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In Memoriam: Professor Robert O. Dawson, 1939–2005

Written by Osler McCarthy

Three weeks before he died, discussing his life as he confronted his demise, Bob Dawson chuckled at the line one man gave his writer son when asked what he should be remembered for. “Turned in three fire alarms, none of them false,” the father told his son.

“I wish I had thought of that,” Dawson said. He might not have been kidding.

Robert O. Dawson was nothing if not modest. Yet as a law professor at the University of Texas, he was singularly credited with designing a comprehensive, progressive juvenile justice system in Texas that became a model in the United States. The legislative author of the juvenile justice reform says its success is proved by figures that show juvenile crime dramatically declining even though the juvenile population in Texas has risen.

Dawson died Saturday at his home in Fentress. He was 65.

He left a commanding legacy of thousands of law students who completed his classes and his Criminal Defense Clinic at UT well versed in criminal law or well prepared to work in a gritty world where justice was his goal and constitutional rights the means to achieve it.

As a legal scholar he co-authored four separate casebooks and later editions used in law schools across the nation and published treatises on Texas criminal procedure and juvenile law.

And in an academic world where practical education is often a red-headed stepchild, he founded the Criminal Defense Clinic at UT and directed it for 25 years and, after resigning from it, founded the Actual Innocence Clinic at UT when he became enthralled with a new idea – that students could help prove people wrongly convicted were not guilty.

He was the driving force behind creation of the State Bar of Texas’ Juvenile Law Section in 1987, editing its quarterly newsletter until his death, and helped establish a legal specialty in the state for juvenile law practitioners. Last year the Juvenile Law Section named its annual conference, the Robert O. Dawson Juvenile Law Institute, in his honor.

He wrote extensively on the law for law reviews and led in-service training for judges, lawyers and juvenile probation officers throughout the state.

With his wife, Jan, a lawyer and noted equine safety expert, he helped run a horse-training facility on the farm he loved near Fentress – metropolitan Fentress, he called it – and together they ran the American Association for Horsemanship Safety. He created and managed the association’s web site. They taught the first course on equine law at the UT Law School.

Dawson was part of the husband-wife team that influenced the horse industry in an examination of safety procedures in both commercial and recreational settings. The AAHS web site is the largest source in the world for equine safety and liability issues and is the only comprehensive legal source for cases related to horses. Not only is it the most heavily trafficked site at the UT Tarlton Law Library, it is a University of Texas “Utopia site”.

But it was Texas juvenile law where Dawson made his most profound influence.

“He is probably the single most important factor in the lives of children in Texas,” said state Rep. Toby Goodman of Arlington, who authored the state’s juvenile justice code revision in 1995. “The Juvenile Code in Texas is patterned across the nation: This created a comprehensive juvenile system, addressing causes and prevention, not just punishment.

“He’s the mastermind. Any legislation I carried, he wrote.”

Dawson had drafted the juvenile section of the Texas Family Code in 1973, then took on the wholesale revision in 1995 that created a system when none had existed before. Goodman said Dawson volunteered assistance after a commission was appointed in 1993 to study answers to exploding juvenile crime. “Bob came in and essentially walked me through the whole juvenile process,” he said.

The result – House Bill 327 – was what Goodman calls the first comprehensive approach to handling juvenile offenders in the United States, incorporating set sentencing and progressive sentencing options, prevention and intervention programs to keep kids out of the adult criminal system or get them help for mental problems and rehabilitation programs to educate and train young offenders before they were released.

Before 1995 Texas had no unified approach to treating juvenile offenders or treating those with mental health disorders. Counties often housed juvenile offenders in county jails with adults. Schools would expel troubled students and those committed to Texas Youth Commission facilities would be paroled without dealing with their fundamental problems.

“That was Texas, but it’s not Texas anymore,” Goodman said.

Since the 1995 comprehensive revision in juvenile law, juvenile crime has gone down every year, by almost 20 percent through 2003, despite close to a 20 percent rise in the state’s juvenile population for the same time. The number of repeat offenders is down and dramatically fewer juvenile offenders are prosecuted as adults.

“The good Lord only knows how many kids he saved,” Goodman said.

“The code,” Dawson said before his death, “recognized that kids could not be held fully responsible for their actions because they’re not adults.” But it held them accountable with set sentences and at the same time assured that once a juvenile left the system he or she would be educated and trained for the best promise of straightening out their lives.

Together with Goodman, who got special permission for Dawson to be on the House floor during debate on the bill in 1995, they worked to approve amendments that helped Dawson's vision and defeat all but one that didn't. Dawson credited Goodman with diverting "disaster," such as occurred in other states that addressed soaring juvenile crime rates by lowering the age that kids could be tried as adult offenders.

"We did it," Dawson said, "without sacrificing any rights of kids, which I'm most proud of.

"It's so easy for juveniles to provoke adults to irrationality."

Dawson continued to help draft changes in Texas juvenile law and, days before his death, Goodman pointed to papers on a couch in his Capitol office – a bill he would file that Dawson had drafted.

