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# Dedication to Gordon Duane Schaber

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## Dedication to Gordon Duane Schaber

Claude D. Rohwer\*

As expected when such a man as Dean Gordon Schaber dies, many people came forth with tributes both general and specific. He has been recognized as the person responsible for McGeorge becoming a major law school. He has been called one of the most important men in Sacramento's century and a half of history—a living legend. He was known as a man never too busy to notice when others were in distress. Gordon was always able to find the time and the means to improve their situations. He was mentor and friend to many.

All of the above are correct descriptions of Dean Gordon Schaber. It would be easy to continue with additional generalizations of Gordon's attributes and accomplishments. It would also be possible to flesh out the generalizations with specifics, but this would be better left to one writing a biography of Gordon. I will also leave to the biographer the facts regarding his humble beginnings, his crippling childhood polio, and the severe pain which was always with him but almost always carefully concealed.

After reflecting upon my own thirty-six years with this phenomenal individual, I determined to focus upon just one particularly active decade, 1965-1974. This glimpse of Gordon's life seems an appropriate way to provide an encapsulated view of some of the contributions that he made.

In 1965, at the age of 37, Gordon had already been selected Sacramento's Young Man of the Year and he was the managing partner of Schaber and Cecchettini, the aggressive law firm that he and Horace Cecchettini built together. The American Trial Lawyers Association recognized Gordon with its Outstanding Contribution to Law award that year.

Gordon was already in his eighth year as Dean of McGeorge, an unaccredited night law school which boasted two full-time employees. Maintaining a busy law practice and building a law school would seem to be enough to keep most people busy, but Gordon also found time to participate in state and county government and politics. He was chair of the State Board of Control, chair of the Sacramento County Democratic Central Committee, and was completing his stint chairing the Sacramento City Planning Commission.

Many young people take on too many tasks and get in over their heads, but close examination of Gordon's performance in each of these activities will disclose that every entity with which he was involved had a burst of energy and achievement while he was pushing it along. The law school was quietly building a strong core of younger faculty. The law firm grew and prospered. The Planning Commission overcame concerns about flood control and access to open up major areas for

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development south of the American River. The Democrats won all of the elections, although that was nothing new for Sacramento County.

In 1965, Governor Pat Brown appointed Gordon to the California Superior Court for Sacramento County. He had served less than two years on the bench when his colleagues elected him to the position of presiding judge. At that time the calendar was so crowded that it took years to get cases to trial and the situation had been growing steadily worse. The new presiding judge reassigned some judges and re-energized others. He took over the settlement calendar himself, and in a short period of time, cases were moving to trial so fast that some attorneys complained about having too little time to complete discovery. As an occasional litigator, I had a chance to observe this process. Gordon handled every settlement conference which meant that the attorneys appeared before a judge who had studied the file to the point that he knew the strengths and weaknesses of each side. He was quick to hammer upon attorneys and clients, noting the weaknesses with which they would have to deal at trial. God help those attorneys who failed to bring to the settlement conference the person who had actual authority to settle. Sometimes when Gordon got finished with them, both sides thought they were lucky to have the settlement that Gordon had engineered.

In 1970, the California Trial Lawyers Association selected Gordon as the California "Trial Judge of the Year, 1969." There is no doubt that no other judge or individual had a bigger impact on the functioning and administration of the local courts during this period. Perhaps no other judge had a clearer track to the California Supreme Court had he not chosen to concentrate on other activities.

Gordon's judicial career was a victim of his own success as the Dean of McGeorge. Due to Gordon's efforts, McGeorge had become accredited by the California Bar Association and then by the American Bar Association. The time was fast approaching when McGeorge would seek accreditation by the Association of American Law Schools. Recognizing that the school required a full-time dean, Gordon had to choose between the judgeship or the deanship. He resigned from the bench in 1970.

While performing his wizardry on the bench, Gordon had also been magically transforming McGeorge. The following changes occurred at the law school during the ten years from 1965 to 1974.

What had been the McGeorge College of Law merged with the oldest private university in California and became the University of the Pacific, McGeorge School of Law. A full-time day program was added. Never one to be satisfied with the usual way of doing things, Gordon negotiated a merger agreement which for the next twenty five years permitted the University to provide financial assistance to the Law School but prohibited the University from using any funds generated or raised by McGeorge for other University purposes. As those associated with private schools are aware, it was during this twenty five years that many schools in the country used their law schools as cash cows to support assorted university activities. The terms of the merger not only kept Law School resources available for enhance-

ment of our educational program, but they also gave the Dean de facto authority over how monies should be budgeted and spent since we were not competing with other schools within the University.

Starting in 1966, Gordon was the dominant figure in hiring a full-time faculty that by 1974 numbered twenty four. Seven of that original group stayed with McGeorge until their retirement and an additional six of us are still carrying on today.

During this decade, all business affairs at McGeorge were managed by Gordon's brother Gary who actually preceded Gordon in employment at McGeorge. Together Gordon and Gary put together a staff that is unique in its combination of competence and level of dedication and loyalty to the institution. Good staff is not the factor that ordinarily pops into one's head when asked to note what contributes to the excellence of an institution. However, when one finds a collection of ten-year, twenty-year and thirty-year employees who treat each other like family and who are self-initiating problem solvers, you come to realize that these people are critical. It was a symbiotic relationship: Gordon and Gary were responsible for putting this group together, and the employees in turn contributed in many ways to the success of Gordon's many activities.

