

## DEAN MORSE MEMORIAL: A REMINISCENCE

*Judge E. Grady Jolly,  
U.S. Court of Appeals for the Fifth Circuit*

I drank a fair amount of whiskey with Josh Morse.

I enjoyed his many stories, mostly relating to Poplarville and Pearl River County where he very successfully practiced plaintiff's law. "It has always been my ambition to be the poor man's rich friend," he said more than once. Or, the argument over religion around a potbellied stove at a crossroads store in Pearl River County between the Baptist and the Methodist, with the Baptist raising his voice: "Are you going to sit there on that Coca Cola case and tell me that you really believe in infant baptism?" "Believe in it hell," said the Methodist, "I've seen it done." How many times have I used that story to illustrate the exercise of self-assumed powers supported by no underlying authority.

We were all young and hip, but never as cool as the Dean, fifteen years our elder. Among the regulars back then: myself, an assistant United States attorney; the ubiquitous Mike Horowitz and the never-again-heard-from Bill Holder, both nascent law professors brought down from Yale; John Robin Bradley of local blood, then and still now a law professor but now of much greater distinction; Will Lewis, then a law clerk to a local federal judge and now a "statesman among Oxford merchants"—and those not so regular at the Jolly-Horowitz-Holder house on College Hill Road, including Yalies, Walter Dellinger, George Strickler, and Ken Vinson—plus other faculty members who might also drop in.

Cool he was, but that is much too pedestrian a characterization for the karma of Josh Morse. How about insouciant fearlessness? He moved casually, rather quietly, with a sly grin at the corner of his mouth. He had a sure sense of who he was, what his potential was, what his limitations were, and what he intended to do. For all his boyish charm, it might surprise some to know that he was very much an inwardly focused person. But still, as a trial lawyer who had summed up and selected hundreds of jurors in south Mississippi, his

insights into human nature and to those with whom he interacted were never off target. Yet, it was his inward understanding of himself, his place, of what is ephemeral and what is permanent, that gave him the fearlessness, the courage, to act quietly and with reserve when others would have retreated. That he could be fired, pretty much forthwith, or that many were waiting to give him trouble, did not seem to bother him—one way or the other.

But courage must be matched with intelligence—and with creativity—for it to matter most. The Dean famously possessed these traits, which were infused with Pearl River County cunning. These talents in finding all kinds of foundation and government money, creating bold and original law school projects that would do “controversial good,” bringing in numerous luminary legal scholars as lecturers, and increasing minority scholarships and enrollment, have been lauded in other contributions made to this memoriam.

So allow me a word on the cunning part: When approached by the student committee as to whether it was in the realm of possibility to secure a United States Supreme Court Justice for the University of Mississippi Law Day celebration, the Dean thought he could handle the request. That he was not closely acquainted with any Justice was no deterrent. With the committee chairman present, he telephoned his friend on the Yale faculty, a University of Mississippi law school graduate of years ago who had distinguished himself as an international scholar, and announced: “A select committee has established an award, the L.Q.C. Lamar Outstanding Graduate Award, and has just met; it has selected you as its first recipient.” The award was to be presented on Law Day; could he perhaps induce one of his former star pupils to be the speaker and to present the award to him. “Yes indeed. Would Justice Byron White fit the bill?” That would be “just right” according to the Dean. It did not seem to concern him that there had been no such committee nor the creation of such an award. Indeed it was the first and last L.Q.C. Lamar award. But it was one big occasion when Mr. Justice White spoke at Law Day on the University of Mississippi campus at a massive dinner and presented the award to the distinguished international scholar, the former graduate of the University of Mississippi. Scores and scores of distinguished members of the state bar, from up and down and across the state, were in attendance for this Law Day celebration.

No one would argue that the Morse deanship was flawless. He could have been more solicitous of those in political power. He could have been more sensitive to the hidebounds. He could have tamed his casual fearlessness with more caution. He could have held his faculty on a tighter rein. He could have demonstrated greater piousness and self-righteousness about his cause. But he would not have been Josh, and I and others would not feel the affection for him as we write today, in nostalgia for a friend who slipped out of our little corner of the world long ago and who is now laid to eternal rest, which then seemed so far away.