Bexar County Associate District Judge Pat Garza said Dawson's death would leave a void because he was always ready to answer questions from judges, prosecutors and defense lawyers.

"You think of professors in ivory towers and not accessible, but he was always accessible," Garza said.

"He never hesitated to help," said Presiding Judge Sharon Keller of the Texas Court of Criminal Appeals, the chair of the Texas Task Force on Indigent Defense. "He was very generous with his time and his ideas."

He joined the UT law faculty in 1967 after teaching three years as an assistant professor at Washington University, where he earned his Doctor of Jurisprudence in 1963 and was a member of the Order of the Coif, one of the highest recognitions in legal education. In 1969 he graduated with a doctorate in juridical science from the University of Wisconsin.

In his early years at UT he became known to his students as "Mad Dog Dawson," for leaning over his lectern to press for better answers to his questions, playfully scowling, "Mad Dog wants more." He led the "Criminal Justice Project," a special 11-year effort financed by the Ford Foundation that combined brought real-life study of justice procedures with empirical analysis.

In 1973 he took leave from UT to work for the District of Columbia public defender and returned to found the UT's Criminal Defense Clinic.

"He brought to what in some places became a very second-tier project," said UT Law Professor George Dix, co-author with Dawson in his casebook series, "and gave it skills and prestige."

His dedication to clinical legal education began when he founded the UT Law School's Criminal Defense Clinic in 1974. In his 42 years of teaching the law he enjoyed clinical education the most. "One of the really fun things as a law professor," he said, "is to see the changes students go through in the clinical experience. And that's a lot of fun to see the growth."

He resigned in 1998, he said, when he grew tired of answering the same questions for another new group of students as he had answered for two generations of students before them. Then, three years later, he helped start the Actual Innocence Clinic so students, under his guidance, could work through stories to find promising cases for prison inmates who declared they were not guilty of their crimes.

"This was a whole new idea," he said, "and it was exciting."

"He never stopped growing," said Jack Sampson, a colleague on the UT law faculty. "He went from giving up the criminal defense clinic to starting a new clinic.

"His contributions to the state of Texas are unmatched. And why? It was his restless intellect. Not many academics do what he did and not many academics could do it."

"His passion was that he wanted to make good criminal lawyers," said Travis County Assistant District Attorney Claire Dawson-Brown. "He knew what the real world was like out there.

"He didn't talk above you. He embraced you as an equal. He wanted to learn from you and with you. You got to know him. You called him Bob."

UT Law School Dean William Powers said Dawson also was a mentor for a younger generation of faculty. "He was kind, sober, hard-working," Powers said. "He was a great teacher – uniformly highly regarded. His student evaluations back that up."

His intellectual breadth even included teaching a course on equine law with his wife.

The UT Law School named its annual Law Week celebration this year for him. Texas' recently established Task Force for Indigent Defense, which he helped guide, plans an award named for him.

Robert O. Dawson was born in St. Louis, Mo., to the late L.M. and Thelma Dawson. He grew up in Vandalia, Mo., a small farming town west of Hannibal, then graduated Phi Beta Kappa in 1960 from the University of Missouri-Columbia. He attended Washington University School of Law in St. Louis determined to be a criminal lawyer but not really knowing what a criminal lawyer was. After scoring the highest grade in his criminal law class, his professor asked him to assist in research. That research led to a determination to teach law and, later, to the law casebook series that continues to bear his name as co-author.

Dawson is survived by his wife; two daughters, Katherine Irene and Julie Ann of Austin; a brother, William of Mesa, Ariz.; a niece, Diana Dawson, and her husband, Osler McCarthy, of Austin; a nephew, Greg Dawson, and his wife, Cindy, of Orofino, Idaho; and great-nephew Gabe McCarthy and great-niece Grace McCarthy, both of Austin.

Visitation will be from 3 p.m. to 6 p.m. Thursday, March 3, at Weed-Corley-Fish Funeral Home at 3125 N. Lamar Blvd. A memorial service is planned for 2 p.m. Saturday, April 2, at the LBJ Auditorium at the University of Texas at Austin.

By his direction, in lieu of flowers memorials may be made to the University of Texas M.D. Anderson Cancer Center, 1515 Holcombe Blvd., Houston, Texas 77030; the Texas Center for Actual Innocence, 700 Lavaca, Suite 1550, Austin, Texas 78701; or the American Association for Horsemanship Safety, P.O. Box 39, Fentress, Texas 78622.

He died of cancer, but his struggle in his last days was relieved when he taught.

“The only time I don’t have cancer,” he said recently, “is when I’m in the classroom. I know the adrenalin kicks in and I feel so happy. I don’t feel the cancer.”

He asked to be cremated and his ashes mixed with old horse stall bedding, then scattered by manure spreader over pasture at his Fentress farm. “I love the farm more than any other place on earth and that is where I want my ashes to be,” he wrote. “Besides, they will make good fertilizer for the hay crop.”

Related Link:

Law School Statement and Photo Gallery for Robert Dawson: http://www.utexas.edu/law/news/2005/022605_dawson.html