

May 2024

The Scholarship, Teaching, and Commitment of Marjorie Corman Aaron

Jacob Katz Cogan

University of Cincinnati College of Law

Follow this and additional works at: <https://scholarship.law.uc.edu/uclr>

Recommended Citation

Jacob Katz Cogan, *The Scholarship, Teaching, and Commitment of Marjorie Corman Aaron*, 92 U. Cin. L. Rev. 956 (2024)

Available at: <https://scholarship.law.uc.edu/uclr/vol92/iss4/2>

This Lead Article is brought to you for free and open access by University of Cincinnati College of Law Scholarship and Publications. It has been accepted for inclusion in University of Cincinnati Law Review by an authorized editor of University of Cincinnati College of Law Scholarship and Publications. For more information, please contact ronald.jones@uc.edu.

THE SCHOLARSHIP, TEACHING, AND COMMITMENT OF MARJORIE CORMAN AARON

*Jacob Katz Cogan**

It is impossible to describe in words the full scope of Marjorie Corman Aaron's career, and it is impossible in particular to do justice to her contributions over the twenty-four years she has taught at Cincinnati Law. Marjorie has been exemplary in all her roles as a professor: as a teacher, as a scholar, as a colleague, as director of the Center for Practice, as a mentor, as a citizen of the College, as a contributor to the Cincinnati legal community, as a member of national dispute resolution organizations and groups, as an ADR trainer and workshop leader, and as a mediation and arbitration practitioner.

Already when she arrived at the College, Marjorie had had an accomplished legal career. A graduate of Princeton and Harvard Law School, she first worked for four years as an associate at Goodwin Procter in Boston, Massachusetts, and then went on to serve two years as an assistant district attorney in Plymouth County, Massachusetts, six years as vice president and director of professional development at Endispute (now JAMS, an important ADR services organization), and four years as executive director of Harvard Law School's Program on Negotiation. The College was extraordinarily fortunate when Marjorie's husband, David, took a position as a professor at Hebrew Union College, and they moved with their two boys, Joshua and Elisha, to Cincinnati in 1998.

I want to highlight three categories of contributions Marjorie has made in her time here at Cincinnati Law: her scholarship, her teaching, and her commitment to the College.

I. MARJORIE'S SCHOLARSHIP

Marjorie's research has centered on the relationship between lawyers and clients, and she has been particularly concerned with techniques and strategies to improve how lawyers communicate honest, difficult, and complex information to their clients in ways that clients understand and appreciate. These themes have appeared in Marjorie's many articles, chapters, simulations, and videos, but especially in her two acclaimed books.

Her first book, *Client Science: Advice for Lawyers on Counseling Clients Through Bad News and Other Legal Realities* (published by

* Associate Dean of Academic Affairs and Judge Joseph P. Kinneary Professor of Law, University of Cincinnati College of Law. This tribute is based on remarks given at a retirement celebration for Professor Aaron on April 28, 2023.

Oxford University Press in 2012),¹ focused on the social science research that clarifies the client counseling dynamic and suggested specific methods for more effective communication, such as the timing, phrasing, and type of explanations given by lawyers to their clients – as well as the adjustments that can be made to a lawyer’s voice, gesture, and body position when speaking with clients.

In her second book, *Risk & Rigor: A Lawyer’s Guide to Decision Trees for Assessing Cases and Advising Clients* (published by DRI Press in 2019),² Marjorie again turned to the question of how lawyers should communicate the intricate world of the law to their clients, this time thinking about the most effective way for lawyers to explain the many risks, uncertainties, complexities, and alternatives that are inherent in civil litigation. Her answer was decision tree analysis, and the book provided both the why and the how of decision trees. Both books were major contributions.

Importantly, and Marjorie was quite purposeful about this, the books were intended for both scholarly and practitioner audiences. That intention manifested not only in the books’ subjects, but also in how they were written. Even more than that, Marjorie sought to ensure that the ideas in the books would be easily and widely accessible by, among other things, keeping the price of the books to a reasonable cost and establishing free websites for both – a course website for *Client Science* with extensive materials and a *Risk & Rigor* website with wide-ranging resources for practitioners and teachers, including videos. Marjorie’s scholarly contributions were recognized by the College with the Harold Schott Scholarship Award.

