



## In Memory of Professor James Winfield Bowers

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## **In Memory of Professor James Winfield Bowers**

*Glenn G. Morris*

Jim Bowers was a remarkable man. From a modest beginning, he built quite a life. He grew up in a small town in Montana, where his father owned a hardware store. But he earned recognition as a National Merit Scholar in high school, and then made his way to Yale University, where he earned both his undergraduate degree in an honors economics program and his law degree. After serving in the Army as an intelligence officer in Vietnam, he began his work as a commercial lawyer at a prestigious firm in St. Paul, Minnesota, where he earned admission to the partnership in due course. Yet he soon gave up the position he had earned in practice to take a chance on a new career as a law professor.

It was Jim's second career that brought him to LSU. He taught here for 30 years, primarily in the fields of commercial law and bankruptcy. Over the course of his career, he published more than 20 articles and reviews, in a variety of prestigious journals. His scholarship consistently reflected both his technical prowess with complex commercial problems, and his strong belief that principles of economics should guide the law's policy choices. Indeed, Jim served as a founding member and chair of the Law and Economics Section of the Association of American Law Schools. He participated actively in professional conferences and organizations throughout his career, and served regularly on law school accreditation teams appointed by the American Bar Association's Section on Legal Education.

Jim began his teaching career in the 1970s, while still practicing law in St. Paul. He accepted his first full-time appointment in 1978 at Texas Tech University Law School in Lubbock. Fortunately for LSU, Jim attended a conference for beginning law professors soon after his appointment at Tech. It was at this conference that he met his future wife, Lucy McGough. Lucy, who was then an accomplished member of the faculty at Emory University Law School, was serving as an instructor at the conference. Jim was most impressed. He worked up the courage to ask her to go for a walk with him after one of her presentations. And that walk began their lifelong journey together. After they married, they began to look for law teaching jobs a bit closer together than Lubbock and Atlanta. That search brought them to LSU as visitors in 1982, and as regular, full-time faculty members in 1983.

Jim and Lucy retired from LSU in 2012 to take positions at Appalachian School of Law, in Grundy, Virginia, where Lucy became dean and Jim a professor of law. Lucy had visited the

school on an accreditation visit, and was moved by its mission of serving the rural coal-mining area in which it was located. I think Lucy was probably the stronger motivating force in making that move. But I know that Jim was excited about beginning a new adventure, too. He and Lucy quickly became leaders in their new community and brought to Grundy all that they had shared with us for three decades. So, I know that Jim's loss was felt as deeply in Grundy as it was in Baton Rouge.

I first met Jim in 1982, the year that he and Lucy first taught at LSU, and the year that I interviewed here in hopes of joining them. I can't recall now whether I knew they were visitors. But I do remember that they were wonderful ambassadors for LSU and played a large part in convincing me that this was the place I should be. I think they were right, and I'm so grateful that they made the same choice as I. Jim and Lucy became two of my dearest friends and remained so throughout my career.

Jim was a warm and gregarious colleague. He and Lucy opened their house for faculty and student parties at the slightest provocation. Jim took great delight in cooking good food, serving good wine, and sharing good stories with his colleagues, friends, and students. I don't think he could turn down a person or animal in need. It simply wouldn't have occurred to him not to offer his help.

Jim had a great mind and a great heart. He could spot a tautology or contradiction in legal doctrine almost instantly. That facility with doctrine actually made him impatient with doctrinal arguments. He could fashion the doctrinal arguments with ease, but he didn't see where that got you. He wanted the law to make things better for real people. And for him, that meant the law should be economically efficient. He believed that competent adults should be free to order their affairs in the way that they believed would bring them the greatest economic utility. Hence, the law should be designed to facilitate and enforce that private ordering, and to avoid waste, free-riding, and paternalism. He hated any law that just got in the way or that empowered some people to exact unearned rents from others.

Jim believed so strongly in economically rational behavior that he doubted that individuals were ever really motivated by true altruism. He and I had our strongest disagreements on that subject. And I always found Jim's position to be astonishingly ironic. He was one of the most generous, loving, and selfless people I knew. Yet he claimed never to be acting altruistically. As much as he loved Lucy, he argued to me, he was still making a profit on the deal—he was getting more in utility than he was giving up. I don't think Jim was being falsely modest in making that argument. But I do think

he was wrong. I know from watching Jim and Lucy together for more than 30 years that he would have done absolutely anything for her with no thought of return or reward.

Jim lived life the way it should be lived. May God bless and keep him.



