Feb 2015 E-newsletter Faculty Spotlight: Carter Chair in Tort and Insurance Law Michael L. Wells

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Faculty Spotlight: Michael L. Wells

Name: Michael L. Wells
Title: Marion and W. Colquitt Carter Chair in Tort and Insurance Law
Area of Specialization: Torts, Federal Courts, Section 1983 Litigation
Hometown: Baskerville, Virginia
Law School/Graduation Year: University of Virginia/1975
Other degree/institution/year: B.A./University of Virginia/1972

1. What influenced your decision to go to law school?
I grew up on a tobacco farm in Virginia. For a variety of reasons, it was apparent that there would be no future in tobacco farming. All farmers are at the mercy of the weather and of bankers. I found that I could get ahead in life by reading and writing and manipulating concepts, all of which is not only much easier but also better-paid work than farming. Law school offered the opportunity to learn a trade in which one could make a good living by indoor work with no heavy lifting.

2. What did you do before entering the legal teaching academy?
I clerked for a judge for a year and worked at a law firm in Washington, D.C., for two years. I also wrote a couple of law review articles.

3. What made you decide to become a professor?
While I was clerking I read a lot of briefs filed by lawyers in appellate cases and listened to their oral arguments before the judges. It was apparent that many of them had devoted little time to these aspects of their jobs, probably because other matters always seemed more urgent. But analyzing legal problems, clarifying issues and making effective arguments was the part of law practice that most interested me. I went to a firm at which one could do those things. The intellectual side of law practice was taken quite seriously. But I found that even the best lawyers were always at the mercy of clients (as they should be). Law teaching gives you more autonomy, though salaries are lower. I wanted to make decisions about what projects I would undertake, and I was happy to give up the higher income of a lawyer in order to do that. In this job, I get to decide for myself how I will teach my courses and what I will write about.

4. What do you enjoy most about your job? What is the most rewarding aspect of being a professor?
Dealing with our students is the most enjoyable and most rewarding aspect of being a professor. Our students are highly motivated, enthusiastic and talented. The discussions we have during and after class are as interesting and stimulating as I could hope for. I hope that I can contribute as much to their understanding of law as they bring to mine.

5. What type of influence do you hope to have on your students?
I hope to teach them that, whenever they approach any problem, they should break it down into all of its components and figure out how those elements interact. They should never take anything for granted, even something written in a supposedly authoritative book. They should learn to construct legal arguments that can withstand sustained scrutiny, and they should learn how to identify weaknesses in their own arguments as well as those of their adversaries. They should learn that litigation is a kind of combat (but a better form of combat than the ones in which blood is spilled). They should learn that resilience is a big virtue for a lawyer. Getting knocked down is nothing to worry about, so long as you get up again!

6. How did you choose your legal specialty?
When I interviewed for a job at Georgia, I was asked if I would like to teach a first-year course and I said yes. I was assigned to teach torts and have done so ever since. I was also asked if I would be willing to teach federal courts and said yes. I have also taught that course ever since. So it was just a matter of doing what I was asked to do. I was always quite happy with those
7. What do you enjoy most about these areas of the law?
The torts course allows the students and me to explore a range of policy issues having to do with personal autonomy and social welfare. Every year I get a fresh look at those topics and a new opportunity to debate these issues with students. We also get to examine the reasoning of judges in common law cases, and identify the strengths and weaknesses of their judicial opinions. Federal Courts is an area in which the doctrine is unstable and dynamic. One can contribute a lot to students' understanding, because a lot of it is not and cannot be captured in any book.

8. Are you currently conducting any research? What is its focus?
I am working with Professor Tom Eaton on an article about attorney's fees in section 1983 litigation. There are cases in which the plaintiff wins on the merits and is therefore presumptively entitled to an attorney's fee, yet he obtains only nominal damages. Some courts rule that no fee should be awarded in such a case. We think those courts are wrong, and we want to explain why.

9. How do you stay up to date on legal issues and trends?
I read the CILP index of current legal periodicals, SCOTUSblog, and other blogs, as well as The New York Times and the Wall Street Journal. I also read the cases in my area in the advance sheets of the Federal Reporter 3rd and the Supreme Court Reporter.

10. What book/resource do you find yourself referencing the most?
Anyone interested in Federal Courts, as I am, should always turn to Hart & Wechsler’s The Federal Courts and the Federal System. It was first published in 1953 and is now in its 6th edition. Of course the authors have changed over the years, but all of them are incisive, rigorous and hard working. It is one of the most intellectually serious books anyone ever wrote about law.

11. What advice would you give to current law students?
They should hang in there! It is true that the organization of law practice is changing, and that the types of jobs available in the future will differ from those available in the past. But if they work hard they will nonetheless make a good living, because there will always be a need for good lawyers in a complex society like ours. In fact, I think that need will increase over time. Do not get discouraged about salaries. To put the current trend in perspective, bear in mind that 50 years ago the starting salaries at the very best law firms in the country were (in inflation-adjusted terms) under $75,000 a year.