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In Memoriam: John W. Hager

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IN MEMORIAM: JOHN W. HAGER

John W. Hager, Professor Emeritus of Law, began his professional teaching career at The University of Tulsa College of Law in September 1950. With time out for the Korean War, he continued in that career until his retirement in May 1989. He was seventy years old at the time of his death.

Born in Mangum, Oklahoma, John was educated in that community, attending Mangum Junior College for one year before entering military service in World War II. As a member of the 45th Division of the Oklahoma National Guard and the 103rd Infantry Division, John Hager distinguished himself in five years of military service, rising to officer rank and ending his service as a liaison officer with the Russian allies. It was during this period, as an officer, that John first taught and learned how much he loved teaching.

Following World War II, John enrolled in the University of Oklahoma College of Business Administration, intent on combining training in business and the law. In 1947, received his B.S. degree in business and enrolled in the University of Oklahoma College of Law. During his law school career, as a reflection of the commitment to teaching initiated in military service, he was engaged to teach business law courses in the business school. John earned his LL.B. degree in the summer of 1950, was admitted to the practice of law in Oklahoma that year, and began teaching at TU's law school. He earned a master of laws degree from New York University in 1964.

In the 1950s, TU's law program was only part-time. During Professor Hager's early teaching career, he also served for three years in the City of Tulsa's City Attorney's office and for a dozen years in private practice, specializing in trial practice. When the University of Tulsa commenced its full-time law program, Professor Hager became its third full-time faculty member.

John Hager not only contributed to the education of generations of students as a gifted classroom teacher, but he also contributed to practitioners, students and his colleagues alike as a legal writer. John took a one-volume form book on Oklahoma legal practice and transformed it

into a definitive eight-volume work on Oklahoma forms and practice. This multi-volume set was John Hager's "magnum opus."

Deciding very early that existing torts casebooks did not meet the exact needs of The University of Tulsa law students, he decided to edit his own casebook. This casebook was published by the University of Tulsa, and John Hager specifically requested that the book be sold to students at cost. He chose to realize no profits from its publication so as to make it possible for his students to purchase it as inexpensively as possible.

In 1971 Professor Hager was listed among the Outstanding Educators in America. He received numerous outstanding teacher awards from the law student body and was named as a University of Tulsa Outstanding Professor in 1980, the first year that award was given. He was a member of the Oklahoma Bar Association, the Oklahoma Trial Lawyers Association, and the Oklahoma Bar Foundation.

During his career, he taught numerous courses, including criminal law, conflict of laws, unfair trade practices, and even a course on Roman law, stemming from his interest in the history and origins of law. But it is for his torts course that generations of students will best remember John Hager. He is the undisputed "King of Torts" at University of Tulsa and beyond.

A MEMORIAL

John Hager will always be my prototype of the perfect senior faculty member. When I came to Tulsa as Dean in 1974, at age thirty-five, I was the youngest Dean in the country at an ABA/AALS law school. While eager and energetic, I was, at the same time, more than a little apprehensive. John Hager came to see me my second day in office. Impeccably dressed as always, he remains one of the most impressive men I have every met. Handsome and assured, he carried a natural dignity and bearing that is hard to describe. Whatever charisma is, John had it. John graciously welcomed me to Tulsa, we chatted about the school, and, as we talked, I became more at ease. When he rose to leave, he said he was glad I was there. Then he walked over and put his hand on my shoulder, looked me in the eye, and said simply "Don't worry, you'll be fine." For me, that was a defining moment.

John Hager was a rock of strength, stability, and excellent academic judgment throughout my five years at Tulsa. He never forced his opinions on me or on his colleagues, but when he spoke we listened. I cannot count the times, when troublesome decisions had to be made or I was in the midst of some perceived crisis, that I quietly sought him out for advice. He was invariably calm, deliberate, and compassionate. His advice was always sound; and, whether I followed it or not, I knew his support, his strength, and his loyalty would be there. In those rare times I rashly pursued another course, I would invariably wish after that I had followed John's counsel. In faculty meetings John tended to quietly observe and, when things were about to fray out, he would quietly speak, usually taking an appropriate center ground on which we could rally, and the decision would be made. He exemplified senior leadership; and, yet, he loved his new, young colleagues. He was always there for them, instructing them in the mysteries of the academy by his example. He would spend countless hours reading their manuscripts and advising them on teaching techniques. Over the course of his career he served in almost every leadership post in which a law faculty member can serve—and he was always prepared and reliable.

