The Special Committee of the General Faculty to prepare a Memorial Resolution for Gus M. Hodges, Professor Emeritus, School of Law, has filed with the Secretary of the General Faculty the following report.

H. Paul Kelley, Secretary
The General Faculty

IN MEMORIAM

GUS MACEY HODGES

Gus Macey Hodges died at his home in Austin on February 7, 1992. He was then an Emeritus Professor who had served on The University of Texas at Austin law faculty for 36 years. A distinguished scholar and enormously popular teacher, he was held in both high and affectionate regard by many thousands of students, attorneys, judges and faculty. For many hundreds of non-native students and faculty he was, in addition, the quintessential Texan.

He was born in 1908 in Alba, a small East Texas town where his father was the superintendent of a coal mine, and grew up and was educated in Greenville. After attending Wesley Junior College in 1926-27, he matriculated at The University of Texas, where he received his B.B.A. in 1930 and his LL.B. in 1932. An exceptional law student, he was a member of Chancellors, Coif, and the Texas Law Review. After his graduation he joined the Dallas law firm of Robertson, Leachman, Payne, Gardere and Lancaster where he practiced personal injury law. Despite his active practice, he found time to pursue his scholarly interests by publishing his first post-graduation article—The Automobile Guest Statutes—in the Texas Law Review. He remained with the firm until 1940 when he was enticed to return to the Law School as a professor at the munificent starting salary of $4,250. Just before joining the faculty he wed Elizabeth Brown. Their marriage lasted for 50 years until her death in 1989. Mrs. Hodges, an accomplished pianist and singer, had a vivacity which never failed to bring an extra sparkle to his eyes; together they were extraordinarily engaging hosts and guests who enlivened the social life of both students and faculty.

Professor Hodges’ teaching career was interrupted in February 1944 when he was reclassified 1A, passed his physical and was assigned to the Navy. At that time he was teaching both Property and Torts. The law faculty had been reduced from 17 to 7 since America’s entry into the war so that it was necessary for The University to seek a delay in his induction until the end of the semester. This was granted and in August he reported for service as a Lieutenant (jg) in the United States Naval Reserve, having been granted a leave of absence approved by Dean McCormick and President Rainey. In keeping with military tradition,
his extensive litigation and academic experience was recognized by his assignment as the communications officer to the U.S.S. Beagle. The Beagle was a tanker which carried aviation gasoline from Saipan through the northern Pacific following the military advance. Although the ship obviously was a Molotov cocktail waiting to explode, he reported that his most frightening naval experience was a now-famous typhoon in the fall of 1945. As he reported in an October 22, 1945, letter to Dean McCormick while his ship was "visiting scenic Okinawa for the festive typhoon season" they were caught in the eye of a typhoon and rendered without steering control for 18 hours. He did not, however, complain about his lost years in the Navy even though he acknowledged looking forward to the ship's assignment to Korea which he hoped would "involve seeing a structure that isn't either a ship, a tent or a Quonset. Also it will be interesting to see that rare object—a civilian." As the oldest member of the Beagle's crew, he did express some concern that his younger comrades would be "easy targets [of matrimony] as I understand anti-girl defense is not in the curriculum at separation centers."

He was mustered out in 1946 and returned to teaching where his scholarly interests became sharply focused on the intricacies and arcana of Texas civil procedure. His efforts to explain and reform state procedural law became and remained the center of his professional career to the benefit of generations of litigators and judges. Beginning in the year after his return to the law school he produced a stream of books, articles and reviews directed largely, although not exclusively, to this general topic. He became widely acknowledged as the dominant authority in the subject area, most particularly as the Ariadne for thousands of Texas litigators and judges seeking to escape the labyrinth of special issue practice. His *Special Issue Submission in Texas*, first published in 1959, was perhaps the most widely used book on Texas civil procedure ever written.

His mastery of procedure led to his becoming the practicing bar's most popular academic speaker. He responded to the requests of county bar associations throughout the state. For example, in 1951 and 1952 he spoke to Bar meetings in Temple, Austin, Abilene, Rusk, Weatherford, and Houston. Special recognition of his contributions to the administration of justice in Texas came in 1955 when he was named a Commissioner of the Commission on Uniform State Laws, a position which subsequently authorized the burial of himself and Elizabeth in a beautiful spot which they had selected at the State Cemetery. In 1962, he was named to the State Bar Commission on Administration of Justice. He continued service on this important Commission even after being named to the prestigious Advisory Committee of the Supreme Court of Texas in 1968. He was also in demand in the administration of The University, serving as Chairman of the Board of Directors of the University Cooperative Society, and as Chairman of the Intercollegiate Athletic Council. The latter position had its rewards since it permitted him and Elizabeth to travel with the team on occasion.

He was a very popular teacher with a repertoire of courses that amazes new teachers. Among the courses he taught during his 36 years with The University were Real Property, Domestic Relations, Marital Community, Damages, Oil and Gas, Torts, Wills, Workmen's (sic) Compensation, and, of course, procedure in its many varieties. Perhaps his most famous course was a practice seminar on jury charges which he constructed and taught jointly with Dean Page Keeton. Students were provided with a record and required to draw up proposed issues, objections to issues and requests for additional issues. It was a model of clinical simulation before that term had become a commonplace in legal academe. The seminar was always oversubscribed although, it is reported, that one great attraction was the frequent opportunity to hear him and Dean Keeton argue at length over some arcane point of civil procedure or tort law.

