

Winter 1968

In Memoriam: John S. Divilbiss

Willard L. Eckhardt

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Recommended Citation

Willard L. Eckhardt, *In Memoriam: John S. Divilbiss*, 33 MO. L. REV. (1968)

Available at: <https://scholarship.law.missouri.edu/mlr/vol33/iss1/6>

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In Memoriam

JOHN S. DIVILBISS

This volume of the *Missouri Law Review* is dedicated to the memory and spirit of Professor John S. Divilbiss who died unexpectedly on October 19, 1967 at age forty-four. It is particularly fitting that this volume be so dedicated because Professor Divilbiss was an important part of the Law Review as a law student and as a member of the Faculty of Law.

John enrolled in this School as a student in the fall of 1946, after World War II service in the Air Force as a pilot and after completion of his undergraduate pre-law requirements. He entered law school with the large number of veterans who chose law as a profession, men with excellent minds, maturity, experience, and motivation. It was a group in which it was not easy to stand out, but John's presence immediately made itself felt. At the end of his first year, he was elected to the Editorial Board of the *Missouri Law Review*, publishing his first two casenotes in volume 13. As a student leader, he was instrumental in the reactivation of Lawson Chapter of Phi Alpha Delta Legal Fraternity which had been dormant for some twenty years, and in his senior year served as Justice of the Chapter.

After graduation, eager to live the law, John entered practice with a leading firm in Mexico, Missouri. After a period of general practice in central Missouri, he moved to St. Louis to join the legal staff of Southwestern Bell Telephone Company, and then to Kansas City, and finally to New York City with American Telephone and Telegraph Company.

During this period of practice members of the faculty tried to induce John to return here as a law teacher. In 1960 when the practice and procedure field opened up due to a retirement, John was ready at last to leave the practice of law and devote the balance of his career to teaching and scholarship. Those remaining years were few, but they were extraordinarily productive.

John was a superb classroom teacher. He was thoroughly grounded in and enthusiastic about his field, and had the rare ability to impart that knowledge and transmit that enthusiasm to his students. He was witty, salty, challenging, and demanding; and as much as the classroom Lee-Carl Overstreet was a living legend for an earlier generation of law students, so the classroom John Divilbiss became a living legend for his students. John held firm to the view that the primary function of the law school is to train lawyers, and his students entered the profession thoroughly grounded in practice and procedure. John loved and respected his chosen profession and nurtured in his students that same love and respect.

As a student, John had been a contributor to the Missouri Law Review, and as a member of the faculty he continued to contribute. His annual reviews of the developments in Missouri law in his field are of particular value to the lawyers of Missouri; his was not a superficial glance at many cases, but a careful analysis of selected significant cases. Numerous student notes and comments were written under his supervision and profited from his care and knowledge.

John's great legacy to his profession is the *Missouri Approved Jury Instructions* (1964). He was Reporter of the Missouri Supreme Court Committee on Jury Instructions, a blue-ribbon committee established in 1962. That so much could be and was accomplished so well in less than two years is a tribute to John's great capacity as a productive writer and scholar.

Shortly before his death, John conceived and was the guiding spirit of the School's "Margin For Excellence" campaign to raise funds for the Missouri Law School Foundation. John died just as the campaign was well under way, and did not live to know that the drive was to far surpass its goal. In part, at least, this was one tangible way in which our alumni recognized and expressed their deep appreciation to John for all he had given to his School and his profession.

His untimely death not only was a great loss to his family and friends in all walks of life, but also was a great loss to the profession he exemplified and served so well.

WILLARD L. ECKHARDT
Professor of Law