Leadership, however, was not John's only strong point. He was a superlative teacher. He earned the lifelong title his students bestowed upon him: He was "the King of Torts." After reading the first set of student evaluation forms on John Hager, I thought "nobody can be this

good.” So I asked to sit in and observe. He was better than the evaluation forms indicated. An absolute master of his field, he was a virtuoso in class. His voice and his bearing and his knowledge and his questioning ability will be remembered by every student who had him for as long as they live. Each of them knew John cared for them, and he cared about whether they learned. He was one of American legal education’s premier teachers. They just do not come any better.

I left Tulsa in 1979 and have since gone to three other Deanships. Over the last eighteen years of deaning at four law schools, I have worked with hundreds of colleagues, covering the full range of faculty abilities: but only one colleague is fixed in my mind forever as the perfect senior faculty member—teacher, mentor, advisor, colleague, conscience, and friend—John Hager. For generations of students, the University of Tulsa College of Law will be personified by the memory of John Hager. We have lost a giant and gained a legend.

FRANK T. READ

Dean

University of California

Hastings College of the Law

A PERSONAL MEMORY

I am luckier than most. My personal memories of John Hager started almost twenty-five years ago. I met him when I was in what we law professors call “the meat market”; the Association of American Law Schools had a recruitment component at its annual conference where law schools and would-be law teachers trying to match up met in a grueling test of endurance.

The 1966 AALS meeting was an important one: for me, because I was looking for a teaching job; for The University of Tulsa, because the College of Law would be admitted to membership. Attendance of Tulsa faculty was high. Among those persons at my interview was John Hager. At first meeting, I was impressed. In fact, I probably was awed. Here was the man I would have chosen (long before *The Paper Chase*) had I been asked to cast a law professor: over six feet tall, erect of carriage; hair flecked with silver; impeccably dressed; a deep and mellifluous voice; reserved in manner, but not aloof; and eyes that seemed able to pierce my very soul. I hoped I could pass his muster. Perhaps sensing my nervousness, Professor Hager was very friendly to me; a true gentleman, I thought.

That next Fall I started my teaching career in Tulsa. I found quickly that John was, indeed, a true gentleman, but he was much more than that. He was a man I wanted to be my friend.

One of the reasons I developed a close friendship with John is because we both were early risers. For nearly twenty-two years, nine months out of twelve, five days out of seven, the first person I usually saw in the morning was John Hager. He usually arrived at the law school and had brewed the first pot of coffee before I arrived. Our professional mornings began with coffee and discussion. There was no shortage of topics. Sometimes we would discuss the law. More often we would discuss anything that came to mind: how we slept the night before; the weather; world, national and local news and events; what was going to happen that day; the university, school, colleagues, students, and deans—especially deans. The law school was always a treasure chest of conversation topics, but, collectively, our several deans have always provided a basis for considerable discussion—not all of that discussion was at a high intellectual plane, I fear. It was a great way to start my day,

and my mornings were never the same after John retired a couple of years ago.

During my early teaching years, I frequently went to John for advice; he was unstinting in trying to help me become a better teacher, and a better person.

I knew John as an outstanding teacher because I was aware of the many awards he was voted over the years—most often by his students, and even by his law school and university colleagues. But I also knew John as an outstanding teacher because I was one of his pupils. For a number of years we shared the teaching of Conflict of Laws which, he and I agreed, is one of the most intellectually demanding subjects in our curriculum. He had been teaching Conflicts for many years when I first started that subject: many a thorny problem, an elusive concept, or a difficult theory was talked out between us. I learned a lot from him. I had the benefit of his considerable knowledge and expertise; in many ways he was my private tutor.

John was my personal counselor, my teacher in other areas, and my role model for all aspects of university life. Patience. Tolerance. Serenity. Common sense. Good judgment. These qualities and many others are on a long list of subject matters which John held out for me to learn. I heard the lessons. In their applications, his pupil was not quite so apt; I did not always take John's advice, often to my later regret.

John has taught so many so much over the years. Imagine the influence he has had on the lives and careers of several thousand students in his nearly forty years of teaching. Imagine how he was rewarded by the successes of his former students—governors, attorneys general, mayors, judges, bar presidents and successful lawyers in all sorts of fields. There are many besides me who can be thankful that he chose teaching as his lifetime career.

In a number of families there are three generations of lawyers who could call John Hager their professor. John's longevity in teaching brings one anecdote to mind. It was well known among his colleagues that John enjoyed being admired, especially by women colleagues and by women law students—by women generally. Towards the end of his teaching career he told me that he had gone through three stages in his career: in his early days, his students had girl friends or sisters they would like for him to meet and to date; later many wanted to introduce

him to their mothers. But when students told him they wanted to introduce him to their grandmothers, that convinced him, he said, it was time for him to retire.

The College of Law was not the same after John retired. We missed his daily presence and his wise counsel. One measure of the high regard in which John was held within the College is that no one wanted him to retire. We were fortunate, and we still are, that John had contributed so much to us and to the College over the years.

