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Mason Ladd--In Memoriam

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*Ronald L. Carlson**

Mason Ladd's life in the law of evidence will never be stilled. The contributions are too thoughtful, too productive, too filled with impact for that ever to happen. In the galaxy of great figures that includes Wigmore, Cleary, Morgan, Maguire, Weinstein, McCormick, Louisell, and others, Dean Ladd's star shone brightly. The mix of insight, humor, and good will that he brought to teaching and scholarly writing is unmatched. The influence of Mason Ladd is perhaps best summarized by this tribute: You can lose a man like Dean Ladd by your own death, but not by his.¹

Dean Ladd excelled in law review and casebook writing. When preparing a casebook, Dean Ladd was remarkable for the inclusion of incisive notes and questions, as well as selection of the most colorful cases available. These cases captured the attention of evidence students wherever his books were used. Few will forget Chiggers the mule² or the bloodhound Old Boston.³ The extreme privilege of this writer to serve as a casebook coauthor with Dean Ladd was a proud moment in my own career.⁴

Classics authored by Mason Ladd in the field of law review articles include: *Impeachment of One's Own Witness—New Developments*, 4 U. Chi. L. Rev. 69 (1936); *Credibility Tests—Current Trends*, 89 U. Pa. L. Rev. 166 (1940); *Expert Testimony*, 5 Vand. L. Rev. 414 (1952); *The Hearsay We Admit*, 5 Okla. L. Rev. 271 (1952); *Some Observations on Credibility: Impeachment of Witnesses*, 52 Cornell L.Q. 239 (1967); *Presumptions in Civil Actions*, 1977 Ariz. St. L.J. 275 (Cleary tribute edition).

Little wonder that many lawyers felt that citing a few lines from Ladd in a legal argument was worth several cases. For decades his views have been endorsed in court opinions. In 1963 the Supreme Court of Iowa decided *State v. Scalf* by referring to the theories of reputation and character evidence expounded by Dean Ladd.⁵ Again in *Johnson v. Baltimore & O.R. Co.*, the federal court abolished the rule that a party is bound by everything his own witness says, citing as support the "exhaus-

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1. A similar memorial comment was made by Judge Joseph Simeone eulogizing a revered professor. Simeone, *Oval Phipps: Friend and Scholar*, 19 ST. LOUIS U. L.J. 463, 464 (1975).

2. *Fred Harvey Corp. v. Mateas*, 170 F.2d 612, 612 (9th Cir. 1948).

3. *Buck v. State*, 77 Okla. Crim. 17, 30, 138 P.2d 115, 121 (1943).

4. M. LADD & R. CARLSON, *CASES AND MATERIALS ON EVIDENCE* (1972 & Supp. 1976).

5. 254 Iowa 983, 987, 119 N.W.2d 868, 870 (1963).

tive article" by Mason Ladd.⁶ The tendency of thoughtful court opinions to cite the works of Mason Ladd continues today, as evidenced by a 1980 decision of the Iowa Supreme Court.⁷

Dean Ladd served the legal profession and the people of Iowa as law dean in Iowa City from 1939 until 1966. During this period I began teaching law, and the warmth and hospitality extended by Mason and Esther Ladd will never be forgotten. At the College of Law, I remember fondly the many chats about life and law with a convivial circle of discussants that often included Justice Robert Larson, Dean Ladd, and myself. After his distinguished service at Iowa, he became the first dean of the Florida State University Law School. The Mason Ladd Professorships at Iowa and Florida State, and the Mason Ladd Memorial Lecture Series at both schools, stand in his honor.

In numerous ways Dean Ladd shaped the practice of trial law for the entire nation. Many provisions of the great evidence codes of this century, including the Federal Rules of Evidence, bear his imprint. In addition, in the best sense of the word he lectured the bar. I shared the podium with him on many occasions—in Iowa City, in Las Vegas, at the Eighth Circuit Conference in North Dakota—and in other settings. Dean Ladd felt that a leavened measure of entertainment might seemly accompany meaningful instruction. He instructed, and he entertained. And the audiences were delighted.

In 1979, the Fellows of the American Bar Foundation conferred the 1979 Fellows Research Award on Dean Ladd, saying in part:

Few law academicians have equaled the productivity and excellence of Dean Ladd's contributions. His research work, including chairmanship of the American Bar Foundation Research Committee, has been of inestimable value to scholars and practitioners.

. . . .

Dean Ladd has always been popular among deans and teachers, and his reputation as a recruiter of gifted young teachers equals that of his outstanding and prolific writings. He is also uniformly revered by his former students, a surprisingly large number of whom have attained positions as teachers, lawyers, judges, and public officers. A former student reminisced: "To attend one of his classes was one of the richest experiences in law school."⁸

6. 208 F.2d 633, 635 (3d Cir. 1953), *citing* Ladd, *Impeachment of One's Own Witness*, 4 U. CHI. L. REV. 69, 96 (1936).

7. *State v. Savage*, 288 N.W.2d 502, 506 (Iowa 1980), *citing* M. LADD & R. CARLSON, *CASES AND MATERIALS ON EVIDENCE* 12 (1972); *see, e.g.*, *United States v. Smith*, 520 F.2d 1245, 1248 n.5 (8th Cir. 1975); *McDonnell v. United States*, 472 F.2d 1153, 1155 (8th Cir. 1973).

8. This quote was taken from the program of the Fellows of the American Bar Foun-

It has been said that a teacher affects eternity, that the teacher can never tell where his influence stops. These are the real compensations of the law teacher: The opportunity to work with gifted people, and to influence their learning and their lives in a unique way. Dean Ladd made the most of this opportunity for he was a classroom lecturer without peer. He left his mark on generations of law students. And the personal imprint he left on a young teacher of evidence who joined the Iowa law faculty in 1965, this writer, is indelible. He was an inspiration. The memory of Mason Ladd, a pinnacle figure in American law, will be cherished forever.

dition, Twenty-third Annual meeting, February 10, 1979, Atlanta, Georgia (copy on file with *Iowa Law Review*).