

University of Michigan Law School
University of Michigan Law School Scholarship Repository

Res Gestae

Law School History and Publications

1965

Vol. 18, No. 1, January 15, 1965

University of Michigan Law School

Follow this and additional works at: http://repository.law.umich.edu/res_gestae



Part of the [Legal Education Commons](#)

Recommended Citation

University of Michigan Law School, "Vol. 18, No. 1, January 15, 1965" (1965). *Res Gestae*. Paper 891.
http://repository.law.umich.edu/res_gestae/891

This Article is brought to you for free and open access by the Law School History and Publications at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Res Gestae by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

Res Gestae 18

PUBLISHED WEEKLY BY
THE LAWYERS CLUB OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL
Roger Marce, Editor

VOL. 18

JANUARY 15, 1965

NO. 1

JOINER ARGUES FOR CREATION OF NEW COURT: A call for establishment of a new state court, specially tailored to Michigan's problems, to replace all justices of the peace, circuit court commissioners, and municipal courts has been made by Associate Dean Charles Joiner. "The legislature should create a court to sit in each county, perhaps called the 'District Court,'" he has urged. "This court should be a court of record. It should have a full-time lawyer judge. It should have jurisdiction (for civil cases) up to \$3000. It should have criminal jurisdiction in the same kinds of cases now possessed by the justice of the peace and the municipal courts.

"This court," continues Joiner, "must be a state court, a part of the Court of Justice, closely integrated and unified with the other courts of the state although it should be permitted to vary in form from one county to another...because of the very great differences in population among counties of the State." He warns that the legislature must come to grips with this problem soon, because the new state constitution specifies that the offices of justice of the peace and circuit court commissioner must be abolished five years after the constitution became effective.

Unless the legislature acts to provide a new modern minor court system, specially tailored to Michigan's problems and designed to provide high quality justice for all citizens, a void in our judicial system will be created. He points out that certain principles have already been laid down in the new constitution which would make it possible to create a minor court system which would have the advantages of integration, flexibility, quality, and availability.

First, he points out, the judicial power of the state is vested exclusively in one court of justice which will be divided into one supreme court, one court of appeals, one trial court (circuit court), one probate court, "and courts of limited jurisdiction that the legislature may establish by a two-thirds votes of the members elected to and serving in each house." This principle of integration and unification as embodied in the single court precept is termed by Joiner as "of overriding significance." The new constitution encourages the principle of flexibility in the creation of minor courts. It makes it possible, for example, for two small counties to combine as one probate district, and for the combining of probate courts with other courts.

The constitution also makes it possible for the legislature to designate minor courts as courts of record, while specifying that judges of courts of record must be lawyers. "The principle of quality stands out," Joiner states. "The availability of justice to the citizen is a major concern of government. A minor court system can play a major role in making justice freely available." He emphasizes that the Constitution permits the legislature to provide non-populous counties with flexible alternatives to be exercised by local option. For example, he says, boards of supervisors may combine the district court with the probate court, or, in counties that are contiguous, may combine their district courts to form a two or more county district.

There is also flexibility in determining where the district court should sit. Any new statute should make it clear that the court can sit full-time or part-time in any community in the county. In this way, he adds, "Justice will continue to be as close to the people as at present, but in some cases it will be administered by more qualified judges." Joiner further points out that there must be a localized place of trial and an adequate number of district judges, and that all judges must be salaried. Judges should be selected on a county or district-wide basis and for a long term. A jury of six should be provided in minor court cases, he recommends, and appeal from the district court should go directly to the Court of Appeals.

The flexible approach to organization of the minor court system will enable smaller counties to deal with their problems on a different basis than counties with a larger population. He also urges that the reservoir of judicial and administrative manpower in today's municipal courts be used as the basis for the requirements of the new court. Michigan today has an opportunity "to move another step forward in its march to provide justice at low cost to its citizens," Joiner contends. But, he warns, the legislature must come to grips with this problem within the next two or three years.