John's contributions to the College, the thousands of legal careers he set in motion, the impact he had on his colleagues—so long as any of these endures, there is John's memorial.

ORLEY R. LILLY
Professor of Law
University of Tulsa
College of Law

TOP HAT AND TORTS

During the twenty plus years that I knew him as a colleague and a friend, I rarely saw John without thinking of Fred Astaire. In my mind's eye I always saw John as Mr. Top Hat and Torts, as the Fred Astaire of John Rogers Hall. Karl Reisz, the British film critic, described Astaire as "the motherless man-about-town, all sophisticated quite debonair, yet with a lope rather than a swagger, for . . . he is essentially boyish, youthful, innocent." And that is how I remember John Hager—quiet, sophisticated and yet devilishly charming, slyly ironic, deceptively clever, widely read, brutally sardonic, impeccably correct, deeply concerned and quietly caring.

Fred Astaire was, as Cyd Charisse, his finest dancing partner noted, "a perfectionist [who] would work on a few bars for hours until it was just the way he wanted it." In a sense, what Charisse says of Astaire's dancing could be said of John Hager's teaching. As long as I was at Tulsa, John was known as "The King of Torts" and, according to his students, he taught a class which was as intricately balanced, as well performed, and as skillfully choreographed as any Fred Astaire dancing production. I do not mean this to suggest that Hager's classes were all style and no substance for John knew, and had thought deeply, about the central issues of law. The thing I learned from John was the lesson of constant attention to the detail of everyday classroom preparation. You owed it to yourself and your students to be as well prepared as if you were approaching the material for the very first time, even if you were using a text you authored as he did. For Hager, every class was opening night, and the critic from the *Times* was always fifth row, aisle seat, center section. John was one of the few law professors I have known who never seemed to forget that the student in the classroom was our reason for being, and that everything else we did, no matter how important it might be, was not center stage in the enterprise.

I hope I have not made John seem too cold or distant because he had a rich and warm sense of humor and a truly marvelous sense of irony. He was not only widely but deeply read. The last note I received from John pointed out that in his retirement he was very busy writing, a task he observed, he had avoided for much of his teaching career. Shortly after John's death, I received a note from his daughter telling me that he had been able to walk her down the aisle to give her away in

marriage. She noted with appropriate daughterly pride how handsome he looked and how pleased he was.

John Hager was a man of many dimensions, most of which even his closest friends only glimpsed. I believe that John, like many men of his generation who had come of age with the Second World War, knew himself, his strengths and weaknesses, far better than the rest of us know our own. Thomas Carlyle wrote of the complete man who knew himself and of his “duty and his destiny.” To me, John Hager was such a man. He knew who he was and what he did. And, like Fred Astaire, what he did, he did very well.

RENNARD STRICKLAND

Professor of Law

Director, American Indian Law and Policy Center

University of Oklahoma

College of Law

MEMORIES

I did not want to meet John Hager. It was mid-August, 1978, and the temperature in Tulsa, Oklahoma was approximately 95, with corresponding humidity. I was a visiting professor, and I had just realized that the terms of my appointment did not include help in moving boxes of books from the U-Haul to my office. I was hot and sweaty, and (because I came from northern Ohio) not accustomed to being either. In contrast, John Hager was immaculately attired in a pin-striped suit with a white shirt and tie, looking cool, organized, and completely in control.

I did not want to take the time to talk with John, and I very nearly told him so when he waved me into his office. With a moment's reflection, however, I decided that it might be an inauspicious start of my new job to ignore the invitation of such a distinguished looking fellow. Accordingly, I set my boxes in the hall and slumped into a chair across the desk from John. I have always been glad I did.

John immediately introduced himself as TU's senior professor, a rank with which I was unfamiliar. He explained, with a grin, that historically the dean of faculty had been the senior person, but that increased administrative duties had caused the traditional practice to be replaced with the scheme of appointing what John referred to as "failed academics" as deans. Nonetheless, he maintained, the tradition of faculty governance and faculty leadership was important, particularly in schools like TU in which most faculty members were young. John told me that he was pleased to have a mature, experienced professor like me join the faculty, and that he hoped that I would both enjoy my stay and serve as a role model for younger faculty members.

For me, this anecdote is revealing, for it illustrates why I have always thought of John Hager as a "class act," a standard to which I aspire but only rarely attain. John always focused on the big picture—the world as it was—but he never lost sight of what he thought things should be like and what he might do to shape them. I entered John Hager's office a young and disheveled academic seeking a new start. I left it thinking of myself as a role model for others.

