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Von Creel and the End of an Era

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VON CREEL AND THE END OF AN ERA

Alvin C. Harrell*

Professor Von Creel is retiring this year, and it is a loss being felt throughout the Law School and University community. It is also a time to reflect on Von's countless contributions to the school, his students, the community and legal profession, and even the state. Other articles in this issue will undoubtedly do a better job than I at recounting these achievements, including his service as Law Clerk to Chief Judge Alfred P. Murrah, United States Court of Appeals for the Tenth Circuit;¹ his publications;² his widely recognized legal expertise and teaching skills;

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1. 1969–1971.

2. Von Russell Creel, Tribute, *In Appreciation: Richard E. Coulson—Friend, Teacher, and Scholar*, 34 OKLA. CITY U. L. REV. 7 (2009) [hereinafter Creel, *In Appreciation*]; BOB BURKE & VON RUSSELL CREEL, OKLAHOMA STATESMAN: THE LIFE OF DAVID BOREN (2008); VON RUSSELL CREEL & BOB BURKE, OKLAHOMA CITY UNIVERSITY SCHOOL OF LAW: A HISTORY (2008); Von Russell Creel, *Fifteen Men in Ermine: Judges of the United States Court for the Indian Territory, 1889–1907*, 86 CHRONICLES OKLA. 158 (2008); Von Russell Creel, *Capital Punishment*, in 1 THE ENCYCLOPEDIA OF OKLAHOMA HISTORY AND CULTURE 219 (Dianna Everett et al. eds., 2009), available at <http://digital.library.okstate.edu/encyclopedia/entries/C/CA052.html>; Von Russell Creel, *Law Schools*, in 1 THE ENCYCLOPEDIA OF OKLAHOMA HISTORY AND CULTURE, *supra*, at 838, available at <http://digital.library.okstate.edu/encyclopedia/entries/L/LA029.html>; Von Russell Creel, *Right to Work*, in 2 THE ENCYCLOPEDIA OF OKLAHOMA HISTORY AND CULTURE, *supra*, at 1287, available at <http://digital.library.okstate.edu/encyclopedia/entries/R/RI007.html>; Von Russell Creel, Book Review, 84 CHRONICLES OKLA. 363 (2006) (reviewing ART T. BURTON, BLACK GUN, SILVER STAR: THE LIFE AND LEGEND OF FRONTIER MARSHAL BASS REEVES (2006)); Von Russell Creel, *On the Gallows' Edge: Capital Punishment, Appeals, and Presidential Clemency in Indian Territory, 1896–1907*, 84 CHRONICLES OKLA. 162 (2006); Von Russell Creel, *Challenge and Opportunity: The First Year of the United States Court for the Indian Territory*, 30 OKLA. CITY U. L. REV. 295 (2005); Von Russell Creel, Vignette, *Vignette*, 29 OKLA. CITY U. L. REV. 441 (2004); Von Russell Creel, Tribute, *Nancy I. Kenderdine: Teacher, Scholar, Administrator, and Colleague*, 29 OKLA. CITY U. L. REV. 485 (2004); Von Creel & Bob Burke, *Oklahoma Law Schools: Oklahoma City University School of Law*, 75 OKLA. B.J. (CENTENNIAL ISSUE) 101 (2004); Von Russell Creel, *Capital Punishment and the United*

his service in the practice of law and as executive assistant to then-Governor David L. Boren;³ his service to the Law School and University;⁴ and, perhaps most importantly, his rapport with his students and deep love and affection for his family.⁵

Von's retirement obviously will be felt as a loss by many, many people, including students and the Law School community at large. However, in still other ways, it marks a special loss for some of us, including your author. While many others, quite legitimately, will feel and express this loss, e.g., in companion articles to this tribute, I am taking this opportunity to share my personal respect for a teacher and colleague for whom, over a period of some forty years and through thick and thin, I have always felt the greatest admiration and friendship. In this and other personal ways, Von's retirement marks the end of an era at OCU, a special era in the history of the Law School and the lives of those who have been so greatly influenced by this outstanding teacher, scholar, historian, and colleague.