PREPARATIONS MADE FOR FILMED LAW COURSES: In mid-December, the first in a series of "exposure courses" presented on motion picture film was completed for the Law School. The courses are being supervised by Prof. Julin and are an answer to two problems facing law students today. "We are convinced that the pressure of today's curriculum forecloses some students from taking courses they would like to take but that they do not regard as being as necessary as some others in the curriculum," Julin said. The second problem is that of the senior law student who discovers in his final semester the location of his future practice. This may be in an area that has some distinctive legal problems with which he is not acquainted.

In either case, a device was considered necessary to permit students to become exposed to various areas of the law outside a formal course. The filmed "exposure courses" are an attempt to provide such a device. They will be in series of five to ten half-hour films directed at law students who, it is assumed, will already have the basic preparation necessary to understand the material presented in the film. The first series of films will cover the area of workmen's compensation. Next is a series on oil and gas law. One strong advantage of the film presentation is that this allows the professor to include some material that cannot be used in the classroom.

The films, Professor Julin said, will be made available to students at the Law School on a regular basis, so that they may pick up an exposure to a certain field if they desire. He stressed that the presentations are not planned as supplements or audio-visual aids to regular courses in the field. Each will be a self-contained survey of a topic.

UNIVERSITY PUBLISHES STUDY ON AUTO ACCIDENTS: A five-man research team has recently published the results of an intensive study on the effect of automobile accidents. The book, "Automobile Accidents Costs and Payments: Studies in the Economics of Injury Reparation," is the product of five years work by two economists and three attorneys, including Prof. Alfred Conard.

The work is described as "a sociological study of economic facts about a legal problem." It is "not a study of what the law of personal injuries is or ought to be," emphasized Prof. Conard. That aspect of the problem is already the subject of numerous books and articles.

Among subjects discussed in the book are major sources of financial aid to accident victims. People normally think first of damages. However, the authors point out, other sources are becoming increasingly important. There are health insurance, disability insurance, life insurance, workmen's compensation, social security and public assistance. In addition, there is free medical care in public hospitals, employee benefits, health and welfare funds and help from special funds or organizations.

Damages, paid largely by insurance companies, account for approximately half of the total benefits paid. However, it was suggested that this proportion would shrink. The study also compared the administrative costs of these sources of aid. About 98 per cent of social security costs actually gets to the beneficiaries. About 82 per cent of private health and life insurance premiums are so enjoyed. In the case of damage payments, only about 44 per cent of the funds get to the injured party. The study indicated that these differences do not reflect variations in "efficiency," but are the result of the fact that the different systems depend on different sources of funds and work to accomplish different ends.

It was also concluded that victims of minor accidents are more generously compensated in relation to their injuries than are subjects of major accidents. The study was, however, limited to an analysis of economic injuries, psychic injuries being too difficult to evaluate. On the average, victims got slightly over half of their losses compensated. It was noted however that nearly one third of those suffering losses of \$1,000. or less received more than 150 per cent of their dollar losses, the excess being reflective of their pain and suffering.

The study concluded that insurance limits are the principle reason for inadequate compensation in serious injury cases. In Michigan, for instance, the Financial Responsibility Law is satisfied with \$10,000. of personal injury coverage.

The study also touched on insurance in Europe. It was noted that, generally, liability insurance limits are much higher. In England, for instance, no limit on the amount of liability insurance is permitted. This is contrasted with the fairly common \$10,000. limit in the U.S. In Germany, a \$50,000. limit is set. Public and private health and liability insurance is also relied on more heavily in Europe than over here. For instance, in England, there is no need to sue the defendant for medical expenses, the latter having been paid for by the state. While the public health service can recover its expenses from the defendant, collection costs run almost as high as the amount recovered. Similar experience in Sweden has led to an abandonment of attempts to make drivers reimburse the hospitals.

