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# Dean John W. Wade

*Hon. Gilbert S. Merritt\**

John Webster Wade, one of the outstanding men in the history of Nashville—an unsung hero at home, but a nationally acclaimed scholar and teacher in the world of law—died recently at age eighty-three without sufficient public notice and recognition. During his life, he had more influence on the shaping of the legal system and the law in Tennessee than any politician or judge, and he had as much influence on the national legal system as any other Tennessean of his generation.

As a young Marine Corps 2nd Lieutenant in World War II, he guided troops through the bloody battles of the Marshall Islands, Saipan, and Iwo Jima in the Pacific. He was awarded the Bronze Star with two Presidential citations for uncommon bravery in battle. He was a tough-minded Marine who in civilian life was a very gentle man. He had the quiet courage, dignity, and modesty that it takes to inspire others and make them want to work together, a rare combination of qualities.

After the war, he returned to private life and built Vanderbilt Law School into a great national institution. He built its reputation, its building, its faculty, and its student body. He was the very best that the legal profession had to offer. He left a rich legacy. The lawyers and judges in our part of the country who were his students, and law teachers and students in many places in the country where he lectured, will revere his memory for years to come.

John Wade was the Dean of the Vanderbilt Law School from 1952 to 1972, and he was a law teacher and scholar for more than fifty years. He moved to Nashville in 1947 after Vanderbilt reopened the doors of its law school after the war. His high school and college days were spent in Oxford, Mississippi. His father was a circuit judge who died when young John Wade was fifteen years old. Dean Wade considered a career as a history professor, but upon graduation from the University of Mississippi at the top of his class, he entered law

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\* Chief Judge, United States Court of Appeals for the Sixth Circuit; B.A., Yale University, 1957; LL.B., Vanderbilt University, 1960; LL.M., Harvard University, 1962. This memorial originally appeared in *The Tennessean* 6D (Aug. 28, 1994).

school there. He compiled an academic record there that no one has ever equaled and probably no one ever will.

Dean Wade's accomplishments at the Vanderbilt Law School and in law reform in Tennessee are too numerous to recount in detail. Suffice it to say, as examples, that over the strong opposition of many alumni he integrated the Law School in the 1950s, long before other parts of the university. It was the first private law school in the South to do so. He was an early promoter of the interests of women in the law, due in part to the great influence of Mary Moody Wade, his charming, beautiful, and accomplished wife of forty-eight years. He hired the first female law professor, Martha Craig Daughtrey, later a Justice on the Tennessee Supreme Court and now a Judge with me on the United States Court of Appeals. He served as Chairman of the Blue Ribbon Commission that reformed the State Supreme Court twenty years ago. And just three years ago, while in his eightieth year, acting as counsel in a seminal Tennessee case, he wrote the brief that prompted our State Supreme Court to adopt the most far-reaching reform of tort law in this century.

Dean Wade told me a few years ago, "I am lucky because I was able to do what I most loved to do. I was able to teach law." And a wonderful teacher he was. He used the Socratic method of questions and answers to lead his students to see all sides of an issue. Some days he would make no declaratory statements for the whole hour. Except to say, "Good morning," every sentence would be a question, probing and analyzing deeper and deeper into the subject. With exasperation a student said in class one morning, "Dean, why do you never make a positive statement, only questions?" After a pause the Dean answered, "Why not?" The tension relieved, the class fell into laughter, and at the end of the hour rose as one to give him a standing ovation.

But unlike many great Socratic law teachers, he taught without showmanship and display, without ever attempting to embarrass the student with clever repartee and superior knowledge. His "charisma" in the classroom was old fashioned. Conscientiousness, modesty, balance, reason, and wisdom were its hallmarks, along with a wry sense of humor.

If he was a great teacher, he was an even greater legal scholar. He was chosen by the American Law Institute to write the Restatement (Second) of the Law of Torts. His book in this field is

still the one most widely used in law schools.<sup>1</sup> He also wrote a fine book, still widely used, in the field of restitution or unjust enrichment law.<sup>2</sup> He published over seventy-five significant articles in these two fields and in the field of legal education. The first of his articles appeared in the *Harvard Law Review* in 1936. As a student, he published a lead article in the *Harvard Law Review*. It was entitled *Acquisition of Property by Wilfully Killing Another—A Statutory Solution*.<sup>3</sup> His training in Latin enabled him to go back into the civil law of the Middle Ages and to translate the old texts from the original Latin. Then he translated the thirteenth- and fourteenth-century English cases from Norman French.

Many of his friends, including me, would call him from time to time to ask him to translate a Latin sentence or paragraph on the phone, so fluent was his knowledge of Latin. I remember that one day Hugh Walker, a friend and former editor of the *Tennessean*, called him and asked that he translate "some Latin." Hugh read it to Dean Wade on the phone and the Dean said, "Hugh, that's not Latin. That's law French from the Middle Ages." Then the Dean translated it for him into English.

Over the years Dean Wade served, often as chairman, on national law reform committees too numerous to name. When he stepped down as Dean, practically every good law school in the country asked him to come as a visiting professor to teach and lecture. He answered the request of many schools. As a result he probably taught or lectured at more law schools than any other person in our legal history.

To bid a final, irrevocable farewell to this great man—Vanderbilt's most productive and influential Dean and law teacher—is a poignant event for me. Outside my family, he is the person who has had the most influence on my life as a lawyer and a judge, my philosophy, my sense of justice, and my way of thinking about the law. He was the master. Doubtless many other lawyers and judges who sat at his feet feel the same way. During his long, sixty-year era of accomplishment in the law, he had a commanding

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1. John W. Wade, Victor E. Schwartz, Kathryn Kelly, and David F. Partlett, *Prosser, Wade and Schwartz's Cases and Materials on Torts* (Foundation, 9th ed. 1994).

2. John W. Wade, *Cases and Materials on Restitution* (Foundation, 2d ed. 1966).

3. John W. Wade, *Acquisition of Property by Wilfully Killing Another—A Statutory Solution*, 49 *Harv. L. Rev.* 715 (1936).

influence on the lives of thousands of students and teachers and on the law in general.

Where the light of the life of him shines on the generations that will live, Death only dies.