For me, this era had a distinct beginning. After interrupting my law school career at the end of the first year, for a one-year tour of active duty military service, I returned to OCU as a new 2L, with the usual enthusiasm and trepidation about the transition back to academia. I remembered well (as most law students probably do) the traditional exhortations of the distinguished (and very intimidating) first-year faculty that had greeted my entering class two years earlier, including Deans Hervey and Foster, and Professors Erdberg, McDonald, and

States Court for the Indian Territory, 81 CHRONICLES OKLA. 172 (2003); Von Russell Creel, *Monroney, Mike*, in ENCYCLOPEDIA OF THE GREAT PLAINS 675 (David J. Wishart ed., 2004); Von Creel, *A Court of Its Own: The Establishment of the United States Court for the Indian Territory*, 27 OKLA. CITY U. L. REV. 231 (2002); VON RUSSELL CREEL & BOB BURKE, MIKE MONRONEY: OKLAHOMA LIBERAL (1997); VON RUSSELL CREEL, BOB BURKE & KENNY A. FRANKS, AMERICAN JURIST: THE LIFE OF JUDGE ALFRED P. MURRAH (1996); Von Russell Creel, *The Case of the Wandering Wobbler: The State of Oklahoma v. Arthur Berg*, 73 CHRONICLES OKLA. 404 (1995-96); Von Russell Creel, *Socialists in the House: The Oklahoma Experience, Part II*, 70 CHRONICLES OKLA. 258 (1992); Von Russell Creel, *Socialists in the House: The Oklahoma Experience, Part I*, 70 CHRONICLES OKLA. 144 (1992); BOB BURKE & VON RUSSELL CREEL, LYLE BOREN: REBEL CONGRESSMAN (1991); Von Russell Creel, *Court in Peril: The Legislative-Judicial Struggle of 1927-1929*, 52 CHRONICLES OKLA. 220 (1974).

3. Von served as Governor Boren's executive assistant, 1975-1977, and was Of Counsel, Linn & Neville, 1979-2001.

4. Including his service on countless committees, in the Faculty Senate, and as Law School Faculty Chair.

5. Including children Christopher, Caren, and Corey, grandchildren Cody and Carson, and of course his beloved Mary, whom we lost in 2009.

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Quinlan. For me, as well as probably most other first-year law students, that is an experience that never fades from memory. That was a tough year, and upon returning to OCU, I wondered if the new classes would be any easier.

Just prior to such a class (in the old “barracks” of course, though at the time I think we were too preoccupied to notice such things), I joined a group of students chatting outside the classroom. Since I had missed a year, my old class had moved on, and I had joined a class I did not know. It was time to make new friends, so I was pleased to visit briefly with a new (and seemingly very young) group outside the classroom. Then, much to my surprise, as the time for class arrived, we entered the classroom, and one of the youngest looking of the group, a bushy-headed Von Creel, proceeded to the front of the room and taught the class. As would become his trademark, he evidenced an overwhelming mastery of the subject matter (Criminal Procedure, as I recall), a depth of analysis, and skills in communication that were apparent to the point of being a shock (bringing back memories of that first week in Professor Erdberg’s Property class).

After being away from the Law School, it was obvious that I was not in Kansas anymore. Things had changed at OCU Law School, with a new generation of academic scholars and teachers on the faculty. Every student who has had the privilege of experiencing class with Von Creel as the teacher probably knows exactly what I mean, as many generations of law students have since shared this experience (which, I can attest, has not dulled). It was clear from that moment that Professor Creel’s classroom was going to be a very demanding, and yet uniquely rewarding, experience. Visions of an easy semester vanished immediately.