FIVE SENIORS AWARDED FELLOWSHIPS FOR STUDIES ABROAD: The law school has awarded five fellowships for study abroad, it was recently announced. Senior recipients of the fellowships are: Robert O. Bonges, a graduate of Northwestern, who will study in Belgium or France; Gordon L. Elicker, a U. of M. grad., he will study in France; James E. Jacobs, headed for Germany; he is a graduate of Harvard. Thomas J. Schoenbaum, he attended St. Joseph's and is headed for Germany and other Common Market countries. Jon H. Kouba, another U. of M. graduate, he plans to study in Latin America.

EDITOR'S WASTEBASKET: "The New Era in Human Rights--A Challenge" was the topic of the commencement address given by U.S. Court of Appeals Judge Thurgood Marshall on December 19. Marshall is a nationally known negro attorney who was legal council for the N.A.A.C.P. for 20 years. He was instrumental in the civil rights work that led to the 1954 school desegregation decision.

Prof. Browder recently spoke to law students and Sheffield University on some differences between English and American property law....Prof. Estep has been appointed to the Nominating Committee of the Order of the Coif to select next year's officers....Prof. Harvey has been elected fellow of the African Studies Association....Prof. Kimball is the author of two recently published articles on insurance, both appearing in European publications.

Vanderbilt University School of Law's Dicta informs us of the following: "The Middle Tennessee Conference of Frisbee Flingers... (is preparing) for the recruitment and training of the participants in the Tennessee Open Frisbee Festival. Finalists...will compete in the All-South Tourney in Atlanta at a to-be-announced date."

FRESHMAN BRIEFS: "1965--A Great Year." Hope springs human in the eternal breast, or words to that effect: Thus, this week we present an unexpurgated preview of the 26 fortnights hence: Someone will finally define the Great Society. Jack Paar will cry again, not necessarily when the Great Society is defined. A, once and for all, will finally sell Blackacre when he learns of the Great Society. Charles DeGaulle and Fred Schmedlapp won't want to join the Great Society. The Russians will claim they invented it first. The Gallup Poll will show that 2 out of 3 citizens feel the Great Society should not be admitted to the UN. The AMA will condemn the Great Society on the basis that 9 out of 10 doctors use the other brand.

Rightists will denounce the Great Society as an "internal threat." Leftists will denounce it as "imperialistic propaganda." Newly emerging nations will massacre rightists and leftists in the quest for the right to the Great Society.

A new supplement to J&J will have to be written concerning who has jurisdiction in the Great Society. The Armed Forces will argue over who gets to protect the Great Society. Unshaven student demonstrators in unlaundersed clothing will march in favor of it. LBJ will go around turning out lights in the Great Society, and Barry Goldwater will propose selling it to private enterprise, whereupon CBS will try to buy it. Someone, somewhere, will challenge the constitutionality of the Great Society on the grounds that it discriminates against mediocre societies. Mao Tse Tung will issue a statement to the effect that he'd rather fight than switch. Time magazine will print a cover story on the Great Society, and that should prompt all to move to Appalachia. - Steve Petix and Art Dulemba.

AT THE FLICKS:
Campus: "Marriage Italian Style"
Michigan: "The Americanization of Emily"
State: "Sex and the Single Girl"

LAW CLUB SPEARHEADS DRIVE TO GET LOCAL MOVIES TO RESCIND PRICE INCREASE: Under the direction of the Board of Directors, the Lawyers Club has taken a position of leadership in the drive to get the three local movie-houses to rescind a 25 cent increase in their admissions charge, enacted over vacation. In a move directed at consolidating opposition to the action by the theaters, all of which are owned by the same corporation, the board passed the following resolution: "It is hereby resolved that the Board request the Student Government Council to take immediate action to request that the \$1.00 admission price to the Ann Arbor theaters be reinstated; And that the president of the Lawyers Club be authorized to appoint a committee to take any other reasonable measures necessary to reinstate the former admission price."

QUADSVILLE QUOTES

The acme of judicial distinction means the ability to look a lawyer straight in the eyes for two hours and not to hear a damned word he says.
-John Marshall

I make bold to say that there is contained in this language the most beautiful bouquet of Bourbon blunders, express and implied, that has ever been handed to the bench and bar of Ohio.
-Wanamaker, J.