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Dedication: Wex S. Malone

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*This issue of the
Louisiana Law Review
Is Respectfully Dedicated to
Boyd Professor Wex S. Malone*



Wex S. Malone
Boyd Professor of Law Emeritus

DEDICATION

This issue of the Review is respectfully dedicated to Boyd Professor Emeritus Wex S. Malone who, at his request, at the end of the academic year 1973-74 has joined the growing list of retired senior Faculty members of the Law School. The Faculty, staff, and student body, in taking note of this action of Professor Malone, accept his decision with a great sense of pride in his accomplishments, with genuine sorrow in the loss from the classroom of an outstanding teacher and scholar, but with thankfulness in the fact that he will be continuing his research and writing in residence at the School. The sense of loss is tempered by the fact that he will still be here to encourage and stimulate the interest of the Law Review members who always enjoy legal research and writing in Mr. Malone's chosen field. He richly deserves to be accorded his desired leisure for the additional important tasks he will undertake. The entire Law School family wish him the continued health and happiness he is certain to enjoy in the new and differing role he will fill in what we think of as another phase of a brilliant professional career.

Wex Smathers Malone, born in North Carolina in 1906, has been a member of the L.S.U. Law School faculty since 1939. He earned the Bachelor of Arts degree at the University of North Carolina in 1928. In 1931, he received the degree of Juris Doctor at the University of North Carolina and thereupon accepted a teaching position at the University of Mississippi, where he served as Professor of Law in 1931-32. In 1933, Professor Malone received the degree of Master of Laws from Harvard University, and from 1933 to 1935, he engaged in the practice of law in association with Reed, Hoyt and Washburn, one of New York City's respected law firms, and also served as a member of the Legal Department of Irving Trust Company of New York City.

Unable to resist the lure of the classroom, Professor Malone returned to the University of Mississippi in 1935, serving as Professor of Law until 1939, when the LSU Law School was fortunate in obtaining his services. Except for the period 1942-44, during which he served as senior attorney for the Federal Public Housing Authority, he has been a member of the LSU Law School Faculty ever since.

Professor Malone's contributions to the literature in the various fields of his special interests attracted the attention of scholars elsewhere quite early in his career: he often accepted visiting assignments at a number of universities highly regarded in the academic world. The character and frequency of such assignments reflect Mr. Malone's national stature. He was Visiting Professor of Law at the University of Southern California in 1951 and was later named as

Legion Lex Distinguished Visiting Professor. He has taught at: Rutgers University, Stanford University, Northwestern University (on three occasions), the University of Texas (on three occasions), the University of Chicago, Hastings College of Law, and the University of North Carolina. During more recent years he was forced to decline equally attractive offers from many universities.

The reputation and esteem he enjoys as a leader in the field of Torts have brought Professor Malone numerous posts of honor and distinction in the law. He was elevated to the national presidency of The Order of the Coif, America's most noted honorary law society, for a period of three years. He was named to the Presidency of the Midwest Law Review Conference—a tribute to his ability and leadership during his service as Faculty Advisor to the *Louisiana Law Review*. Professor Malone has played a leading role in the organization of the Southeastern Law Review Conference. He has been active in the affairs of the Association of American Law Schools, of which he served as President in 1967. This is considered the most prestigious honor that can be merited by a law school teacher. In addition, he has served as a member of its Executive Committee, Chairman of the Torts Round Table, Chairman of the Round Table on Social Legislation, Chairman of the Committee on Academic Freedom and Tenure, Chairman of the Committee on Racial Discrimination, as a member of the Program Committee, and as member of the Nominating Committee. Professor Malone was selected to represent the Association of American Law Schools as a delegate and as a member of the planning committee, in the conference of American, Canadian, and English law teachers held in New York in 1960. He served in 1964 as a member of the team of scholars visiting the Law School of the University of Arizona for consultations on improvement of legal education in that State. He was an active participant in a number of similar visitations to other schools. Professor Malone's stature in legal education and in his field received further recognition in his appointment to the Advisory Committee of the American Law Institute, formed to re-examine the Restatement of the Law of Torts, in which post he served with great distinction along with other scholars of true eminence.

