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JAMES A. MARTIN A MAN OF GRAND STRENGTHS, DELIGHTFUL FOIBLES

*James J. White**

Jim Martin was my student, my colleague, and my close friend. His was a mind of independent ideas and uncommon sharpness. He was a scholar of national reputation, not just in one subject, but in three. Books that he authored or co-authored in Conflict of Laws,¹ Civil Procedure,² and Commercial Law³ are used in courses from coast to coast. He was a principal draftsman of a new statute, the Uniform Personal Property Leasing Act,⁴ that will soon be proposed for adoption in every state of the United States. He was a drafter of and a commentator on the Michigan Court Rules.⁵ These are remarkable accomplishments for a man of 41 years. In his books, in the Court Rules, and particularly in the new statute, his memory will live with us. Neither I nor anyone else needs to speak for them; they speak for themselves.

In the space given to me, I wish to honor a part of Jim's memory in a form not preserved by his books and scholarly work. I fear that the rigor and careful logic with which Jim wrote and spoke portrayed him as a man of keen but unidimensional intelligence. In fact, Jim Martin was many persons. To think him merely a keen and logical thinker would be wrong.

One Jim Martin was a highly traditional, even prudish, product of a Roman Catholic upbringing. A second Jim Martin was an avant-garde devotee of science and science fiction. Yet a third, who coexisted with the other two, was a practitioner of a decidedly nontraditional lifestyle. The traditional and conservative Jim Martin rebelled at lawlessness and disorder, was repelled by slovenliness of writing or thought, and was invariably offended by pretension and self-righteousness in all its forms. Yet it was the nontraditional person who spoke out about such lawlessness, slovenliness, and pretension. These responses to such matters were always informative, usually clever, and

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1. J. MARTIN, *CONFLICT OF LAWS: CASES AND MATERIALS* (2d ed. 1984).

2. J. LANDERS & J. MARTIN, *CIVIL PROCEDURE* (1981).

3. D. EPSTEIN & J. MARTIN, *BASIC UNIFORM COMMERCIAL CODE TEACHING MATERIALS* (2d ed. 1983).

4. U.C.C., Proposed Art. 2A, (Approved by the National Conference of Commissioners on Uniform State Laws, November 1985).

5. See J. MARTIN, R. DEAN & R. WEBSTER, *MICHIGAN COURT RULES PRACTICE* (1985).

occasionally humorous, not only in their content, but in the scolding officiousness that they revealed. To understand this engaging and eccentric facet of Jim's character, consider parts of four letters written within the last two years and of a memorandum prepared while he worked on this publication.

The first is a serious letter about a statement of a member of the Board of Regents on a topic that deeply interested Jim. This letter appeared in the March 18, 1984 *Ann Arbor News*.

Regent ——— was quoted as urging caution about non-discrimination against gays, based upon "public appearances" and "what legislators think."

I am glad that the Regent keeps practicalities in mind, but after he has considered them briefly, I hope he will dismiss them forthwith. Can you imagine him making the same statements about discrimination against blacks or Jews? ("I would like to oppose discrimination against you, but, you know, I have to think about those anti-black and anti-Jewish legislators in Lansing. Of course *I* think you're okay . . . kind of.")

Of course this letter properly criticized a Regent for a statement the Regent would not have made had he thought about it carefully. It shows Jim's skill at drawing a biting analogy; that skill served him in class and in argument as well as in correspondence.

The second letter is less serious. In it we see the conservative Jim Martin speaking on a political issue, but stimulated by the pretentiousness and self-righteousness of his political opponents. This was published in November, 1984 in the *Ann Arbor News*.

Walter Mondale's concession speech was gracious and dignified, and showed the warmth that has made him a successful human being if not a successful presidential candidate. . . .

In marked contrast, the statements of the proponents of the Nuclear Free Zone, both before and after the election, have been ungracious and mean-spirited. I was going to remain uncharacteristically silent until I saw yet one more example in [an advocate's] Viewpoint of November 12.

