

Louisiana Law Review

Volume 33 | Number 4

ABA Minimum Standards for Criminal Justice - A

Student Symposium

Summer 1973

Dedication: J. Denson Smith

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Repository Citation

Paul M. Hebert, *Dedication: J. Denson Smith*, 33 La. L. Rev. (1973)

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*This issue of the
Louisiana Law Review
Is Respectfully Dedicated to
Professor J. Denson Smith*



John Denson Smith
Emeritus Alumni Professor of Law

DEDICATION

As it is so well stated in Dean Erwin Griswold's aphorism, "Old Deans never die. They only lose their faculties." The L.S.U. Law School is mindful of this as Denson Smith makes the transition in August, 1973, to Emeritus status. For the second time this year the undersigned, possibly the oldest in point of service among American law school deans, must note the departure from the active classroom of a valued colleague via the route of retirement so well earned and richly deserved. The good wishes of the Law School are with Professor Smith and, while we bewail the loss of a faculty member and a highly esteemed colleague, there is consolation in the prospect that he will still be working at the Law School in his capacity as Director of the Louisiana State Law Institute to which he has contributed so much during his long and active tenure with the faculty

How does one appropriately note the passing from the current intellectual combat of the classroom of one who has, since 1934, literally dazzled his students with that type of brilliant interrogation which has kindled in them the stimulus to strive for similar skill in legal contests? Excellence in teaching is the goal to which law schools aspire. The work of Denson Smith exemplifies achievement of this goal at the very highest level.

Dr. Smith was born at Torras, Louisiana, on July 19, 1903. He received his law degree at LSU in 1930, was admitted to the Louisiana bar that same year and practiced in Baton Rouge through 1933. He was a Sterling Fellow at Yale in 1933-34 and was awarded the J.S.D. degree in 1935. He had joined the L.S.U. Law Faculty the previous year. Except for an absence for Military Service in World War II, he has been continuously in service as a teacher, advancing to a full-professorship in 1946. In 1968 he was selected as an Alumni Professor of Law in recognition of his distinguished merit as a gifted teacher and scholar.

Although this incident has been twice related in public occasions at the Law School, the compliment it implies is worthy of preservation in these pages. An illustrious alumnus, the now Senior Senator from Louisiana, in an address to the student body of the University shortly after his election to the Senate, was explaining how he had made the transition to the Senate in terms of the competition there among graduates from law schools of high standing throughout the nation. Senator Russell

Long explained: "After I reached the Senate I soon found out that if one could attend the L.S.U. Law School and keep Professor J. Denson Smith from finding out how ignorant he really is, one will have little difficulty as a new Senator in performing the same sort of task in the United States Senate." This story reflects an appraisal that would be general among the alumni—Professor Smith is highly skilled at the art of teaching students to think as lawyers through the use of the case method of legal analysis. The success of the method requires rare gifts of intellect and expression and in this field Professor Smith is distinctly superior. A veritable master of classroom dialogue, his reputation for excellence in instruction in Contracts, Conventional Obligations, Sales and Insurance stamps Dr. Smith as one of the ablest teachers in the entire history of the L.S.U. Law School.

Professor Smith's dedication to his academic fields is exemplified in the teaching materials he prepared for the special use of the Louisiana law student. His "Louisiana and Comparative Materials on Conventional Obligations," published in 1951 and in a 1962 revised edition, contains a rich variety of subject matter. It is especially designed for the law student who must gain insight into the problems of the private law in a "mixed" or "hybrid" jurisdiction, where civil law principles and common law concepts so frequently meet, blend, or cross each other. These materials bespeak Professor Smith's grasp of the special need in this area of the law of more adequate instruction in the differing and comparative features of the law of obligations. Professor Smith's "Louisiana and Comparative Materials on Sales and Leases," in original and revised editions, reflect similar insight and dedication to the special needs of the Louisiana law student. To teach sales law from a common law approach would be unrealistic and out of keeping with the predominant legal tradition reflected in the Civil Code. To teach "leases" in terms of the landlord-tenant relationship as a phase of the common law conception of an estate in land would be equally unrealistic. Visualizing such difficulties, Mr. Smith produced teaching tools adapted to the different and unique needs of Louisiana law.

