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## Thompson G. Marsh

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# DEDICATION

## THOMPSON G. MARSH

The steady clicking sound of four colored pens - alternating black, red, green, and blue fills the history of the University of Denver College of Law. So, too, does the steady shuffle of three by five cards by the professor who holds them. Then there is the desert dry wit, with more than a mild touch of sarcasm, cautioning the student that "anything worth doing at all is worth doing poorly."

These sounds live in the collective memory of the College of Law and are inextricably linked to its growth. Their life spans the time when classes were taught in the 1920's to a handful of students stuffed into Denver's old Arapahoe Street High School. They moved with the school when it relocated upstairs from Mapelli's Meat Market at 15th and Tremont Place in downtown Denver. Their resonance grew with the number of students and continued to echo through the College's successive homes, including the old Law Center across from the Denver City and County Building. Today, they are institutionalized in the modern Lowell Thomas Law Building, where a faculty of over forty instructs a student body exceeding 1,000. It is here, in the school's faculty meeting room, that the portrait of Professor Emeritus Thompson G. Marsh is displayed.

Professor Marsh began his legal career and association with the College of Law accidentally. His family moved to Colorado when he was a child, attracted to Denver by its dry climate that was said to help people with asthma. Professor Marsh's father, who suffered from the affliction, encouraged his son to try law school when the young man could not decide on a career. Professor Marsh earned an undergraduate degree from D.U. in English, mathematics, and Spanish. His father worked for International Harvester, and Professor Marsh later recalled his father observing that law might be a pragmatic career because people with legal backgrounds were successful in the company.

Taking the suggestion, Professor Marsh enrolled in the College of Law in 1924. Finishing in 1927, he immediately began teaching here and left the College only to obtain advanced law degrees from Northwestern University and Yale University in the 1930's, and to work as legal advisor for the federal Office of Price Administration during World War II. As a student, Professor Marsh earned his Phi Beta Kappa key. As a teacher, Professor Marsh was the first full-time member of the College of Law faculty. Upon retirement, he quipped that, "I'd never seen a full-time professor until I became one!"

Today, most graduates of the College think of Professor Marsh when they remember their first-year property class. Statistics reveal he taught that course, and others, to at least seventy percent of the Col-

lege's graduates. His methods, including the colored pens and three by five cards, are legendary examples of his technique and influence. Professor Marsh explained the "technicolor" approach to analyzing cases in a 1978 interview with *The Denver Post*:

I used to talk about major premises and minor premises and conclusions and I never got very far. So for many years I've been teaching in what the students describe as technicolor. I have them underline the words that tell who sued whom in red, what they sought and what they got in red. Then in black they underline the rule or rules or definitions the court says impelled it to arrive at its conclusion. They underline in green whatever the rule says is needed to make the rules operable.

This is the syllogism. The black is the major premise; the green is the minor premise; the red is the conclusion. And the reason the lawyer reads the case is to find some black that he can use in his own case.<sup>1</sup>

Professor Marsh reasoned that reading accurately was simply not enough. He maintained that linotype operators who print books could do that much. Professor Marsh demanded more. He expected students to analyze their readings critically. He also demanded critical listening; that is where the three by five cards, each bearing a different student's name, were used.

Students were required to recite when their card reached the top of the pile. He would ask the student (or victim) of the day to read his or her blacks, reds, and greens. Other students were called on to comment. After hearing criticisms from peers, the student heard from the professor. The dissection was complete when a student was summoned to stand before the class and recall, without benefit of notes, the previous class lesson. Professor Marsh, of course, never used notes and expected his students to have equally vigorous memories:

I remind them that speakers who speak effectively don't use notes. I think that everybody has observed that. And so somebody will be called upon to state the previous day's cases, not from his seat as with the technicolor exercise, but in front of the class and not from notes. They don't like this because they have to think of three, four or five cases at one time. Then I call on someone else to criticize that, again the sins of commission and omission.<sup>2</sup>

Finally, Professor Marsh demanded that his students be writers. For every class, students prepared written summaries of the assigned cases, synthesizing relationships and drawing conclusions. Students whose papers were read were subjected to criticisms from the professor focusing on content, grammar, clarity, and style. Only a few students survived a Professor Marsh course unscathed because their card some-

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1. Mayer, *50 Years on the Same Job: Thompson G. Marsh of D.U. is a likely choice for a prototype of the complete man*, *The Denver Post*, Dec. 4, 1977, at 62-64 (*Empire Magazine*).

