especially honored by the way Dave routinely referred to those in his classes not as students, but as “colleagues.” At the age of twenty-one, to be treated

* Oregon Attorney General, 2012–Current; J.D., University of Oregon School of Law, 1975.

by a tall, smart, authority figure as a “grown up” whose ideas were listened to and valued was truly empowering.

Because of his unique ability to connect with those he taught, many of us volunteered to go door to door for Dave when he became a candidate for the legislature in 1974. He was elected to that seat and held it from 1975 to 1981, representing southern Lane County. He then was elected Oregon Attorney General, where he served with true distinction, from 1981 to 1991.

Dave never forgot a kind word, gesture, or favor, and always went out of his way, where appropriate, to support his “colleagues” at the law school. I was reminded of this many times over the years, but the first time was when I was working in the law school’s legislative clinic, trying to get a bill passed that concerned small claims cases. As a legislator, Dave helped us get that bill through, and it was thrilling to have his support in that—my first real foray into Oregon policy and politics! Many more times over the years, I would be honored to have Dave’s hand on my shoulder, steering me toward opportunities for career growth, whether it was as a judge or even most recently toward the job I hold today.

Dave was the consummate professional, with high moral character and unquestionable ethics, but he never let that tame his fierce passion for litigation. There were times when we represented adverse clients, starting when I was a brand new lawyer and he was representing the university in various employment law cases. Even in those hard-fought legal battles—Dave was really tough—he remained a teacher and a lawyer of deep integrity: there was never any doubt that when he said something he would stand by it.

As attorney general, I have come to appreciate Dave’s legacy at the Oregon Department of Justice from a new perspective. Several aspects stand out from Dave’s time as the state’s chief legal officer. First, he insisted our office set the “gold standard” when it came to advising agencies and appearing in court. Dave accomplished this personally—including in his numerous successful appearances before the Supreme Court of the United States. He also achieved this in a much broader way through the work of our office—an accomplishment for which Oregonians should be forever grateful.

In addition to being a stellar lawyer himself, Dave recognized legal talent in others. It’s not surprising that many of his protégés have distinguished themselves as some of our state’s finest judges and lawyers—including judges Virginia Linder (who was his solicitor general), Jack Landau, Mary Deits, David Schuman, and Pamela

Abernethy, as well as lawyers Bill Gary, Jim Mountain, and Pete Shepherd, just to name a few.

Government lawyers work hard, and are often looked to as exclusive experts in their fields of practice, but before Dave’s term as attorney general, they were often discounted professionally compared to their peers. Dave raised the bar, creating a sense of teamwork and pride. He brought Oregon’s lawyers out of the agencies and into the Department of Justice offices to serve together as a team, increasing consistency, quality, and collaboration. This vision was continued by his successors, Hardy Myers and Ted Kulongoski, and I strive to maintain it today.

Ultimately, what I admire most about Dave is that he embodied the “lawyer as public servant” concept—first as lawyer-legislator and thereafter as attorney general. He worked as hard—and as effectively—as anyone I’ve ever known. But he also had fun while he was at it. This included wearing a special attorney general’s cap he had made when in office. I was thrilled to receive an exact replica of that cap that Dave had made for me and bestowed upon me at my oath ceremony in January 2013.¹ It is something I will treasure forever as part of my memories of this special, thoughtful friend.



Attorneys General Rosenblum and Frohnmayer, wearing their caps!

¹ You can see another photo of the two of us wearing our caps at <https://law.uoregon.edu/explore/OLR-current>.

Upon his return to the law school, first as dean, and then after his UO presidency, then again as a professor, Dave demonstrated his passion for the Oregon Administrative Procedures Act, a great deal of which he authored, used, and defended as attorney general. I am told that in his introductory lecture on the concepts of due process and freedom of life, liberty, and property, Dave actually referenced sections 38 and 39 of the Magna Carta!

One more aspect of Dave must be mentioned. I've never known anyone to respond more forcefully and effectively to adversity. His response to the disease that killed two of his children was to join with Lynn Frohnmayer (an amazing person in her own right) to create a foundation that has become a leader in its field and already has made major, life-improving scientific discoveries. His response to defeat when he ran for governor was to recommit himself to the University of Oregon, where, first, he brought the law school out of a serious slump and, then, as president, he led the entire university to its current status as a first-rate institution of higher education.

Dave's contagious passion for excellence has left its impression on each and every one of those of us he taught, employed, mentored, befriended, or represented. For that I am personally and professionally grateful, and I am certain to my core that the dual causes of law and justice have been forever enhanced by Dave's life and work here.

On a more personal note, I miss Dave all the time. It is hard to fathom that I will never again receive one of his famous hand-written notes (with surprisingly lovely penmanship). Whatever the occasion, Dave was one of the most thoughtful people I have ever met.

So thank you, David B. Frohnmayer.

Oregon—and all of us, including me—can consider ourselves exceedingly fortunate to have had you in our lives.