Professor Malone's talents and achievements were noted in many ways at Louisiana State University. In 1964, he received one of the two Distinguished Faculty Fellowships awarded that year for the first time, under a program of the L.S.U. Foundation designed to give due recognition to faculty members of particularly outstanding attainments. In 1966, Professor Malone was named to a Boyd Professorship by the Board of Supervisors of Louisiana State University, the six-

teenth person in the history of the University to be so honored. In bestowing that honor upon him, President John A. Hunter of the University made the following comments:

You have brought distinction upon yourself and the University, and we are delighted to have you join the LSU Boyd Professor group. May your future years be as fruitful as they have in the past.

During the ensuing ten years the President's wish was more than realized.

Professor Malone is highly regarded by the practicing lawyers of the State and of the nation. In 1964, the American Trial Lawyers Association conferred upon him the Association's Award of Merit for his achievements as "scholar, author and educator." This recognition is typical of the prestige he enjoys professionally by virtue of his writings, his teaching and, above all, by virtue of his impact upon a rapidly developing field of the law. Also indicative of the constant calls upon his scholarship and leadership was his appointment in 1954 as a consultant to the Louisiana Employers' Liability Revision Commission, an official agency of the State created to study the workmen's compensation system.

Since its publication in 1951, his outstanding treatise, *Louisiana Workmen's Compensation Law and Practice*, has been an indispensable guide for the consideration of any problem in this area of the law. Few are the Louisiana lawyers and judges who do not regard it as an essential part of their working libraries. It is considered a model for other similar studies in particular jurisdictions because it so admirably transcends local interests applying broader aspects of theory and penetrating analysis, giving the book a value not limited by mere geographical boundary. Besides this noted contribution to a matter of great industrial importance, Professor Malone's publication (in collaboration with other scholars) of three casebooks for nationwide use as texts in the teaching of the basic law of Torts, the law of Relational Interests, and the law of Workmen's Compensation has brought him deserved recognition at the national level. The reception these casebooks have been accorded in leading law schools demonstrates his major contributions to legal education in this country and abroad. It is no overstatement to say that his work as scholar, author and teacher in these fields is responsible in a large measure for the growing prestige of this Law School during a period of expansion and development.

Professor Malone has had a broad teaching experience, not only

in the related fields of Automobile Law, Restitution, and Insurance, but in such diverse branches of the law as Contracts, Criminal Law, Civil Procedure, Agency, and Trade Regulation—and not only at the LSU Law School, but also at many leading law schools across the nation. Students flocked to his classes and many a successful professional career can be traced to the thrill of a classroom experience under Wex Malone. His wit and ingenuity enlivened the classroom dialogues. For LSU he has typified the type of legal education that causes alumni of the School to look back fondly on the years spent in working for the law degree.

Over and above his legal scholarship, Professor Malone always brought to the classroom a warm concern for his students, an evident genius for tight organization and clear presentation of his lectures, and an engaging and stimulating combination of insight and imagination causing his students, with both admiration and affection, to reach out with him into developing frontiers of the law.

In the classroom with his students, and in academic circles with his peers, Professor Malone always demonstrated those qualities of character, intellect, temperament, and a dedication to the responsibilities of the teaching profession which have brought such distinction to himself, to the University, and to its Law School. The *Louisiana Law Review* and his colleagues join his many other friends and admirers in the law school in wishing him well in the fruitful years that lie ahead.

In May, 1969, Professor Malone was presented a Citation of Distinction by his alma mater, the University of North Carolina, in recognition of his distinguished career. Louisiana State University takes as great pride in the accomplishments of Wex Malone as does the University of North Carolina, illustrated in the following portion of the Citation of Distinction:

Professor Malone has enjoyed a distinguished career as practicing lawyer, government civil servant, renowned scholar, and great teacher. By his influential legal writing and his effective participation in the Restatement of Torts, he has contributed significantly to the development of the area of the law which he has made his special competence. By his stimulating law teaching, he has in a career spanning thirty years inspired in a legion of law students a keen appreciation and understanding of law's structure and dynamics, its demands upon those who undertake its practice, and its crucial function in society.

So outstanding is his capacity for the stimulation of law

students and so delightful his academic and personal association with him that he has been invited to serve as Visiting Professor in major law schools from one end of the country to the other, becoming known and revered as the country's most peripatetic professor of law.

The Review applauds tasks so well done and joins the numerous friends of Wex and Helen Malone in wishing them the happiness that comes to those who shower excellence wherever they may be.

Paul M. Hebert
Dean

Baton Rouge, La.
June 12, 1974