I have many other memories of John Hager. John Hager was just a

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man, after all, and he had his share of idiosyncrasies. Unlike most of us, however, John always kept a perspective of who he was and what his goals were. That made him our faculty's natural leader.

JOHN S. LOWE

George W. Hutchison Professor of Energy Law

Southern Methodist University

School of Law

JOHN W. HAGER

It is your first day of law school. Into the room walks a man of almost regal bearing, the quintessential law professor. After a few preliminary comments, this dapper man with the mellifluous voice announces, "We teach the Socratic method. There are no stupid questions!" Thus, was the introduction of three generations of law students to John W. Hager. It was only after we began to gain a modicum of confidence, and had figured out what the Socratic method was, that one student would invariably be singled out. Professor Hager's bearing would become even more erect than usual as he fixed his eye upon the chosen student and said, "Now THAT was a stupid question!"

John Hager entered law school in 1947 at a time when there were few women and minority students. When he retired, nearly half the students were women. Although he had seen radical changes in the makeup of the student body during his thirty-nine years as a teacher, he strived to treat all his students alike. When one student complained on an evaluation that he always used men in his examples and excluded women, he retorted that it was because the person in the example had usually done something stupid! He did not want to offend the women in his class, but we received no other favoritism. When called upon, any student was subject to being placed upon the proverbial hot seat with most willing to swear that he or she had been subjected to the most intense grilling of the semester.

During the early years, when John Hager was building his career as a teacher, his first concern was always his students. Where he may have been merely caring before, the later years were totally devoted to his students. It was not unusual to go by his office and find a student there asking a question about courses other than torts. He worried that the younger students might feel uncomfortable coming to him because of the age gap. Yet, it was often the younger students who became his most ardent fans. When we began to prepare for finals, Professor Hager was aware of the increased anxiety threshold and attempted to make himself more available than his typical four to five days per week. He provided his home telephone number with the proviso that we not call before 8 a.m., after 10 p.m., or during *Sixty Minutes*.

Although Professor Hager was dedicated to his students, there was one thing of which he was intolerant. As a member of Phi Delta Phi, he

was invited to a dinner honoring the initiates. When he sent regrets, the invitation was also returned, with the grammar corrected! Being the unfortunate student who had sent the invitation, I went to his office and, with my most sorrowful expression in place, told him it was not nice to correct someone who invited you to a party. With his sternest expression and a twinkle in his eye, he replied that we should strive to always be correct in our usage of the English language. I am sure that he is waiting for the opportunity to correct this piece.

Many remember Professor Hager saying, "Justice has nothing to do with the Law." However, one soon became aware that he taught his classes, as he lived his life, as though justice had everything to do with the law.

JANET K. SHEPHERD

Attorney at Law

Legal Services of Eastern Oklahoma

FOND REFLECTIONS

One's initial impression of John W. Hager, the Professor, is probably somewhat mixed—mentally pleased that this stately gentleman looked like the quintessential law professor, coupled with apprehension from the anticipation of the rigorous teachings and work ahead. A lasting impression indeed. Professor Hager never let me down or disappointed me. It may be wrong to hold a person in such high regard, yet he was consistent. I cared for Professor Hager dearly as a friend and a professor. (No, those nouns are not always mutually exclusive.)

Throughout my experiences with Professor Hager, I was taught a great deal about the substantive law, especially after the artful teacher explained his points on three different levels of understanding. He liked to simplify the issues, yet resented the over simplification to the popular "bottom line." He had fun teaching, and we greatly enjoyed his insights. In the beginning, he had his own private little games with questions from stupid students or students' stupid questions. When asked in class, he would often respond to those questions with a hypothetical: "Suppose you and I" are in this situation and "you die?" Typically the student did not realize that either he or she had just been killed. I even recall one specific incidence when a student asked a question, and then said to Hager, "Do you understand what I am saying?" While patiently pacing, staring off into the upper corners of the room, holding his Mont Blanc pen, he responded "I HEAR what you are saying." Slam, appropriately. Professor Hager was actually quite benign and forgiving, especially since most of us graduated.

These comments are isolated instances and not really general remembrances from the mainstream of my relationship or memories of John W. Hager. To adequately memorialize all my thoughts of this great influential man in a few paragraphs is not possible. Those of us who were privileged enough to have known John W. Hager, sit back and reflect on the man with private fondness. John W. Hager was fair, hilarious, generous, reasonable, observant, honest and out spoken, yet with patient restraint.

If Professor Hager were reading this, he would probably wonder if this had a point or, more importantly, an end. The lasting impression of this man on my life is not mixed. He was a dear friend. My memories of

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John W. Hager are very rich and deeply felt, often enlisting a respectful cynical smile to my face. Why not?

LINDA LEE WEAVER

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