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## PROFESSOR COSWAY: TEACHER—SCHOLAR

Marjorie Dick Rombauer\*

Professor Cosway was my teacher before he was my colleague. As a colleague, he continued to be my teacher.

Professor Cosway was a superb classroom teacher. He combined a detailed knowledge of the areas in which he taught with a full awareness of the practical applications of that knowledge. He demonstrated an amazing mental quickness, almost a second sense in understanding students' imperfectly stated questions and in producing vivid examples to illustrate his answers. He manifested a sense of humor in many ways: in his hypotheticals, his responses to students' questions, and in other unexpected forms. (Where else could we have learned of an unjust tax paid with a negotiable cow?) With his quick wit he made even the driest details of commercial law lively without detracting from his high standards for class discussion. He did maintain high standards: he would not let student misstatements pass without comment, but he had a sensitivity for the feelings of students that enabled him to make the comments without damage to egos. His wit was never used in a cutting way. A combination of knowledge, awareness of practical applications, mental quickness, good humor and wit, high standards, and sensitivity is rare. To have these attributes to the degree that Professor Cosway possesses them is rare indeed. It is not surprising, then, that he received the prestigious Distinguished Teaching Award for 1980.

When I ultimately began to teach in subject areas of his expertise, Professor Cosway continued to be my teacher in more informal settings. Never condescending, never dogmatic, he has enriched casual conversations with questions and examples that served to resolve doubts, to suggest new dimensions for problems, and to identify weak analyses. He has treated all questions as worthy of careful consideration and answer.

Professor Cosway's teaching has continued for other former students, as well as for others who were not his students. Many sought answers from him by telephone, by letter, or in person. Though his answers may have been readily given, they appear never to have been made without later reflection and turnings of his mind to assure himself that the answers were not flawed by some unconsidered possibility.

Professor Cosway's scholarship has been as influential as his teaching. With Professor Warren Shattuck, then a member of the University of

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Washington Law School faculty,<sup>1</sup> Professor Cosway helped to lay the foundation for the adoption of the Uniform Commercial Code (UCC) in Washington state. He then helped Washington attorneys to understand and to use the UCC after it became the law of this state.

Much of his published scholarship focused on the UCC articles governing sales, commercial paper, and bank deposits and collections. His first UCC article was published in 1951, on the eve of the presentation of an official draft of the Code to state legislatures for adoption.<sup>2</sup> In the early 1960's he contributed to a series of articles published in the *Washington Law Review* that introduced the Code to Washington lawyers.<sup>3</sup> He was an acknowledged contributor to *Uniform Commercial Code—Comments for the State of Washington*, a deskbook published in 1962 to explain, again for the benefit of Washington lawyers, and for legislators as well, the prospective effect of the new Code on the law of the State of Washington.<sup>4</sup> He participated in preparing Senate Bill 122, encompassing the official Code, the repealer section, and other local details. That bill was introduced and adopted in the 1965 session of the Washington legislature,<sup>5</sup> to become effective June 30, 1967. He then participated in Continuing Legal Education seminars to acquaint Washington lawyers with the Code.

His work with the UCC continued after its adoption. With others' articles, Professor Cosway's articles dealing with the prospective effect of the UCC on Washington law were reprinted in a book that became a source book for Washington lawyers being initiated into the ways of the new commercial law—*The Uniform Commercial Code in Washington*, published by the *Washington Law Review* in 1967.<sup>6</sup> With Professor Shattuck, he was coauthor of *Uniform Commercial Code Forms*, comprising two

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1. Now Professor Emeritus of Law, Professor Shattuck continues his teaching at the Hastings College of Law, University of California, San Francisco, California.

2. Cosway, *Innovations in Articles Three and Four of the Uniform Commercial Code*, 16 *LAW & CONTEMP. PROBS.* 284 (1951), reprinted in 68 *BANKING L.J.* 625 (1951). See also Cosway, *Negotiable Instruments in the Uniform Commercial Code*, 1 *BUS. L. REV.* 222 (1954).

3. In the series, Professor Cosway authored *Sales—A Comparison of the Law in Washington and the Uniform Commercial Code*, 35 *WASH. L. REV.* 412, 617 (1960); *id.*, 36 *WASH. L. REV.* 50, 440 (1961); *Negotiable Instruments—A Comparison of Washington Law and Uniform Commercial Code Article 3*, 38 *WASH. L. REV.* 501, 719 (1963); *id.*, 40 *WASH. L. REV.* 281 (1965).

4. The deskbook was prepared under the editorship of Professor Warren Shattuck and published for the Uniform Laws Commission, State of Washington, by Book Publishing Company, Seattle, Washington. The *Washington Comments* in that deskbook are reprinted in the Washington version of the UCC, *WASH. REV. CODE* tit. 62A.

5. Uniform Commercial Code, ch. 157, 1965 Wash. Laws Ex. Sess. 2333 (codified as amended at *WASH. REV. CODE* §§ 62A.1-101 to 11-109 (1983)).

6. Professor Cosway's articles appear at pages 51-386, including new material ultimately published in *Negotiable Instruments—A Comparison of Washington Law and the Uniform Commercial Code*, 43 *WASH. L. REV.* 499 (1968).

volumes of the *Washington Practice* series,<sup>7</sup> and he continued to write biennial pocket supplements for those volumes through 1982.

I had the opportunity to work closely with Professor Cosway's *Washington Law Review* articles about the prospective effect of the UCC coverage of sales on Washington law.<sup>8</sup> As might be expected, I found his scholarship to be as accurate, as precise, and as illuminating as his teaching—though not leavened by the unexpected twists of humor we came to expect in his oral discussions.

Professor Cosway's head has not been buried in the Code, and his vision has not been limited to anticipating the latest UCC developments. With the negotiable instrument received as part of the Distinguished Teaching Award, he purchased a personal computer at a time when most of us were either unaware of that new development or thought of it as a toy. Before most of us knew what a "program" was, he had written his own computer programs for tasks as diverse as maintaining detailed tax and investment records and computing the handicaps for members of his wife's golf club.

Though Professor Cosway has chosen to retire from the University of Washington Faculty of Law, his teaching will continue to guide his former students and his scholarship will continue to influence the development of Washington law far into the future. May his computer always be as responsive to him as he has been to the needs of his students and of commercial law developments. Now, if he will just write a fail-safe computer program for creating a security interest . . . .

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7. 7, 8 W. SHATTUCK, R. COSWAY, *WASHINGTON PRACTICE UNIFORM COMMERCIAL CODE FORMS WITH PRACTICE COMMENTS* (1967).

8. Working from his articles, I prepared the *Washington Comments* for UCC Article 2, Sales, for the Washington deskbook described *supra* note 4 and accompanying text.