During this period McGeorge was accredited by the American Bar Association and graduated its first class of full-time law students. It achieved membership in the Association of American Law Schools and laid the foundation for membership in the Order of the Coif. This decade saw the beginning of the McGeorge overseas educational programs which led to a Master of Laws program in Transnational Practice and the extensive international law activities and depth of personnel that we have today.

In this same decade, the Law School acquired title to its facilities from the City of Sacramento and expanded its campus to a total of eight acres, later to expand to twenty-one. The dust never settled as Gordon oversaw the construction of eight new buildings during this ten-year period. Raising the money and getting so many buildings built in so short a time would be an achievement in itself, but Gordon would not be satisfied with any ordinary structures.

Aware of the inherent inadequacies of the traditional courtrooms from his experiences as a trial court judge, and recognizing the need for practice-oriented training of law students, the Dean set about to build a modern courtroom. His favorite line was: "Trying cases in today's courtrooms is like performing surgery in a barber shop." The American Bar Association had held a national competition and presented an award for a unique architectural design of a courtroom of the future, but those plans were collecting dust. They involved a round courtroom that incorporated a number of features to avoid problems created by existing architectural designs and to accommodate various modern technology that would become useful in the courtrooms of America.

Under the guidance of our long-time architect Sooky Lee, a group of students constructed a mockup of this courtroom in an empty warehouse and after a year of

experimentation, a redesigned "Courtroom of the Future" was erected on campus. This edifice has provided specific ideas and overall inspiration for courtrooms that have been constructed in many locations from Georgia to the West Coast.

Gordon made grand plans but unlike some grand schemers, he also paid fierce attention to detail. The grand accomplishments are evident, but it is the details that continue to amaze me. Gordon taught as a professor and bar lecturer, and he realized the importance of classroom design. Under his direction, Sooky designed seven main classrooms all constructed so that the professor is at the lowest point of a three-sided "amphitheater" with excellent eye-contact opportunity with all of the students. Each student in the room can see the face of two-thirds of the other students in the class. Together with excellent acoustics, this facilitates discussions among students. Seats swivel and tilt and are unusually comfortable. The table space is sufficient to hold a casebook, supplementary codes and notes or lap-top computer. In some rooms, each seat is pre-wired with electric outlets and fiber-optic cable. Professors who understand such things can pull up electronic information retrieval systems in the middle of class and have information displayed on the screen. Not even Gordon's classrooms could be described as ordinary.

Leading the local courts into better performance and building a law school from obscurity to something of a major player on the educational scene would be enough, one would think. However, during this same decade, Gordon contributed his time and involved himself in the affairs of the Section on Legal Education of the American Bar Association. Ultimately he would chair the Section on Legal Education and the Section's Committee on Accreditation and Admission to the Bar. He would serve on assorted task forces and review committees playing key roles in some areas that have never received extensive public notice.

His document drafting and political skills provided the impetus to overcome some early objections to the commitment of American law schools to engage in affirmative outreach to bring diversity to law school classrooms.

His direct access to the White House under both Presidents Kennedy and Reagan avoided cuts in federal programs for financial aid to law students and all others in higher education.

He developed the standards that produced consensus in a group of law school leaders some of whom had serious concerns about the accreditation of three new law schools that had close religious affiliations. Gordon's hand and voice were involved in the solution of virtually all of the critical problems faced by legal education during this rather contentious period.

On the State level, Gordon was involved in commissions, committees, task forces, and assorted other groups. The wide variety of activities included such things as parceling out state bond fund monies to private schools, reviewing the processes of the state bar exam, and revising the administration of the State courts. This list could go on and on.

On the local level, Gordon served in 1970 as Chair of the Greater Sacramento Plan Committee which successfully negotiated a "Philadelphia Plan" by which

construction trade unions agreed to apprentice and train minority workers and contractors agreed to make room to hire these new workers. This was an early and successful version of affirmative action. Gordon was selected for this job and succeeded in the effort because he commanded great respect in the minority community, within labor organizations, and in the business community in Sacramento. In a word, he had credibility with all of these groups.

Considering what this man did, what impact he had on matters of national, state and local policy and the development of a large law school, it would be fair to assume that there must have been no time left for personal interaction with the ordinary run of students, lawyers, judges and assorted other members of his community. The truth, of course, is that everyone has his or her personal private "Gordon Schaber story." "Do you know what he did for my brother when he was needed . . ." "Why I never would have been able to . . . had it not been for . . ." Gordon Schaber touched the lives and families of so many.

It was an amazing attribute of the man that he picked up instantly on the situation when someone needed help. He knew what advice to give or whom he could call to get folks over a hurdle or through some difficulty. This was not just an amazing personal talent so appreciated by those of us who were beneficiaries, it was undoubtedly a key ingredient in his success.

People were aware that Gordon had an agenda. But there was always the feeling that his agenda was well conceived and that there was nothing personal in it for him. When he was at his best, you left the discussion thinking that the new agenda had been your idea in the first place and that you had convinced him that this is what we should do. In any event, you knew that the goals he pursued were for the greater good and after he worked his magic, you found irresistible the urge to jump on the band wagon. And that band wagon did roll. Sometimes merrily, sometimes arduously, but always forward. It was a wonderful ride. How fortunate some of us were to have shared the journey. It is a great challenge today for others of us to fill the void where the driver used to sit.