2. *Id.* at 64-65.

how never reached the top of the pile. For this tiny minority, the lesson was that it's often better to be lucky than smart.

Former students recall that a class with Professor Marsh often terrified them until they realized just how much they were learning. Others remember moments when mouths hung open as the many new terms and phrases were rapidly explained. Overworked first years more than once honored Professor Marsh with the notorious "Bloody Hatchet," for being the most difficult instructor. Evening students likewise sent him their own "Golden Shaft" prize. Professor Marsh, however, was also named Teacher of the Year many times. That award, bestowed by the entire student body, reflects the admiration and affection students came to have for him during their law school careers. His other honors include University Lecturer in 1963, the Law Alumni Award in 1978, and the Colorado Bar Association's Award of Merit in 1985. His impact on the University of Denver, in its entirety, was recognized in 1984 when he was given the Evans Award, named after the University of Denver's founder and former Colorado Governor John Evans.

In 1971, Professor Marsh received the College of Law's first endowed chair. In bestowing that special designation on him, the College recognized his place and contribution as its first full-time professor. The Charles W. Delaney, Jr. chair was named after the former D.U. student who died while in the service in World War II and was established by Mr. Delaney's mother, Edna O. Delaney. Professor Marsh's contributions were further recognized when the College named its next chair after him.

Professor Marsh's well-known interest in nature spans the same sixty-year period during which he was a law professor, and continues today. An avid mountaineer, he scaled all 53 Colorado peaks exceeding 14,000 feet, in addition to countless others of lesser height. During his outings in Colorado and elsewhere, he sighted more than 700 species of birds, making him one of North America's pre-eminent bird watchers. In winter, the six-foot-two outdoorsman retreated to the mountains to cross-country ski with his wife and family.

In fact, he met his wife, the former Susan Raymond, at a Stanley Hotel dance in Estes Park where he asked her if she enjoyed mountain climbing. The following day, the two climbed Long's Peak, the tallest in Rocky Mountain National Park. Although married over 50 years, they pursue their own interests. An authority on map-making, Mrs. Marsh has authored children's cartography books, and is an accomplished musician. As a Denver Symphony Orchestra member, she played the viola and even turned the tables on her husband when she taught him and their four daughters to play with her, forming a family string quartet.

Professor Marsh retired from teaching in 1987. Students entering the College of Law today, having heard of him from alumni and faculty, may feel relieved upon learning that he no longer teaches property. It is a mixed blessing. While all the first years are happy to be spared his rigorous memory exercises and demands, most realize that his retire-

ment denies them the opportunity to learn from the consummate teacher. Fortunately, for those latter students, the name Marsh still influences life at the College. Some faculty members incorporate his techniques, including the legendary three by five cards, into their courses. His presence is especially strong in civil procedure, trusts, and property classes taught by his daughter, Professor Lucy A. Marsh. In those classes the colored pens continue clicking and the cards are regularly shuffled, keeping students alert, prepared, and ready to recite. Known as an unswerving and vocal student supporter, the younger Marsh continues the family affiliation with the College of Law.

With affection and respect, the board of editors of the *Denver University Law Review* dedicates its Fifteenth Annual Tenth Circuit Survey issue to Professor Emeritus Thompson G. Marsh.



**FIFTEENTH ANNUAL  
TENTH CIRCUIT SURVEY**