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## Mr. Wade and Wade Torts

For many years now we have called him “Dean Wade.” During these years John W. Wade has played his role as Dean quietly within the confines of the administrative suit. There can be no doubt that his firm leadership has produced for Vanderbilt University a law school of national reputation, dedicated to providing quality legal education. In the appropriate terminology of causation, the Vanderbilt Law School of today and John W. Wade, Dean, are causally connected. Hundreds of law graduates have benefited from this causal connection, but few of us have participated directly in it. Accordingly, it is most appropriate for others to write of *Dean Wade*.

The compendium of studies for the law school reads as follows:

Torts II. Spring [3] *Mr. Wade*. Liability for harms caused by negligent conduct; strict liability; wrongful interference with intangible interests. Prosser and Wade, *Cases on Torts* (5th ed.).

We, his students, have never called him “Mr. Wade;” nor have we called him “Professor Wade.” These words do not sound even faintly familiar. Yet *Mr. Wade* can rightfully claim major responsibility for the causal connection between Vanderbilt law student and Vanderbilt lawyer. Indeed, in this connection, the *sine qua non* rule applies to Mr. Wade.

To the older of us, much of the detail of his visage and style have doubtless been lost—the jabbing hand, the lanky, angular figure, the Abe Lincoln face, the outstretched arms with fingers intertwined, the hands thrust deeply into pockets jingling change, and the stalking to and fro. These are the elements of his being that consistently produce smiles of audience agreement with student characterizations of Mr. Wade in the annual skit. Likewise, the elements of his method—the artfully constructed hypotheticals, the Latin phrases, the scholarly and concise statements defining a division among courts on a rule of law, and the inevitable *questions* based not upon the facts but upon the “point” of the recited case—may have been forgotten. But to all of us, Torts is Wade, *Wade Torts*.

Through Wade Torts we grappled endlessly with the vague contours of basic concepts such as “reasonableness,” “duty,” “cause,” “malice,” and “intent.” The vagueness of these concepts was frustrating and it never totally disappeared. Of course, fashioning absolute meanings would have been impossible. Seeing this impossibility was at the heart of Mr. Wade’s lesson. These conceptual struggles soon created in us a

respect for the scope of legal rules and convinced us that their flexibility was critical to their effectiveness in resolving private disputes.

Wade Torts revealed the *law* to us. After analyzing a case and believing that we could then generalize the rule of law which the court had applied, Mr. Wade, through a series of penetrating hypotheticals or questions, would make the point that a rule of law is not systemized and verifiable knowledge. The law of Wade Torts was also constantly in transition, unfettered by precedent and challenged from all sides. Seldom was universal agreement on a point of law acknowledged. Ultimately, we learned from Wade Torts that law is not science—the law exists because of people and situations and not as an end in itself.

Finally, Wade Torts taught us something of lawyering. We learned that since the amount of operationally reliable knowledge of the law that a lawyer can possess at any single moment is limited, the law is, essentially, the environment for the lawyer's craft. The lawyer's craftsmanship—his ability to find, marshal, and present the answers—serves him constantly. Unobtrusively, gently, Mr. Wade's method and example depicted for us the ultimate importance of the lawyer's craft. His objectivity, his attention to detail, his emphasis on self-discipline (including, much to the chagrin of the late sleeper, promptness in class attendance), his logic, and his humor all combined to instruct us in the basic tools of law practice.

These and countless other lessons are part of us now. More can always be said by students on behalf of a man such as our Mr. Wade. Happily, Wade Torts is not only past but future for Vanderbilt Law School, for this issue of the *Vanderbilt Law Review* marks only the departure of *Dean* Wade. *Mr.* Wade will remain. For those students who doubt it, try arriving tomorrow for Torts II at 8:11.

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