

THE BRAHMIN AND THE BARBARIAN: ENTERING THE PROFESSION IN ANOTHER ERA

BY

Charles A. Cox Sr.

PREFACE

In 1999 the Hennepin County bar journal published an account by Charles Cox Sr. of how his father, Harold Will Cox, was admitted to the University of Minnesota Law School even though he did not have an undergraduate degree and in fact had never attended college. Harold Cox graduated from the law school in 1916, and practiced law in Minneapolis until his death

Charles A. Cox, Sr., also graduated from the University of Minnesota Law School. His problem with the school was more prosaic than that of his father and arose long after graduation, not before admission. The law school was less than ecstatic over the name he gave to an annual award for appellate argument he established in recognition of his father getting into the law school without first attending college. Part of the title is “The Fast-Talker Award” and as one faculty member said, “I’m not sure I’d want that in my curriculum vitae.”

Money, as it usually does, and some fast talk, as sometimes helps, carried the day.

The author, Charles A. Cox Sr. is of counsel with Cox, Goudy, McNulty & Wallace, P.L.L.P. He is a former president of the Minnesota Trial Lawyers Association and former dean of the Academy of Certified Trial Lawyers of Minnesota.

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I obviously was not an eyewitness to any of this but I sort of grew up on it. I believe it is accurate. In any event, since the events took place more than 70 years ago, I do not anticipate serious impeachment.

At 15, my father, Harold Will Cox, finished high school as valedictorian and disappeared into the small-town family department store. At age 27, married but with no children yet, he was called to jury duty. Two weeks of that ignited a life-long, banked fire of wanting to be a lawyer. That was fine with my mother, a country school marm who had started teaching at age 17 on an Indian reservation, boarding with one of the families in a birch-bark wigwam.

My father disentangled himself from the store and with my mother moved to Minneapolis without a second thought whether or not he would be admitted to law school. He got a job selling shoes. My mother got a job teaching in Chaska. She went to work each Monday morning by catching a ride in a cab of a freight locomotive. The train slowed down enough at Chaska for her to jump off. Friday nights she would return to Minneapolis by catching a ride in a cab of another freight train that slowed down enough to scoop her up. At least that train stopped in Minneapolis. Before Chaska, she had taught at a private school in Martha's Vineyard. After Chaska, she taught at MacPhail School.

My father presented himself to Dean William Vance, then dean of the University of Minnesota Law School, for what he viewed as the perfunctory

matter of getting into law school; and the dean and my father did hit it off. The bonhomie, however, lasted about 20 minutes—until the dean learned that my father had yet to put a foot inside a college.

The dean started to show my father to the door with a statement that he looked forward to having my father as a student just as soon as he finished college. My father said he did not have time for that. The dean said he had no more time for this. My father persisted, suggesting that he take tests and if the results demonstrated the equivalent of a college degree he should be admitted to law school. The dean warmed to the idea. It was an easy way to metamorphose this butterfly back to a caterpillar.

It did not work out that way. Although my father had not gone to college, he was an omnivorous reader. He killed two days of tests and quite likely almost the dean in the process. But the crusty, classy, down-east aristocrat honored the deal without a stutter, assisted in his honorable and even gracious behavior by the conviction that law school class work would purge the school of this aberration soon enough.



University of Minnesota Law School graduate 1916

Fair but remorseless, the dean poured it on in the class he taught my father. Shortly before the end of the first term, he posed a very difficult question to the class. He started with the class star and worked on through without a satisfactory answer. He reached my father, the only one unquestioned. He smiled benignly and said, with his cultured accent more pronounced than usual, “And *now*, the ehyudite Mistah Cox will favah us with the answer.” Somewhere, my father found it.

That changed everything. The Brahmin and the Barbarian became good and lasting friends. They kept in touch after the dean moved on to Harvard.

Many years after law school my father was in Boston on business. He prevailed on the dean’s secretary, whom he had known in Minneapolis, to let him into the dean’s study unannounced where the dean had his nose in a problem. This exchange followed:

My father: “So this is where they breed the Boston Bulldog.”

The dean, without raising his head: “Cox, you *mizzabuhl* wretch, how did they evah let *you* in *heah*?”

The *mizzabuhl* wretch: “Dean, it was easy. You just never did figure out how to keep me out of a law school.”

The *rnizzabuhl* wretch was a partner in Cox, Weeks and Kuhlman until John Weeks was appointed Hennepin County District Court judge. My father and Heinrich Kuhlman continued to practice together for many years, until my father’s too-early death at age 56, which was brought on by pushing a stuck motorist out of a ditch in a snow storm.

There are many similar stories. I will repeat one. A judge who was a good friend of my father ruled against him on a motion. The judge and my father soon ran into each other and my father proceeded to upbraid his friend for making an unthinkably bad decision. The wording has been adjusted for family reading. “And you didn’t even write a memorandum,” he scoffed.

The judge smiled benignly and replied, “Har-r-rolld, one of the first things I learned on the bench was never to endanger a good decision with a poor explanation.”

Well, one more story. The Barbarian was the expert on bankruptcy law in these parts. He and the then referee, Alex McCune, who was a heavyweight in the area, were close friends. When the referee had a very difficult problem, he would have my father come down and they would agonize it through with the referee flat on his back on the couch. Heinie Kuhlman said that these sessions were well known in the trade and accepted as “conspiring to achieve justice.”

Different days.



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