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EDMUND M. MORGAN

I welcome the opportunity to add a word to this scholarly publication so appropriately dedicated to honoring Professor Morgan, not to attempt an evaluation of his contribution to the law—a task for which I have no qualifications—but to express the high admiration and the love and respect in which he is held by all of us of the Bench and Bar of Tennessee.

Before 1950, when he joined the faculty as Frank C. Rand Professor of Law at Vanderbilt University Law School, not many of us were privileged to know him personally. Most of us knew of him only by his published writings, and regarded him as one of the great names in the Law of Evidence along with Thayer and Wigmore.

On coming to this state, he brought his great influence not only as a teacher in a law school, but as an active member of our profession. He has regularly attended the meetings of our Bar Association, of our Judicial Conference, and has taken an active interest in our common problems; and for a decade now he has been thoroughly acclimated as one of us.

Another way in which his potent influence has been felt is his part in the *Annual Survey of Tennessee Law*. This Survey, begun by the faculty of Vanderbilt Law School in 1953, and carried on ever since, is a brief and instructive summary of developments in each field of the law. It is of great interest and value not only to students, but to lawyers and judges as well. I may say for us appellate judges, it gives us the help that comes from seeing our mistakes laid bare.

Professor Morgan's subject in this Survey is *Procedure and Evidence*, the field of his greatest contribution to the law. Its importance cannot be overestimated; for no laws can be better than they actually work in practice. As he emphasizes, the whole purpose of the rules is specifically to define the area of dispute, and to provide the best methods for solving it.

In short, the problem, the same for both the practitioner and the judge, is that of mastering the materials of the controversy. Morgan throws a flood of light upon every phase of this problem. Under his extraordinary powers of exposition, the most complicated subject yields to his crystal clear analysis. As Cardozo said of Holmes, so it may be said of Morgan, he possesses "the art of packing within a sentence the phosphorescence of a page."

It is fitting that we all—the lawyers and judges no less than the students who have sat at his feet—acknowledge our obligation to him.

for the magnitude of his contribution to the law and the heritage of wisdom he has given us.

The traits which make up this unique personality cannot be analyzed. But anyone who knows him sees illustrations of how beautifully blended in his character are the sterner qualities which command respect with the gentler traits which engage affection. His unfailing friendliness, his charm of manner, his genial sense of humor, his consideration for others, make him a delightful companion and a lasting friend.

It is appropriate that we give to him living the laurels usually reserved only for the illustrious dead. In honoring such a man and such a master in the law, we honor ourselves. One of the marks of a fine civilization is the honor it pays to excellence.

SAM L. FELTS*

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