



*The editors of the U.C. Davis Law Review respectfully dedicate this issue to Professor Ellen R. Jordan, former Dean of the University of California, Davis School of Law and Professor of Law.*

## In Memoriam: Ellen Rausen Jordan

1943-1996

*George Grossman\**

*Evelyn Lewis\*\**

*Edward Rabin\*\*\**

Ellen R. Jordan, a wise and valued dean and colleague, died on August 9, 1996, after a courageous five-year struggle with ovarian cancer.

Professor Jordan's appointment as Dean of the U.C. Davis School of Law began in July 1991, but the discovery of ovarian cancer and subsequent surgery forced her to delay her arrival on campus until January 1992. Upon her arrival, Dean Jordan assumed her duties with enthusiasm and skill. Her deep commitment to legal education informed and inspired her leadership and service as dean. She resigned as dean in November 1992,

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explaining that continuing treatment for cancer had deprived her of "the energy and stamina this position demands." She remained, however, an active member of the law school faculty, teaching insurance law and negotiation.

Professor Jordan came to U.C. Davis from the University of Georgia School of Law, which she joined in 1976, and where she served as Associate Dean from 1983 to 1986. She then assumed the role of acting Associate Vice President at the University of Georgia from 1986 to 1988.

Her professional experience included serving as a consultant to the Administrative Conference of the United States, and the U.S. Department of Justice's Office for Improvements in Administration of Justice. She was a member of the American Law Institute and the Maryland Bar, as well as the honor societies Phi Kappa Phi and Phi Beta Kappa. Professor Jordan served on the Executive Committee of the Association of American Law Schools from 1986 to 1989. Additionally, she was a board member of the Georgia Conservancy. She was also a visiting professor at the University of Southampton, England, the University of Virginia, and the University of Michigan.

During her career in legal education, Professor Jordan taught courses in civil procedure, contracts, sales, commercial paper, unfair trade, administrative law, insurance, negotiation, and alternative dispute resolution.

A 1972 graduate of Columbia Law School, Professor Jordan was Notes and Comments Editor for the *Columbia Law Review* and received the Jane Marks Murphy Prize, awarded to the outstanding woman in each graduating class. She was also a James Kent Scholar in 1970-1971, an honor bestowed on the top students in the class. She received a bachelor's degree in history from Cornell University in 1964. Professor Jordan also studied at the Sorbonne under the Sweet Briar College Junior Year in France Program.

Ellen Jordan faced her tragic and untimely illness with dignity and courage. She was realistic about her condition, avoiding both self-pity and denial, and working at her maximum throughout her illness. She was an inspiration to all who knew her.

Professor Jordan is survived by her husband, Carl; sons Timothy, 21, a graduate student at St. Andrews University in Scotland, and Daniel, 23, a graduate student at the Cleveland Institute of

Music; sister Phyllis Onstad of Santa Rosa, California; and father Joseph Rausen of Rohnert Park, California. She was a devoted and loving wife, mother, daughter, and sister, in addition to being an outstanding legal educator.

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## **Ellen Rausen Jordan: Friend, Teacher, Co-Author**

*Paul H. Rubin\**

I knew Ellen Jordan best in the period from 1976 to 1982, when she was a law professor but not yet an administrator. I first met her when she moved from Athens to become an Assistant Professor of Law at the University of Georgia. Ellen had an interest in law and economics, perhaps because her husband Carl was an economist. At that time, I was just beginning my own interest in the field. Ellen moved into my neighborhood, and for several years we carpooled together to the University. These daily conversations with an enthusiastic, intelligent, lively, and professionally active academic attorney provided me with much of my knowledge of law.

One of my most valuable learning experiences about law was Ellen's course in unfair trade. This is not a course that would naturally appeal to an economist beginning the study of law, because economists might view the course's subject matter as being an oxymoron. But, because I knew of Ellen's interest in law and economics, and because I knew her to be a dedicated teacher, I thought (correctly, as it turned out) that the course would be excellent and useful. As a direct result of this course, Ellen and I published an article on false advertising in the *Journal of Legal Studies*.<sup>1</sup> Although economists routinely co-author

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<sup>1</sup> See Ellen R. Jordan & Paul H. Rubin, *An Economic Analysis of the Law of False Advertis-*

journal articles, this practice is much less common among lawyers. In fact, this is the only co-authored journal article Ellen ever published.<sup>2</sup>

The Article has been well cited, and was discussed in a *Journal of Legal Studies* literature review as one of the major articles using empirical methods and data.<sup>3</sup> I mention this because the empirical part of the paper was an exhaustive examination, conducted by Ellen, of all relevant Latham Act cases (which was by no means her only contribution to the research). The Article was also important in my own career: I became Director of the Division of Consumer Protection in the Bureau of Economics at the Federal Trade Commission partly on the basis of this research, and on what I had learned in her course.

