



# Professor David E. Pierce '77

## Faculty

Students regard Professor David Pierce as an

outstanding teacher. That high regard may be the result not only of his hard work and expertise in oil and gas law—his area of specialization—but also of his attitude about teaching. Asked what is the most significant accomplishment of his career, Professor Pierce replied, "Being given the distinct honor of teaching students who want to be lawyers."

Professor Pierce grew up in Pittsburg, Kansas, where his dad was a supervisor at the Kansas Army Ammunition Plant in Parsons and his mom was a secretary. "They instilled their work ethic and basic sense of fairness and respect for others in me at an early age," he said. His interest in the environment was nurtured at Pittsburg (Kansas) State University where Professor William Powell helped to focus his interest in environmental law. "Although I didn't realize it at the time, he was also a model for the sort of teacher I would hope to become in the future," he said. Professor Pierce's wife Martha was instrumental in convincing him to pursue a law degree, which he received from Washburn University School of Law in 1977. He later earned an LL.M. at the University of Utah in 1983.

Professor Pierce brings a broad range of professional experiences to the classroom. Following graduation from Washburn Law, he was a solo practitioner in Neodesha, Kansas, and city attorney for Cherryvale, Kansas. Those years were educational and eventful.

"While in solo practice, after concluding that my client was his own worst enemy (not the opposition), I understood what another lawyer had told me: 'We can only represent clients, we can't take them to raise.' On a few occasions I defied that statement, but it generally reflects the attorney's role in real life. If we do our very best, the facts and circumstances of the client may nevertheless require that we do it all over again in the future," Professor Pierce said.

The most memorable event in Professor Pierce's career also occurred while he was practicing in Neodesha. "...I represented the local band teacher in a lawsuit against the school board arising out of his firing," he recalled. "Although we would ultimately take the case to the Kansas Supreme Court, the most memorable event was the statutory evidentiary hearing before a three-member panel conducted in the middle of the summer in a large room at the grade school—without air conditioning. The place was packed throughout the hearing, and the atmosphere was hot in more ways than one."

Professor Pierce left Neodesha in 1981 to attend the University of Utah's Masters of Law Program. From Utah he became an oil and gas attorney for Shell Oil Company. At that time, Joe Morris, a 1947 graduate of Washburn Law, was general counsel for Shell. Professor Pierce credits Morris with placing him in the position where he could experience all aspects of oil and gas development. They worked together again several years later when Morris was senior partner for Gable & Gotwals in Tulsa.

Today, Professor Pierce is a nationally recognized expert in oil and gas law. A prolific writer, he is the author of a number of books including co-authorship of *Cases and Materials on Oil and Gas Law* which is used as a textbook by law schools across the country.

Professor Pierce takes great pride in his teaching and in Washburn University School of Law. Seeing the progress of his students-turned-lawyers confirms for him the value of his work. He tells a story about how that realization came to him: "After I had been teaching a few years, I ran across one of my students, now an attorney, who related to me a case he had recently completed. As I listened, I suddenly realized 'this person is a lawyer.' Although the natural progression was obvious, this was the first time I had experienced it...I had worked with the student in first, second, and third-year classes, saw him graduate, and now witnessed his full development into a practicing attorney. Such encounters usually end with the student recalling something I said or did which they took with them throughout law school and into practice."

Professor Pierce says that having a "service" mind-set is a prerequisite for someone wanting to be a lawyer. "You exist to effectively assist those who require your knowledge and skill," he said. And he reminds his students of the opportunities and obligations inherent in their chosen profession: "Although as a group lawyers take a bashing, most people regard their lawyer as the exception to the rule. Their lawyer is ethical, works hard, looks out for the client's best interests, communicates, is diligent and competent. Everyone who walks into your office provides you with the opportunity to be their lawyer."

His pride in Washburn Law stems from his belief that the school focuses unremittingly on teaching students to be good lawyers. "I think the students, faculty, and administration at Washburn have created one of the best possible environments for law students to succeed and excel," Professor Pierce said.

His own experience illustrates the point. "Washburn Law equipped me to succeed at the things I wanted to do in my life. It enabled me to pursue every avenue of the law I desired to experience—small-town solo practice, big-city, multinational in-house corporate practice, the large law firm, an advanced degree in law, teaching, writing books in my areas of legal interest, and consulting...."

"My decision to give to Washburn Law following my graduation was a product of my belief that the faculty...had enabled me to succeed at my chosen profession. It is a debt of gratitude I still seek to repay on an annual basis as my circumstances permit."