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## J. Westwood Smithers- "The Professor"

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## J. WESTWOOD SMITHERS—"THE PROFESSOR"

*Robert R. Merhige, Jr.\**

A teacher affects eternity; he can never tell where his influence stops.

Henry Brooks Adams

J. Westwood Smithers—Teacher, lawyer, public servant, and friend.

My first clearly defined recollection of "The Professor" has, to my enjoyment and embarrassment, survived for more years than he or I would willingly acknowledge, but I would expect that the incident giving rise to my recollection has now become part of the folklore of T. C. Williams School of Law and will survive each of us.

It was as if yesterday. Indeed it was, for me, a moment of humiliation and exultation. "The Professor" had given our Criminal Law class a test designed, so we were told, as an exercise in the learning process of taking a law school examination. Being, for good cause, extremely tremulous of the anticipated result, I had for many days prior to the examination foregone a habit of those days which entailed a nightly visit to Rudy Baroody's Beer Emporium located adjacent to the school, and in place thereof, I concentrated on mens reas, scienter, misdemeanors, felonies and other then, and indeed sometimes even now, incomprehensible intricacies of the subject of Criminal Law.

As always, the dreaded day of the return of our corrected examination papers arrived—snickers and derisive remarks of my classmates were ringing in my ears as I was directed—indeed commanded—to come forward and receive the results with the announcement by "The Professor" that I had managed to attain a grade of thirty-eight—followed by a further announcement to the class as follows: "That, gentlemen, is the highest grade in the class."

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\* LL.B., University of Richmond, 1942; LL.D., University of Richmond, 1976; Federal District Judge, Eastern District of Virginia.

Ah, how akin are hate and love!

That anecdote however is not my only recollection of J. Westwood Smithers. I vividly recall his devotion to the teachings of Roscoe Pound, his patience with those whom he concluded had a love of the law and his impatience with those who viewed the law as simply a means to financial security.

"The Professor's" academic record of having achieved, what I deem still stands, the highest scholastic average in the history of our law school, as well as his public service as a member of the Richmond City Council, the Library Board of the City of Richmond and Special Counsel to the Committee of Justice of the Virginia Code Commission are so well known as not to be belabored.

All who have the privilege and honor of association with this kind and learned man know of his many other accomplishments; not the least of which have been made as a practicing attorney and as Executive Director of the Virginia Trial Lawyers Association and Editor of its Law Letter for more than fifteen years.

His courage and fortitude in the face of painful physical disabilities for almost a decade have been a source of pride and sadness to all of us who care for and admire him.

J. Westwood Smithers, teacher, public servant, lawyer and friend, has enriched my life, as he has the lives of all who know him and especially those of us who were recipients of his tutelage.

His very name regenerates memories of great teachers at the law school, such as Deans Doubles and Muse, Professors Barnett, Her-rink, Wiltshire and Cudlipp, but most of all, it instills for me a deep and humble appreciation of his guidance as a teacher and his friendship as a man. Fortunately for all whose lives are so inextricably entwined with the law, he is still amongst us and his contributions are hopefully far from concluded.

Professor, I thank you.