I left the University of Georgia in 1981, just as Ellen was beginning her highly successful administrative career — first as Associate Dean of the University of Georgia School of Law, and ultimately as Dean of the School of Law at the University of California, Davis. After I left, my contacts with Ellen were sporadic. I saw her from time to time when I would visit Athens or when she would come to Washington. In 1985 Ellen organized a well-attended panel at the AALS meetings in Washington on consumer protection, at which Laura Nader and I appeared. The ensuing debate was lively, to say the least, and showed Ellen's perceptiveness in organizing a panel with such disparate thinkers.

I was aware of Ellen's illness and followed her condition, but I was not in direct contact with her during this period.

Although Ellen had a successful career as an academic administrator at Georgia and at Davis, my memories are of a friend, scholar, teacher, and of a prized co-author.

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ing, 8 J. LEGAL STUD. 527 (1979).

<sup>2</sup> We also published a chapter in an edited volume. See Ellen R. Jordan & Paul H. Rubin, *Government Regulation and Economic Efficiency: The Role of Conservative Legal Foundations*, in A BLUEPRINT FOR JUDICIAL REFORM 241 (Patrick McGuigan & Randall Rader eds., 1981).

<sup>3</sup> See Christopher J. Bruce, *A Positive Analysis of Methodology in the Law and Economics Literature*, 12 HAMLINE L. REV. 197 (1989).

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*Edward J. Imwinkelried\**

During both semesters of the 1989-1990 academic year, I served on our Dean Search Committee. In the first semester, we identified and contacted a number of promising candidates. Yet several committee members feared that for one reason or another, the initial year of the search would not yield a dean. Consequently, in the second semester we began thinking about candidates whom we could approach the following year.

Someone mentioned Ellen as a candidate whom we might pursue. I had heard glowing reports about Ellen, but I had never met her personally. At the time, Ellen was teaching at the University of Georgia in Athens; and it just so happened that I was headed to Georgia to deliver a CLE lecture at the University of Georgia. I phoned ahead, spoke with Ellen, and scheduled a meeting with her. After the program in Atlanta, I drove to Athens with my former Washington University colleague, Ron Carlson, who is now a member of the University of Georgia faculty. I stayed with Ron and his wife, Mary, while I was in Athens.

When we arrived in Athens, I asked Ron whether he could take me to the law school the next day. I confided in Ron that I planned to meet with Ellen to see if she might be interested in our deanship. Ron's wife, Mary, overheard our conversation. Mary Carlson is one of the most decent people I know. Further, without any doubt, Mary is the best judge of character I know. For both reasons, when Mary speaks, I listen. On this occasion, Mary spoke. At the outset, she said that she knew absolutely nothing about Ellen's teaching or scholarship. Mary added, though, that if we wanted a strong, honest, decent human being as dean, we could not do better than Ellen.

The next day I met Ellen for the first time. At the beginning of our conversation, she said that she was confident that our search would end in the first year; she stated that she knew several of the candidates quite well and thought that they were

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eminently qualified. In a self-effacing manner, she insisted that the credentials of those candidates were superior to hers. At the end of the conversation, however, she said that if we wanted to talk to her next year, she would be interested in interviewing for our deanship.

During the second year of the search, the faculty had the good sense to offer the deanship to Ellen — and the even better fortune that she accepted. Ellen's cancer was discovered shortly after her acceptance. We all were devastated and assumed that Ellen would neither come to Davis nor assume the deanship. Ellen proved both assumptions wrong. In a remarkable demonstration of strength and courage, Ellen both came and undertook the deanship.

In the ensuing years, I came to know Ellen as a colleague and a friend. I know now why Mary spoke so highly of Ellen: In many respects, Ellen and Mary are identical. One of the things I have always admired about Mary is her utter devotion to family, especially her two sons. I learned that Ellen had the same complete devotion. Despite all her personal accomplishments, Ellen was proudest of her family, especially her two sons. Ellen's professional attainments as a student, teacher, and administrator were considerable; but in Ellen's own mind, they were far less important than her family's achievements.

We are all better because Ellen passed through our lives. We are privileged to have known someone with such an exemplary perspective on life.