With the knowledge that free advice is usually ignored, I nonetheless offer the following to the nuclear free folks for their next campaign: [He then gives them various pieces of advice, among it the following:]

3. Don't try to convince us that you lost only because you were outspent. Money doesn't guarantee victory, as Republican House and Senate candidates found out this year. Moreover, your opponents actually published the text of your proposal in a full-page newspaper ad. Whether you like it or not, and whether it was accompanied by their own commentary or not, that *was* voter education—much more than in the usual election. Accept the fact that educated voters, rightly or wrongly, disagreed with you. They weren't bought. They read, they listened, and they weren't convinced. Stop whining.

4. Next time, try at least to pretend that you accept the possibility that someone who disagrees with you may do so on the basis of principle

and honest disagreement, and not instead for reasons of stupidity, greed or a desire to see the end of the human race. You may not believe it's true, but if you pretend that you believe it, you will turn off fewer people who, this time, were unimpressed by your self-righteousness.

In the third letter we see Jim at his officious best. Here he is springing to the defense of a group of which he was clearly not a member. This is the group of those who are both fat and gullible. He is responding to an advertisement titled "Thrilling Japanese Super Pill Guarantees Rapid Weight-Loss!" that appeared in a stuffer in the *Ann Arbor News*. He writes to the Federal Trade Commission to "initiate formal procedures for complaining" about this fraudulent advertising. Not only does he take the perpetrator of the advertisement to task, he asks how he might initiate a complaint "against the *Ann Arbor News*." He states, correctly, that the *Ann Arbor News* has no obligation to use the "Family Weekly" as a stuffer, and, always ready with an analogy, suggests that the *Ann Arbor News* would not carry the Family Weekly if, for example, it ran pornographic photos or libelous articles.

The fourth letter is a quintessential Martin letter. It complains about English language usage, a topic dear to his heart. It was directed at his favorite target, the *Ann Arbor News*, only last July.

I am perplexed by the continuing misuseage by the News of "media" as a singular noun. The most recent example was a headline . . . "Terrorists' control over media illustrates how non-objective *it really is*."

Irregular plurals are admittedly troublesome. . . . But the proper use of "medium" and "media" should not appear beyond your capabilities, especially since newspapers *are* one of the news media and intelligent people are usually expected to know the proper usage of words touching upon their very livelihoods.

Since this issue has been raised many times in your letter columns without apparent effect, I wonder if you would descend from your customary icy editorial silence and share with the readers your views on the subject — are these misusages mere oversight, are they attempts at linguistic reform, or is there some other explanation I haven't thought of?

The last piece is taken from a six-page memorandum written while he was on the *Review* and devoted exclusively to the use of the hyphen. The piece shows Jim's careful logic, clear thought, and his passion for precision of expression. How could anyone write six single-spaced and informative pages on the use of the hyphen? Jim, the student editor, could.

* * *

When a noun is followed either by a present participle or by a gerund (both of which end in "-ing"), and it is the object of the participle or gerund, the combination is hyphenated:

[noun]-[present participle] — [noun]-[gerund]

fire-fighting equipment — Fire-fighting is dangerous.

decision-making ability — He is engaged in decision-making.

No hyphen is used when the noun is not the object of the gerund or

participle. Two combinations of “credit” and “rating” illustrate the point:

How is your credit rating? — How is your credit-rating?

In the first sentence the person addressed is asked about the state of his credit. In the second, he is asked about his ability to rate credit. In the first sentence “rating” behaves like a noun, with “credit” modifying it like an adjective. In the second sentence, credit is being rated — that is, “credit” is the object of “rating.”

So we see it. Jim Martin was a brilliant man, but not merely a brilliant man. He was a man of grand strengths and a paragon for our students in many ways, but he was also a man of delightful foibles. I hope that the weight of his tragic and early death can be lightened, if ever so little, by our appreciation of the many things that he left for us in the scholarly literature, in our daily discourse with him, and also in the pages of our newspapers.