IN MEMORIAM

MARION KENNETH WOODWARD

Marion Kenneth Woodward, Windfor Professor of Law Emeritus, died February 20, 1995, in Austin, Texas.

Professor Woodward was born April 15, 1912 at Amarillo, Texas. He obtained two degrees at the University of Texas: Bachelor of Arts in 1933 and Bachelor of Laws (with honors) in 1943. During the years between his graduation in 1933 and his becoming a student at the Law School, he taught in public schools in Texline, Texas, and Amarillo, Texas, and also obtained a Master of Arts degree at West Texas State University in 1940. It was while teaching in Amarillo that Kenneth met an art teacher, Maurine Wallingford, whom he persuaded to become Maurine Woodward. Their marriage continued until Kenneth’s death. They had one son, M. Kenneth Woodward, Jr., who practices law in Austin. Professor Woodward was also survived by his daughter-in-law, Julie, and three grandchildren: Kenny, Shane and Danielle Woodward.

As a student at the Law School, Woodward earned many honors, including induction into Chancellors (the most prestigious student honorary society at the Law School) and Order of the Coif (whose members are the highest student academic achievers at each of the member law schools in the nation). He also was Comment Editor of the Texas Law Review.

Following graduation from the University of Texas Law School, he served as an officer in the SIC Division of the United States Army. Following World War II, he became an attorney for the Phillips Petroleum Company.

In 1945, Kenneth returned to his alma mater as an Associate Professor of Law. He remained on the faculty until his death. He was Assistant Dean of the Law School from 1948 until 1951 and Associate Dean from 1951 until 1963. He also was Acting Dean for a time. He retired in 1982, but continued teaching part time for several years. Early in his teaching career, he was
granted a leave of absence to spend an academic year at the Yale Law School as a Sterling Fellow. He also was a visiting professor from time to time at other prestigious law schools.

Professor Woodward was a remarkably gifted teacher. His courses were popular and his students formally expressed their appreciation for his teaching excellence. Students often applauded his ability to clarify difficult subjects, his patience with students, and his sense of humor. Students were never hesitant to visit his office. He invariably received them in a friendly manner and gave serious consideration to their statements.

The years when Kenneth Woodward was Assistant Dean, Acting Dean and Associate Dean were a difficult time for the Law School. His talents matched the needs of that era perfectly. Many characteristics of the Law School during the post-World War II era could have caused students to conclude that our school was a most inhospitable place. Overcrowding was severe. The ratio of faculty to students was low. The Law School was housed in an old building that was too small and inadequate in many respects. The curriculum was severely limited. Admission requirements were low, and the attrition rate was staggering. Many students were veterans of the war, some with wives and children. They were eager to finish their legal education as soon as possible and begin to earn a living. They were inclined to be impatient with all aspects of the Law School that seemed unrelated directly to that goal. They welcomed practical courses, but eschewed public policy and jurisprudence. A sympathetic and wise counselor was sorely needed. Kenneth met that goal admirably. He was a superb administrator, but teaching, research and writing were his principal interests.

As an academician, Professor Woodward soon became recognized as an expert on probate and land law, particularly oil and gas, wills and estates, land titles, and real property finance. He authored valuable works in all of these subjects, and was especially influential in the areas of oil and gas and probate law. For decades Cases and Materials on Oil and Gas was the standard teaching tool in oil and gas law classes; “Ownership of Interests in Oil and Gas,” 26 Ohio St. L. J. 353 (1965), helped establish the theoretical underpinnings of oil and gas jurisprudence in a state with a
developing petroleum industry, and “Fair Share and the Small Tract in Texas,” 41 Tex. L. Rev. 55 (1962), which he co-authored with Mr. R. E. Hardwicke, led to long-needed reforms in Railroad Commission regulatory practices. Professor Woodward’s various articles on independent administration, including especially “Independent Administrations Under the New Texas Probate Code,” 34 Tex. L. Rev. 687 (1956), are widely cited by courts and practitioners as the most authoritative statement on this method of probate administration, and his two volume treatise on probate and decedents’ estates, although published a quarter of a century ago, remains unchallenged as the standard work on probate law and practice in Texas. Professor Woodward was -- and still is -- the leading authority on this subject.

Many lawyers frequently sought his counsel. Characteristically, Kenneth usually did not submit a bill for his services. But the grateful recipients of his wisdom, knowledge and analytical ability nearly always rewarded him anyway. His services were also sought by, and gladly given to, many others. The Governor of Texas appointed him to the Commission on Uniform State Laws. He also became a member of the Legal Committee of the Interstate Oil Compact Commission. When his church and the University Co-op needed legal assistance in land acquisition, they turned to Kenneth Woodward. There were many other instances of his generous contributions of time, energy and skill to various communities of which he was a part.

As a faculty colleague, Kenneth Woodward was superb. He placed the welfare of the institution above his own welfare. He was never reluctant to assume tasks that were dull, difficult or time-consuming, but essential to the welfare of the Law School. He was focused on what was important, rather than upon activities that might attract favorable attention to himself. He was unusually considerate of others and inclined to overlook their faults. His faculty colleagues were never reluctant to engage him in conversation. He would never say anything that would make his listener uncomfortable. Faculty who had a problem could go to Kenneth with assurance that Kenneth would sincerely and carefully consider it, make helpful suggestions, and not violate
requested confidentiality. Many of his colleagues were beneficiaries of his considerate and wise counsel.

Despite his customary friendly manner, Professor Woodward would not tolerate injustice to others. He did not hesitate to speak out and to act in support of just causes. In writing “Fair Share and the Small Tract in Texas,” 41 Tex. L. Rev. 75 (1962), he knowingly incurred the wrath of a powerful segment of the oil industry by critiquing regulatory practices that grossly favored one set of companies and landowners at the expense of other companies and landowners. In February of 1968, he and other members of the law faculty and students issued a strong statement in opposition to the continued participation of the United States in the Vietnam War.

In 1982, Professor Woodward received the Outstanding Alumnus Award from the University of Texas Law School. In 1993, the M. Kenneth Woodward Endowed Presidential Scholarship in Law was established in his honor by former students of the Law School.

A major goal of the Law School is development of a high standard of professional integrity in future members of the legal profession. We seek to accomplish this through courses in Professional Responsibility and by highlighting ethical aspects of all courses. Faculty are also aware that their conduct, outside as well as inside the classroom, reveals their own ethical standards. It is unlikely that any person was more aware of this, and determined to act accordingly than Professor Woodward. By merely knowing him, his students surely were influenced to become better persons and more responsible members of the legal profession.
This Memorial Resolution was prepared by a special committee composed of Professors Corwin W. Johnson (Chair), William O. Huie, and Ernest E. Smith.
BIBLIOGRAPHY

Authored works


Articles

“In Memory of Professor Edward Weldon Bailey.” 59 Tex. L. Rev. 7 (1981)


“Ownership of Interests in Oil and Gas.” 26 Ohio St. L.J. 353 (1965).


“Open Mine Doctrine in Oil and Gas Cases.” 35 Tex. L. Rev. 538 (1957).


Contributions

“Recent Developments in Oil and Gas Law” Paper presented to the Mineral Law Section, State Bar of Texas at Fort Worth, July 4, 1969.


Audiovisual materials

Wills and Estates. Austin: University of Texas Communications Center, 1968 (with W.W. Gibson). [phonotape 47]