I later learned that in the year I was gone, a dynamic young scholar and OCU Law School graduate (and former Law Clerk for Judge Murrah) named Richard E. Coulson had joined the faculty. Shortly thereafter, he convinced his successor as Judge Murrah’s Clerk, Von Creel, to join the OCU Law School faculty. Together, these two professors reenergized the OCU Law School, both serving in the Dean’s office, and: creating the full-time day division; expanding the faculty (to include, for example, such notables as Dennis Arrow, Jon Bruce, Richard Brown, Hugh Collum, Marge Downing, Nancy Kenderdine, Penn Lerblance, Bob Lyman, Vicki MacDougall, and Ed Patton); founding the *OCU Law Review*; and generally bringing the Law School into the

mainstream of American legal education.⁶ But, perhaps most importantly, Von and Richard brought a youthful vigor to the classroom, demonstrating a lively approach to legal teaching, analysis, and scholarship that was striking and even surprising in a profession not always known for excitement.⁷

It also is noteworthy that, in the roughly forty years since your author was so impressed by that first class with Professor Von Creel, his performance in the classroom has become even stronger. Yet, today's students receive essentially that same shock to their system, that same demonstration of extraordinary competence and teaching skills, as this author experienced more than four decades ago.

This experience has had a lasting impact on generations of students. Many times Von has taught multiple generations of the same family (including my own, I am happy to say). My own experience is merely typical. Von (and Richard) inspired my interest in teaching and a fascination for legal scholarship that changed my life (and continues to distract from more customary activities to this day—Von, it is partly your fault that I do not have time to watch sports events on television).

My own debt to Von goes even deeper. Von and Richard arranged for me to serve as Law Clerk for Judge Murrah and to teach at OCU. They (and their friendship) were also a primary reason why I stayed at OCU, when other opportunities arose. As when I was a student, they have continued to serve as inspirations for continuing efforts in teaching, research, and scholarship during four decades of an academic career.

I am very pleased that both of my children (Andrew, class of December 2009, and Ashley, class of 2011) were able to experience Von's (and Richard's) teaching. Obviously, we have many fine teachers on the OCU faculty; that has not changed since I entered law school in 1968. Von leaves his subject areas in good academic hands. But, given the singular importance of Von's teaching in so many lives and careers, I was eager that Andrew and Ashley share that experience. They did and

6. In no way does this denigrate the quality of the legal education received by those of us who preceded this new era, as (I believe) any member of my first-year class will attest. For additional background on this period, see Creel, *In Appreciation*, *supra* note 2; and Lawrence K. Hellman, Tribute, *Richard E. Coulson: The Indispensable Link Between the Past and the Future of a Developing Law School*, 34 OKLA. CITY U. L. REV. 1 (2009).

7. There is a recognition in this observation that, other things being equal, law students may be more likely to identify with and be energized by young faculty, a point that perhaps makes it easier for senior faculty to retire!

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were taught by both Von and Richard. This is at least a small consolation in view of the retirements of these two valued colleagues. Again, many generations of students doubtless share this sentiment.

It should also be noted that Von's impact on my life and family is not limited to the professional arena. Because his family was close in age to my own, we shared many experiences along the way. Seeing his children advance through various stages just ahead of my own was, in many cases, essential preparation for the challenges that were ahead. Von and his family taught Andrew and Ashley to fish and enjoy other outdoor activities during unforgettable excursions to resorts in Oklahoma and Arkansas, which we were privileged to attend due to invitations from Von and Mary. These were wonderful times, and they are among many occasions that stand out in memory as highlights of a friendship that spans most of my life. Von's retirement does not, I hope, end this relationship. But it does highlight the end of an era at OCU. For this author, it has been a golden age, and I am confident that there are many others (colleagues, former colleagues, students, administrators, alumni, and friends) who share this sentiment. To Von, we can only say: "Thank you for being an inspiration and a friend, and so much more. We can never repay this debt."

In addition to all of this, Von Creel is the last active member of the OCU Law faculty who taught me as a student. From your author's perspective, it is truly the end of an era.