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John W. Wade: Gentle Scholar, Pilot Lawyer

Rare are the truly learned scholars, even in a purportedly learned profession. Rarer still are those who are also sensitive to the capacity of the law for steadying the onward course of all the inhumane traffic that flows from the aspirations of human beings to better their lives at all costs, and the devil take the hindmost. John Wade is an example par excellence of a scholar and a pilot who knows how to make haste *à petite vitesse* for the long run. In taking heed of his work we may gain perspective on the current zealots who would rev up the motors of law for a speed race to the nearest mirage of a good society, where angels are said to take in the foremost with promises of bread, bed, and eternal boredom. Not for them is the admonition that I have recurrently voiced to the impatient: "The law will never be built in a day, and with luck it will never be finished."¹

John Wade is no pursuer of mirages, no seer in an all too unforeseeable world. Neither is he a staid protector of any doctrine whose mere familiarity breeds undeserved respect. Nearly a decade ago, before relevance had become a word of reverence for easy riders and writers, he brought together at the Vanderbilt University Law School a conference of people who shared his interest in spelling out various problems of *Stability and Change Through Law*. He succinctly stated the theme himself: "The forces for change in these times are strong and growing stronger, and the law must make appropriate adaptation to them, while maintaining a realistic sense of continuity."²

In such old days as 1963, when John Wade made this statement, there was still all too little awareness of the forces for change. In less olden days, such as the day before yesterday, there has been all too little realistic sense of continuity. Good lawyer that he is, John Wade has highlighted, in his own moving picture of a changing world, the many tasks in public service that can engage lawyers able and willing to work while others shout.

John Wade has worked mightily to keep the law on a steady forward course. I have seen him in action at many a meeting where, in his

1. Traynor, *La Rude Vita, La Dolce Giustizia; Or Hard Cases Can Make Good Law*, 29 U. CHI. L. REV. 223, 236 (1962).

2. Wade, *Legal Education and the Demands for Stability and Change Through Law*, 17 VAND. L. REV. 155, 164 (1963).

capacity as an adviser to the Reporter for the American Law Institute's *Restatement (Second) of Torts*, he painstakingly coordinated the often variant views. In these meetings and in those of the Institute's Council he has been a tireless problem-solver. Preoccupied always with finding the just and durable solution, he is invariably concerned about the precise draftsmanship that endows the just solution with durability. His sense of justice combines happily with his talent for *le mot juste*. Wherever the passage of time has left black-letter rules in the dark, he has sought to decipher their contemporary import, to demonstrate that they have become obsolete, or to sound a warning of their accelerating obsolescence. Undaunted by the most defiant problems of orderly transition from past to present, he has proceeded with his colleagues to the constructive work of drafting fresh rules and commentaries that are responsive to contemporary problems, plainly articulated, and bound together with such coherence as to minimize the risks of those internecine wars of words that are the bane of lawyers. There is no doubt that the *Restatement (Second) of Torts*, which he will now direct as Reporter, will continue to exemplify the best reasoning of lawyers who are attuned to the world they live in and also wise enough to envisage it in a context of time larger than a week-at-a-glance.

His contributions to the work of the American Law Institute, his career as the dean of a first-rate law school, and his essays on restitution, torts, and conflict of laws would be more than enough to place John Wade in the first rank of American lawyers. The very constructiveness of his work makes him pre-eminently a modern teacher and lawyer. He is not one to waste time in idle speculation over how many acceptances can dance on the tail of a half-hearted offer, at the expense of fractious problems in the interpretation of contracts. He has never indulged in endless explication of appellate opinions of no great significance, at the expense of significant problems in other arenas of the law. Notably, in the course of his deanship, the *Vanderbilt Law Review* became one of the pioneers in establishing a section on legislation, recognizing that the bulk of lawmaking has long since shifted from the courts to the legislatures. Another significant innovation was the Law School's publication of the *Race Relations Law Reporter*, which soon became the pre-eminent legal journal dealing with the burgeoning civil rights movement.

Perhaps it should not be too surprising that a man of such modern temper as John Wade should also be endowed with a quiet nobility of spirit which has something of an old-fashioned aspect amid today's tumult and shouting. That nobility, essentially timeless, lends gentleness to his rigorous scholarship as well as to his extraordinary feats as a pilot lawyer to ensure that reason will prevent tumult from becoming the order of the day.

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