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RICHARD COSWAY AS TEACHER AT LARGE

Daniel B. Ritter*

“Thimblerrigging, hanky-panky, and hugger-mugger”: an unforgettable formula from Professor Cosway’s class in creditors’ rights. He used the formula to illustrate situations in which a court of equity or bankruptcy feels impelled to punish a miscreant somehow, regardless of the literal import of apparently applicable statutes. The same formula serves as a paradigm of Professor Cosway’s teaching technique. It is not that he practices the enumerated vices (heaven forbid), but that his use of the formula exemplifies certain qualities that have made his teaching so effective and popular, both in the classroom and as teacher-at-large to the profession.

Now, let it be acknowledged that teaching style pertains more to form than to substance. Professor Cosway’s excellence in teaching commercial law no doubt owes much to the fact that he knows the Uniform Commercial Code better than anyone else. There are, however, many lawyers and teachers who also possess great expertise, but who are not so skillful as he at communicating their knowledge. It is therefore appropriate in this dedication to consider the characteristics of Professor Cosway’s teaching.

Wit, I suggest, is the quality that most accounts for Professor Cosway’s great popularity on the continuing education circuit. And rightly so, for he does not squander his humor on random jokes that distract from the business at hand. Instead, his use of wit is germane to the lesson, as were the references in our class to “thimblerrigging,” etc. As a result, lectures by him on statutory technicalities are a pleasure to hear, and, what is more remarkable, their main points are remembered by the audience.

The nature of Professor Cosway’s wit also contributes to his effectiveness as a teacher. His style is to juxtapose understatement and hyperbole. That sort of paradox is often mirrored in his substantive analyses, where he will combine a close textual reading of a statute with a perceptive assessment of the milieu in which the statute is read by a court. I recall Professor Cosway’s address to the 1984 Washington Law Review banquet in which he recounted the story of Sir Roger Casement, who was hanged because of the placement of a comma in England’s treason statute; he noted that the decisive importance attached to that comma might have owed something to prevailing views on Sir Roger’s offense, viz., support of the Irish rebellion.

* Davis, Wright, Todd, Riese & Jones, Seattle, Washington; A.B., University of Chicago, 1957; LL.B., University of Washington, 1963.

Professor Cosway's wit has yet another quality needing mention: it is gentle, more like Goldsmith's than Swift's, and attests the kindness and modesty which he possesses in common with many other outstanding teachers.

The legal profession of Washington is fortunate that Professor Cosway, instead of confining his teaching talents to the classroom, has throughout his career contributed generously to the enterprise of continuing legal education. His most recent major effort has been to serve on the editorial board of the *Washington Commercial Law Deskbook* published in 1982 by the Washington State Bar Association. Besides editing and writing an introduction for the chapters on article 9 of the Uniform Commercial Code, he spoke at seminars given around the state to publicize the deskbook.

For me, however, the most memorable exhibition of Professor Cosway's extracurricular teaching occurred in 1981 before the committees of the Washington legislature responsible for amendments to the Uniform Commercial Code. As a Uniform Law Commissioner he appeared along with several representatives of the state bar association to urge adoption of the 1972 official text amendments to article 9. We had arranged a "dog and pony show" in which we had induced him to play the lead. Some committee members were former students of his, but several were nonlawyers. Professor Cosway charmed and persuaded all of them by the lucidity and wit of his remarks and by his obvious authority and credibility. I felt proud of our profession, proud of my professor, and very grateful for his contributions to the law, which will continue, I trust, notwithstanding the diminution of his teaching load.