Professor Smith's scholarly contributions appearing in a number of legal periodicals are of penetrating depth and excellence. His "Coercion of Third Parties in Labor Disputes—The Secondary Boycott" (1939) is a scholarly analysis forecasting many of the problems subsequently arising in this area. His article on "The Cloudy Concept of Default" (1965) is an incisive

exploration of serious and continuing problems in an extremely difficult and technical area of contract law. His annual contributions to the discussions of Louisiana cases in his field, published so often in the pages of the *Louisiana Law Review*, have influenced subsequent judicial disposition of significant litigation, aided in the classification of the law, and have been of incalculable value to the bench and bar.

In the work of law reform in Louisiana, Professor Smith has been pre-eminent. Since 1938 he has served as Director of the Louisiana State Law Institute, an officially created law revision, legal research and law reform agency for the State of Louisiana. The Law School, as the domicile of the Institute, has been a focal point of important projects under planning which embraces cooperation of the bench, the bar, and the teaching profession in the Louisiana Law Schools. As Director of the Institute, Professor Smith has discharged his responsibilities with fidelity, with acumen and with keen sensitivity to all of the professional relationships that are involved.

During the period of his efficient direction of the affairs of the Institute, Louisiana has produced modern codes of criminal law and procedure, a new and modern code of civil procedure, a comprehensive statutory revision and plan of continuous revision, and a considerable list of publications and translations in civil law. This is a rather unique record in achieving projects of a magnitude requiring extensive combinations of legal scholarship, practical experience and administrative skills. The work of the Louisiana Constitutional Convention currently in session has been aided by the "Projet of the Constitution of Louisiana with Notes and Studies," a five-volume publication which is the starting point of consideration of any of the problems involved in drafting a new constitution for Louisiana. This work has been an invaluable time-saving aid to the delegates. It affords another example of the value of the Institute's work so capably directed by Professor Smith. Professor Smith, although retiring from teaching, has been induced to devote a portion of his time to the directorship of the Institute. We can expect further progress in important pending projects such as the adaptation of portions of the Uniform Commercial Code to Louisiana law, legislation in the mineral law and possible revisions of portions of the Civil Code of Louisiana together with other useful and needed publications related to Louisiana

law It is good to know that Professor Smith will continue with the important task of directing the Institute's work.

Professor Smith's work as a faculty member at Louisiana State University merits the praise and recognition of all who are devoted to law, its teaching and improvement, and to creating a better understanding of law For such achievements he has been cited by his contemporaries. In 1968 the Law Institute in special ceremonies cited him for 30 years of efficient and loyal service as Director. His citation for the Alumni Professorship reflects the high opinion of those who know the true merit of his work.

In the realm of the intangible his impact will always be significant. Brilliant but humble, he has sought to build integrity and character in his students by precept and by example. He has been known as an exacting teacher who always treats students with scrupulous fairness. Characteristic of the importance to the first year class is the fact that a percentage of failures is ever present. Yet students universally accept his rigid code of fairness. It is a tribute to Denson Smith that he stands high in the regard even of those students who have not made the grade in his courses.

The best wishes of the entire Law School family are with Denson Smith and with his lovely wife, Dorothy, as they turn to another phase of what has been an extremely valuable professional career replete with accomplishment in its every prior phase during many crowded years.

It has been truly said—"As lawyer, teacher and scholar, John Denson Smith has contributed greatly to the academic stature of Louisiana State University"

What he has done is too indelible to ever fade away

Paul M. Hebert
Dean

Baton Rouge, La.
June 26, 1973