II. MARJORIE’S TEACHING

Many of the themes of Marjorie’s scholarship appear in her teaching, and indeed the two cannot be separated. For Marjorie, it has absolutely been the case that her teaching has informed her scholarship, and her scholarship has informed her teaching. She has taught Advanced Decision Analysis, Client Counseling, Mediation, Mediation Advocacy, Negotiations, Trial Practice, and Trial Practice Team. Marjorie is incredibly thoughtful about her teaching methodology, innovative and creative in the techniques she employs in the classroom, and demanding through setting and maintaining high expectations for her students. Her teaching has made countless students become better lawyers by giving

1. MARJORIE CORMAN AARON, *CLIENT SCIENCE: ADVICE FOR LAWYERS ON COUNSELING CLIENTS THROUGH BAD NEWS AND OTHER LEGAL REALITIES* (2012).

2. MARJORIE CORMAN AARON, *RISK AND RIGOR: A LAWYER’S GUIDE TO DECISION TREES FOR ASSESSING CASES AND ADVISING CLIENTS* (2019).

them the tools, the techniques, and the ways of thinking that allow them to better advise their clients, to litigate and argue cases, to negotiate settlements, to mediate disputes, and to reach good decisions.

Marjorie has often gone the extra mile for her students. She literally did so by driving them to competitions in Cleveland and elsewhere. She did so as well through her coaching of the trial practice, negotiation, and dispute resolution competition teams, spending countless hours conducting and reviewing simulations (often filmed with the help of Mike Mimms), and by bringing in actors (through an important collaboration with CCM) as well as practicing attorneys and judges to teach and coach.

Several years ago, she sat in on my Contracts course—for the entire semester—and helped my students think about and practice the skills that would allow them to communicate in plain English the doctrines they were learning. Marjorie's teaching was recognized by the College with the Goldman Prize for Excellence in Teaching and by the University with the President's Excellence Award for Teaching.

III. MARJORIE'S COMMITMENT

Marjorie has been fully committed to the success of the College and its students and has been an outstanding institutional citizen. She was the primary proponent of the Client Counseling course requirement and promoted experiential learning long before the ABA's experiential learning requirement was instituted, putting the College well ahead of the curve in teaching lawyering skills and anticipating decades in advance what is only now being incorporated into the bar exam.

When the College needed money for additional student scholarships because budgets were particularly tight, she organized and ran the faculty downtown teach-in for four years, bringing in much needed funds and boosting the reputation of the College in the legal community.

She has also written countless memos making proposals to improve the College's curriculum and programs. Importantly, one memo helped mobilize faculty and convince relevant decision-makers to keep the College on campus when some thought was given to moving it downtown.

A few years ago, she identified the problem of students who had basic writing deficiencies and how that might impair their success. So she applied for a grant from Women in Law that allowed several students to work with professional writing instructors. Marjorie has constantly thought about how we at the College can do better—and she has sought to push forward and make good on those ideas because to her, simply, it is important to do things the right way. Indeed, this commitment to doing things the right way is representative: Marjorie is completely dedicated to

the organizations she's a part of, the work she does, the people she works with, and the students she teaches – and that manifests itself in her taking on the tasks and the responsibilities of thinking about, achieving, and maintaining the highest attainable standards. That complete commitment to others and to excellence is who she is.

There are many things I have not mentioned: Marjorie's work as a mediator and arbitrator; her many teaching stints at other universities (among them Michigan, Bordeaux, Graz, Hamline, and Harvard); her participation in professional organizations (including roles within the ABA Section on Dispute Resolution and the CPR Institute for Dispute Resolution and countless presentations she made, especially at Section conferences); the many trainings, executive seminars, and workshops she's conducted far and wide, domestically and internationally, for universities, bar associations, courts, corporations, governments, and private organizations; her encouragement and support of our graduates as they progress through their careers; her presence and activities in the Cincinnati legal community and the tremendous respect she has from the members of the local bench and bar; and—because she is a faculty member here—the ways in which all her work and activities and reputation have immeasurably enhanced the standing and status of the College locally, nationally, and internationally.

For myself personally, I could not imagine a better colleague and friend than Marjorie for all these many years. Her honest advice, clearheaded guidance, high standards, and tremendous generosity have been so important to me—and I know to many, many others as well.

Marjorie, on behalf of your faculty colleagues, and the College's administration, staff, and students, past and present, thank you for, and many congratulations upon, your years of exemplary contributions to the College of Law.