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Professor Rombauer as Achiever and Scholar

Kathleen O'Neill
University of Washington School of Law

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PROFESSOR ROMBAUER AS ACHIEVER AND SCHOLAR

Kathleen O'Neill

No doubt the editors of the *Washington Law Review* asked me to write this introduction because, as Director of Basic Legal Skills at the University of Washington School of Law, I inherited a program that Marjorie Rombauer established. Unfortunately, I am far more conscious of the impact that Professor Rombauer has had on my career than I am knowledgeable about her career. Still, ignorance of one's subject need not be an obstacle to publication, and so I accepted. But even if I were more qualified for this task, I would be doomed. For, in the few months since I arrived here, I have discovered that Professor Rombauer is a woman of innumerable and diverse achievements, cultivated hobbies (among which is playing the accordion!), and magnanimity who deserves a full-scale biography. So, if I fail to do her justice, blame not me, but (as my students would say) the page limit.

Professor Rombauer provides a model of how to integrate the professional, intellectual, and personal in a life of Horatian wisdom and balance. Too many lawyers, both in practice and in academe, spend their time either burrowing through mind-numbing layers of details or hustling to produce mindless sound bites. Their lives are frantic. But Professor Rombauer clarifies and calms; her current work on the State of Washington Law Revision Commission is but the latest example in a long career of clear thinking, of creating order from chaos. Meanwhile, she seems to have time for everything else: to garden, to take new faculty members out to lunch, to buy a dress for a granddaughter, to attend legal writing conferences, and to play that accordion. Although she will cringe at the comparison, she reminds me of Oliver Wendell Holmes, Jr., at least as he appears in his collected letters.¹ After deciding a constitutional case, he could write intimate letters to two or three friends, attend dinner and a concert, and repose in his study, feet up, book in hand, a glass of port on the table, for an evening of reading and reflection. Of course, the wonderful thing about Professor Rombauer is that she is a modern woman and, unlike Justice Holmes, the last to boast. It remains to those of us who follow, and who benefit daily from the hard work she has done so selflessly, to be her boosters.

1. *The Essential Holmes: Selections from the Letters, Speeches, Judicial Opinions, and Other Writing of Oliver Wendell Holmes, Jr.* (Richard A. Posner, ed. 1992).

Those of you who teach legal analysis and writing already know of Professor Rombauer's seminal text, *Legal Problem Solving: Analysis, Research and Writing*,² and no doubt you know of her crucial leadership in building and cementing legal writing courses as core components of the law school curriculum. For those of you who don't, it's time you learned. For the most striking aspect of this work—first published in 1970 and revised many times—is how prescient Professor Rombauer was. The integration of theory, doctrine, and practice skills, now in the forefront of debate in the law schools and in the bar,³ is the focus of the book. “Too frequently . . . law courses do not provide an opportunity for integrated use of the basic skills to solve complex legal problems,” she wrote.⁴ In fact, I would urge all who are interested in this issue to read the introduction to *Legal Problem Solving*. You will find there one of the most cogent descriptions of the goals of the well-designed first-year skills course you are likely to discover. And, as is so characteristic of Professor Rombauer, she also candidly reveals what skills that course does not teach, such as fact investigation and client counseling, and suggests where students may find some guidance on those subjects.

As many readers of this volume already know, writing texts for legal writing courses is a cottage industry. I mean no disrespect to those who have usefully amplified aspects of Professor Rombauer's text when I challenge anyone to identify a text that contains anything fundamentally different, except in the level of detail, from what Professor Rombauer wrote twenty-three years ago. What I find so central about Professor Rombauer's text is its focus on thoughtful, intelligent legal analysis. She understood then, as many of us who teach legal analysis and writing are learning now, that the core of good legal writing is a disciplined process of thought and a respect for the complexity of legal interpretation and judgment. Professor Rombauer never accepted the view that legal writing skills could be packaged and produced according to a standard mold or formula. And she never accepted the correlated mistaken assumption that legal writing was a simple skill that any inexperienced, recent graduate could teach.

Professor Rombauer's steadfast mentoring and support of faculty who teach this kind of course, not just at the University of Washington, but

2. Marjorie Rombauer, *Legal Problem Solving: Analysis, Research and Writing* (5th ed. 1991). The first edition was published as *Legal Analysis and Research* (1970).

3. E.g., *Legal Education and Professional Development—An Educational Continuum*, A.B.A. Sec. Legal Educ. & Admissions to the Bar (1992) (commonly known as the MacCrate Report).

4. Marjorie Rombauer, *Legal Problem Solving: Analysis, Research and Writing 1* (2d ed. 1973).

Tribute To Professor Rombauer

across the country, reflects that abiding belief in the crucial role a good introductory legal analysis and writing course plays in a law student's development. I am a beneficiary of her work in that respect. Because Professor Rombauer fought for recognition of, and reward for, the crucial role that legal writing instructors play in the training of successful students and practitioners of law, many schools have established coherent, stable legal analysis and writing programs that are taught by full-time, experienced faculty.

But I think that we in legal writing often overlook Professor Rombauer's other academic accomplishments in commercial and creditor-debtor law and in drafting. In my view, her influence has been so profound precisely because she is not just "one of us." Her counsel on how to teach legal problem solving is so valuable because it is informed by deep practical experience and careful intellectual analysis that she acquired and honed in her work in commercial law and legislative reform. Her intellectual stature, her precision, her thoroughness, her integrity are all beyond challenge. She knows what she's talking about. Hers is a model of integration to which we should all aspire. It is a model of special significance as we all grope toward better ways of imparting the incredible amalgam of knowledge and skills that new lawyers need as they head into practice. We would be mistaken not to follow Professor Rombauer's example. Although there is more than enough literature now in the legal writing and analysis field to keep all of us busy for years, we should develop expertise in other areas, be they theoretical, doctrinal, or clinical, that will allow us to enrich our teaching and will validate what we know intuitively: that the skills we teach are integral to a sound legal education.

I will end this tribute with a little story because no high-minded discussion of Professor Rombauer's career can convey the gentle sparkle of her personality. Just about a year ago, I was flying from New York to Seattle to interview for the position I now hold. As I scribbled emendations and witticisms that I would forget to say, the thought of speaking in front of Marjorie Rombauer haunted me. The whole faculty might come out to hear me, but as far as I was concerned, I would have an audience of one! Part of my anxiety was due to shock. Of course, I knew who Professor Rombauer was, but I had never focused on her geographical location. She seemed to hover in some upper layer of the atmosphere, a true Olympian, not one of those pesky deities who meddle. So, you may imagine my dismay to discover that her earthly abode was Washington and she might shoot a sharp arrow into my carefully inflated balloon.

Of course, that's not what she did at all. I doubt I said anything that she had not thought of several years before, but she nodded encouragingly, graciously emboldening me, and did not shout out, "Oh, that's old hat!" as well she might have. Some months later, after I began teaching at the University of Washington, she confirmed her Olympian stature by taking me aside to remark that she would never proffer unsolicited advice, but would willingly help, if asked. We are all fortunate to be able to ask Marjorie Rombauer.