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# Jim Devine's "Show Me Spirit"

## Foreward

R. Lawrence Dessem\*

I am pleased to have been asked by the editors of the *Missouri Law Review* to write this short introduction to Associate Dean Jim Devine's final Article: "Curt Flood and a Triumph of the Show Me Spirit."<sup>1</sup> It provides a wonderful window on some of the things that mattered most to Jim: law, history, sports, and personal character and integrity.<sup>2</sup>

Jim's Article is his final gift to us all. Professor Doug Abrams knew that Jim had written the Article and Robin Nichols was able to locate an electronic draft of it. Thanks to the editors of the *Missouri Law Review* for doing the necessary work to bring this to print.

As his last Article illustrates, Jim Devine did some of his best teaching and writing at the intersection of law and history. Building upon earlier articles about baseball's labor wars,<sup>3</sup> baseball strikes,<sup>4</sup> and the (re)integration of baseball,<sup>5</sup> his final Article considers legal arguments in their historical con-

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1. James R. Devine, *Curt Flood and a Triumph of the Show Me Spirit*, 77 MO. L. REV. 9 (2012).

2. At the very top of Jim's priority list was his family. But his love of these important fields of human endeavor was one of the things that Jim shared with family and others – whether in watching the swimming successes of his three sons or in conversations about history, law, or sports.

3. James R. Devine, *Baseball's Labor Wars in Historical Context: The 1919 Chicago White Sox as a Case-Study in Owner-Player Relations*, 5 MARQ. SPORTS L. REV. 1 (1994).

4. James R. Devine, *The Legacy of Albert Spalding, the Holdouts of Ty Cobb, Joe DMaggio, and the 1994-95 Strike: Baseball's Labor Disputes are as Linear as the Game*, 31 AKRON L. REV. 1 (1997).

5. James R. Devine, *The Past as Moral Guide to the Present: The Parallel Between Martin Luther King, Jr.'s Elements of Nonviolent Civil Rights Campaign and Jackie Robinson's Entry onto the Brooklyn Dodgers*, 3 VILL. SPORTS & ENT. L. J. 489 (1996); James R. Devine, *The Racial Re-Integration of Major League Baseball: A Business Rather than Moral Decision; Why Motive Matters*, 11 SETON HALL J. SPORT L. 1 (2001).

text. He notes, for instance, the string of legal victories by baseball players against their employers in the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries.<sup>6</sup>

Jim loved sports. His office was filled with sports photographs, miniature bobblehead dolls of baseball players, baseball cards, and other baseball memorabilia. He also had a real love of competitive swimming, spending untold hours working with children, youth, and adults involved in swimming.<sup>7</sup>

Jim brought to his research in sports and legal history the expertise for which he was probably best known nationally: professional responsibility. He not only was the lead author on a major professional responsibility casebook,<sup>8</sup> but in several law review articles he considered ethics and professionalism in the context of sports.<sup>9</sup>

In such writings as the Article that follows, Jim's focus was not on the technicalities of the Model Rules of Professional Responsibility, but on the professionalism and character of people facing and surmounting the challenges that sports presents to even the most talented athlete. Jim would have known well the statement by legendary UCLA basketball coach John Wooden that "Sports don't build character; they reveal it."<sup>10</sup>

Thus sports and history and professionalism was the ideal blend for some of Jim's best writing, as exemplified by the following article about Curt Flood. Just like Curt Flood, Jim Devine moved others not because of what he said, but because of who he was and how he lived his life. As one of the authors cited by Jim said about Curt Flood, "[H]e was a very principled man."<sup>11</sup>

Although he hailed from New Jersey and not Missouri, Jim Devine, along with Curt Flood, was an adopted son of the Show Me State. Jim's description of Curt Flood's "Show Me spirit of stalwart stubbornness and dedication to common sense"<sup>12</sup> could just as easily have been applied to Jim, himself. In his Article, Jim notes the remarkable consistency of Curt Flood, who

6. Devine, *supra* note 1, at 20-34. As Jim also notes, these were not cases cited by Justice Blackmun in his majority opinion in *Flood v. Kuhn*. *Id.* at 19-20.

7. The Columbia Swim Club now hosts an annual Jim Devine Memorial Invitational. Jim was active nationally in USA Swimming, and he was as comfortable greeting young children in their first swim meets as he was with the Olympians who participated in the Missouri Grand Prix at which Jim officiated each year.

8. JAMES R. DEVINE, ET AL., PROFESSIONAL RESPONSIBILITY: PROBLEMS, CASES, AND MATERIALS (3d ed. 2004).

9. See James R. Devine, *Joe DiMaggio (and his Lawyer)*, in *COURTING THE YANKEES: LEGAL ESSAYS ON THE BRONX BOMBERS* 3 (Ettie Ward ed., 2003); James R. Devine, *The Duke Lacrosse Matter as a Case Study of the Right to Reply to Prejudicial Pretrial Extrajudicial Publicity Under Rule 3.6(c)*, 15 VILL. SPORTS & ENT. L. J. 175 (2008).

10. See MICHAEL PEARSON, A PLACE THAT'S KNOWN 250 (1994) (quoting John Wooden) (internal quotation marks omitted).

11. PETER GOLENBOCK, THE SPIRIT OF ST. LOUIS 510 (2000).

12. Devine, *supra* note 1, at 38.

once played 223 consecutive games without an error,<sup>13</sup> was selected for three all-star teams, and won seven consecutive Gold Gloves.<sup>14</sup>

Jim was similarly stalwart and consistent. He, too, set high standards for himself and others and then exceeded those standards on a daily basis. As Hall of Fame manager Earl Weaver once said of baseball, "This ain't a football game. We do this every day."<sup>15</sup> Whether as a father, a husband, a teacher, a mentor, or a friend, Jim Devine lived his life with grace and dignity every single day.

There is no job in legal education that requires more common sense than the position of associate dean for academic affairs. Whether in arranging faculty teaching schedules, obtaining approval for new courses, implementing necessary accommodations for students, or resolving the innumerable puzzles and problems that are inherent in this job, Jim Devine successfully applied his problem-solving, common sense skills to make the University of Missouri Law School a better place for us all.

It was you who showed us the "Triumph of the Show Me Spirit," Jim, and we miss you very much.

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13. *Id.* at 10.

14. *Id.* at 38.

15. PAUL DICKSON, *BASEBALL'S GREATEST QUOTATIONS: AN ILLUSTRATED TREASURY OF BASEBALL QUOTATIONS AND HISTORICAL LORE* 589 (Rev. ed. 2008) (quoting Earl Weaver) (internal quotation marks omitted).

