

In Memoriam, Professor Robert Krivoshey

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We all sorely miss Bob Krivoshey. He was a great friend, a world-class teacher, a terrific trial lawyer, and a perceptive intellectual. Bob's and my offices were next door to each other for the twenty-eight years that Bob was at the College of Law. Throughout those years, his love of his family, his love of teaching, and his deep affection for his students and colleagues were plain to see.

Bob and I met in the mid-1960s at the University of Chicago when he was working on his Ph.D. in history and I was in law school. His warmth, his easy manner, and his mischievous sense of humor made us fast friends. Becoming Bob's friend was an adventure. He was yeshiva-educated through college, and was a deeply committed Jew. He was a voracious reader who was fascinated by history, law, current events, and just about everything else. He was always open to new ideas and, above all, he loved to schmooze.

During his Ph.D. work, Bob got his start in teaching at Kennedy King College on the South Side of Chicago, where he was in the history department. And to no one's surprise, he found out how much he loved being a teacher. In the meantime, he met and married his wife Goldie Shabad, who was also at the University of Chicago getting her Ph.D. in political science. Faced with the universal difficulty that married university academics have of finding two teaching jobs in the same town, Bob decided to enroll at Chicago-Kent College of Law, where he completed his first year. When Goldie joined the Ohio State political science faculty, the Krivoshey family moved to Bexley, Ohio, and Bob completed his law school education at Ohio State's College of Law.

In 1978, after Bob got his law degree, he went into practice in Columbus as a criminal defense lawyer. He later told me that during his first years in practice he began to fully appreciate the gaps in traditional legal education as it was then structured—strong on substantive law courses and quite weak on clinic and trial skills courses. He often reminisced that when he graduated from law school he really did not know much about trying a case and he was compelled to learn-by-doing. He said the turning point in his career as a trial lawyer came when, following one of his first trials, presiding Judge George Tyack invited Bob back to his chambers where he gave Bob a detailed lecture and critique about how best to try a case. Bob credited the time he spent in Judge Tyack's chambers that day with launching him as the truly skilled trial lawyer he became. It had the simultaneous effect of reinforcing his belief that lawyers needed first-class trial skills training before graduation from law school, not after.

In spite of his growing success as a trial lawyer, Bob really missed teaching. Then, in 1980, as luck would have it, I came to Ohio and joined the Ohio State College of Law faculty where, among other things, I began teaching in the

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College's clinical programs. Because of his pro bono work while in private practice, Bob also knew Professor Louis Jacobs, one of my colleagues that was teaching in the clinical programs. In 1988, a position for a criminal defense lawyer opened up in the clinical programs, and Lou and I knew, at once, that Bob would be a perfect fit. We both called him and urged him to apply for the position. As the search for a new clinic attorney unfolded, it became clear that none of the other candidates were as qualified as Bob. Finally, Lou, Professor LeRoy Parnell, another clinical faculty member, and I interviewed Bob over coffee and pastries at Katzinger's Delicatessen on a Saturday morning. (Recruiting for clinic positions was far more informal than it is today.) And the rest is history. We recommended Bob to Dean Frank Beytagh and he joined the faculty a short time later.

Bob's impact on the College and on the clinical programs was immediate. He was a gifted teacher, he was a skilled lawyer, he knew the criminal court system, and the students loved him. Year after year, his students took positions as trial lawyers and he began to receive a steady stream of letters and phone calls from former students telling him how important his teaching and support was to their careers.

But there was more. Having Bob as friend and colleague was enriching and fun. As the years passed, the two of us became known to some of our clinic students as "Statler and Hilton," the two old cranks from *The Muppets*. He had a remarkable ability to tease folks he liked and make them laugh without hurting anyone's feelings. For example, for many years the clinical programs had a terrific office manager who was so straight-laced that she would never swear. Bob proposed that we tell her we would take her to lunch if she would utter a truly obnoxious swear word. She promptly refused the offer. However, undeterred, the two of us began to tease her about her straight-laced language over the next several months until she finally became so irritated that, in the process of telling us to shut up, she finally swore at us. We congratulated her and promptly took her to lunch.

There were other ways that Bob enriched our lives at the College of Law. First and foremost, his door was always open to his students and colleagues. He was always ready to discuss the strategy or trial technique in clinic cases. And, perhaps more importantly, he listened to students pour out their dreams, their frustrations, and their worries. And, without asking anything in return, there were occasions in which he quietly and successfully represented students from all over the university who had gotten into trouble and needed his help.

As is also true of the best trial lawyers, Bob was also a fantastic storyteller. He had represented clients in all kinds of cases and had a treasure trove of war stories. When told to his friends, the war stories were often hilarious. In the classroom, however, he wove them into his teaching of trial skills and evidence in ways that made important pedagogical points.

One of the things that stood out about Bob's clinical teaching was that when students were assigned to clinic cases, they ran the cases. His supervision consisted of carefully preparing them to present their cases. In court, however,

he put them in charge. He trusted them to use mature judgment, to make smart strategic and tactical decisions, and to represent their clients skillfully. As a consequence, during the trials, he rarely had to intervene to extricate a student from a mistake, and after student trials, judges frequently complimented his students on their performances. In many cases, students took the video records of their trials and submitted them to prospective employers.

Finally, Bob was a widely respected coach of Ohio State's trial team in the American Bar Association's national trial competition. Year after year his teams put on outstanding performances. In 2015, one of his teams went to the national finals held at the University of Texas and was national runner-up. Other teams of his regularly made it deep into the competition. He was truly admired by the other coaches whose teams participated in the annual ABA trial team competitions.

Because of his skills as a teacher and a counsellor, Bob Krivoshey made an enviable contribution to the lives of his students, his friends, and to the College of Law. His students are now accomplished trial lawyers all over the country. His colleagues have all benefitted from his contributions to life at the College of Law. And I have never known a better teacher or friend.

