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Marcus L. Plant

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MARCUS L. PLANT

*Wex S. Malone**

The death of Marcus Plant ends for me a stretch of many years in which he has been my friend, my co-author and the object of my respect and admiration. We have taught together both in Ann Arbor and here in Baton Rouge as visitors in our respective home base schools. The companionship enjoyed mutually between Mark and Geraldine and my wife Helen and me has been ever warm and intimate.

Personally I feel that Mark and I have peered at the phenomenon of torts through the same pair of glasses, and I am satisfied that I share much of what I believe to have been his point of view.

Mark will be remembered as a scholar who sought in his writing and teaching to maintain an even temper for tort law as it changed, sometimes convulsively, during the last two or three decades. Of particular interest has been Mark's perspective on damages for pain and suffering and other nonpecuniary losses. The ineptness of law's effort to repair human pain and misery with dollars and cents was always a matter of serious concern to him.

Mark strove to maintain a conservative outlook on the dispute over no-fault in products liability law, pointing out that a flexible balance is indispensable to a fair administration of this type of controversy, and that negligence or some similarly fluent vehicle cannot be ignored without serious loss to legal science.

One touchstone of Mark Plant's thinking can perhaps be best described as a continual awareness that accidents are costly and that the tolerance of the economy for payment of the price is not unlimited. I suggest that experience is proving that he was right.

I shall miss Mark as my dear friend and co-worker in the vineyard.

* Boyd Professor of Law Emeritus, Louisiana State University. — Ed.