His persona, over the years, assumed mythic proportions. His famous mustaches grew to handlebars rivaling those of Western desperadoes or river boat gamblers. Despite his avuncular manner, he took the educational process seriously and had no doubts about the importance of the classroom for those who had committed themselves to becoming lawyers and counselors. Warnings were transmitted by one class to the next of his practice of simply saying "I'll scuse you" to an unprepared student. In the unlikely event of a student who, not comprehending the meaning of that phrase, resumed his seat and thought himself saved by the instructor's compassion, the Socratic dialogue would be suspended until someone informed the miscreant that he was to leave the room. But, outside the classroom, his affectionate good
nature and openness to students was obvious. For many years during the School's annual "Law Week" celebration, he and Dean Keeton, as partners, would challenge all students to a "42" contest; the then very popular Texas domino game. Although many enthusiastic students accepted the challenge, all, according to the institutional memory, were soundly defeated.

In 1972 he was named the Baker & Botts Professor of Law, an endowment which he retained until his retirement in 1976, when he was named the Law School outstanding alumnus. He taught one-third time for two years when failing health led to his complete retirement at the end of the 1977-78 academic year when he was appointed Professor Emeritus. It was very sad that the physical decline of both Elizabeth and himself precluded him from further scholarly writing and both of them from pursuing their great love of bird watching.

Gus Hodges joined the Law School faculty just as it was beginning its transition from being a good regional school to its rise to the first rank of national schools. Charles T. McCormick, perhaps the greatest scholar to be associated with the school, had assumed the deanship. Among those on the small faculty who continued in academic careers at Texas were the greats: W. Page Keeton, William O. Huie, George W. Stumberg, and Judge Robert W. Stayton. Three who soon were lost to other schools were Clarence Morris and Covey T. Oliver, both of whom later achieved even greater distinction at the University of Pennsylvania, and Kenneth Davis, who subsequently emerged as the leading figure, if not the creator, of administrative law. Others who left teaching to achieve greatness in other fields were Preston Shirley, Edward Weldon (Buck) Bailey, and Benno T. Schmidt who became a prominent investment banker in New York.

One of the distinctive features of the faculty which Gus joined was that it included several non-Texans, a pattern unusual at the time but which marked the direction of the future under the deanships of Keeton, Smith, Sutton and Yudof. Gus, as a member of the Appointments Committee, played an important role in the decision to reach out and hire the best of the available candidates, however unfortunate might be the circumstances of their nativity. His openness to the transformation of the faculty and the school was particularly noteworthy not only because he was so deeply rooted in the state as a Texan born and bred, but, more importantly for this purpose, in its legal traditions. Beyond the formalities of the faculty appointment process, he and Elizabeth were key figures in creating a law school community which welcomed newcomers and bound them to the school, the city, and the state with ties of genuine affection and with, as Elizabeth and Gus often sang, joy, joy, joy in my everlasting soul. Their personal kindness displayed as guests and at their parties which always included Elizabeth at the piano and Gus supporting with the vocals were high points for many who found themselves in a new and somewhat strange milieu. Their joint rendition of the Santa Fe Railroad song, "America Take My Son," and similar little known popular songs of an earlier era were both memorable and delightful.

No one could be better positioned to evaluate the character and impact of Gus Macey Hodges than his friend, contemporary, colleague and dean, Page Keeton. A small portion of his commentary published in 54 Texas Law Review 1181 (1976) is quoted below. Dean Keeton wrote:

First, in the future when thought is given to Texas civil procedure—including what it is today, what it has been, and what it ought to be—Hodges will be remembered. Second, Gus Hodges is not a narrow person grounded only in a local Texas tradition. . . . He is instead a person who has been able to incorporate what is discoverable as good anywhere into a thoughtful discussion of what ought to be. Third, he has demonstrated that there is no inconsistency in training students to practice law in Texas and training law students in the grand manner and for practice anywhere. Fourth, Hodges has demonstrated that a legal educator can often be much more effective in the use of his talents by establishing roots in one place, giving no thought to the advancement of his status, either financially or nationally, by peregrinating from law school to law school on the basis of which might be the highest bidder. Last, Hodges has adhered to the notion that the classes that he
contracted to teach come first, and he has demanded the same priority from students. Lawyers, young and old, throughout the state can testify to this quality, especially those who at one time or another were summarily excused when unprepared.

Gus Macey Hodges lived a full and rewarding life. His accomplishments as a teacher and scholar received great and well-deserved recognition during his life. He was a kind and affectionate person whose love was returned by students, colleagues, friends and, most importantly, his family. He had a wonderful marriage of fifty years with Elizabeth marked by fun and the highest level of mutual respect and support. Their children, Richard Hodges and Macey Reasoner, and their grandchildren, Barrett and Macey Reasoner, and Richard C. Hodges, Joan Hodges, and Ann Hodges-Copple, were all devoted to him reflecting his great love for them. His was a rich life and a model for all who knew him.

This Memorial Resolution was prepared by a special committee consisting of Professor M. Michael Sharlot (Chair), Professor John F. Sutton, and Professor Jack Ratliff.
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BOOK REVIEWS


AUDIovisual MATERIALS

With T. J. Gibson. *Gus Hodges Reminisces With T. J. Gibson* [sound recording]. Austin, Texas: Sound Recorders, Inc., 19uu. 1 sound cassette.

WORKS ABOUT


Distributed to Voting and Emeritus Members of the faculty of the School of Law, the Dean of the School of Law, the Executive Vice President and Provost, and the President on August 31, 1995.