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Res Gestae

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

VOL. 16

April 24, 1964

NO. 15

FACULTY CHANGES FOR NEXT YEAR:

Next year will see a number of faculty members on leave, a number of visiting professors and three new full time faculty members. On leave for the entire year will be Professor Harris. Professors Browder, Bishop, Steinheimer, Conard and Stein will all be on leave for a single semester. Indications are that their planned activities fall into three categories: research and writing, visiting professorships and travels to Europe for either research or lecturing.

There will be a number of visiting professors here for all or part of next year. Professor Elmer Million will be here for the entire year, as a visitor from New York University. He will teach Property and related seminars. Prof. H.A.J. Ford will be a fall visitor from the University of Melbourne, Australia. He will be teaching T. and E. and related seminars. Prof. John H. Jackson will also be here for the fall. A U-M alumni, he now teaches at the University of California at Berkeley. He will teach Contracts and Restitution. Prof. Ernest J. Mestmächer comes to us from Germany. He will be here in the fall, teaching Comparative Antitrust. Prof. Knud Waaben will teach two seminars: Comparative Criminal Law (with George) and Law and Criminology. A visitor from Copenhagen, Denmark, he too will be with us for the fall semester. We will have two visiting professors during the spring semester, in addition to Prof. Million. They are William H. Painter from Villanova; and Russell J. Weintraub, from the State University of Iowa. Prof. Painter will teach Corporations while Prof. Weintraub will teach Conflicts of Law.

Most of the full-time faculty members who are now on leave will be returning to active teaching, here, next year. This includes Professors Grey, Harvey, Kadish, Kimball and Oppenheim. In addition, there will be three additions to the regular faculty. They will be Thomas Kauper, James White, and Douglas Kahn. Kauper will give the faculty its first father-son combination. A 1960 University of Michigan grad, he was first in his class here, and Editor-in-chief of the Michigan Law Review. He will be teaching Property and T. and E. He is currently with a Chicago firm. White is also a U-M grad (1962) who finished first in his class. A former assistant editor of the Law Review, he is now with a Los Angeles firm. He will teach "Intro," Sales and Tax I. Kahn is a graduate of George Washington University, where he too was first in his class and affiliated with the law review. A former clerk to a Supreme Court justice, he worked with the tax division of the Justice Department and is now with a Washington, D.C. firm. He will be teaching Tax and Estate Planning.

MELVIN BELLI SPEAKS HERE:

Monday night was the occasion of an informal speech by the renowned Melvin Belli. Combining his keen, if sometimes hard-hitting, sense of humor, his outspoken manner and his extensive personal experiences, Mr. Belli was able to offer an interesting and highly informative discussion of both criminal and civil law.

Considering his criminal law experience, he stated that he had agreed to defend Jack Ruby because of a willingness to defend unpopular causes and a belief that the idea of every man having a right to a full and adequate defense deserves more than mere lip-service. He said that he agreed to take the case on two conditions, which he now concedes that he would not have held Ruby to--due to his overwhelming conviction that Ruby had a right to a full defense. Nevertheless, the conditions--that Ruby was not a Communist and that he had no tie-in with Oswald--were satisfied.

He further stated that he realized Ruby was sick after their first meeting. He therefore brought an expert doctor, from Yale, who diagnosed the problem as organic brain damage. The court confirmed this with its own doctor but would not allow this evidence to be used in the jury selection process. In further comments about the jury, Belli noted that they were all white Protestants, a fact which, he said, loaded them against him; one juror was later proven to have sworn that if he got on the jury he would vote for execution; and one juror was the aunt of a state's witness.

In commenting on the medical testimony he pointed out that all of the doctors admitted that the electroencephalograph reading was abnormal and even the prosecution's witnesses admitted that the only person capable of accurately reading the electroencephalograph was Dr. Gibbs, its inventor. Belli then brought in Dr. Gibbs who had to testify late at night, while the jury daydreamed and the judge read a comic book. He stated that he spent the night before the summations to the jury weeding

errors out of the judge's proposed charges to the jury, that when he began his summation he was greeted by a yawn from one juror. The prosecution's summation, he said, consisted of a few remarks about how Russia would laugh at us if the verdict were anything but death; and what a wonderful city Dallas was. Belli's conclusion was that Ruby could have gotten a fair trial anywhere else except Dallas, even with this jury.

Turning to other cases that he has been involved in, Belli attacked a recent California verdict which, if affirmed, would mean that a doctor who tells a patient that he can cure him could be subject to a murder conviction if the patient dies. The case applied the felony-murder rule on the theory that the doctor had taken his fee under false pretenses, i.e. a promise to cure. He also told of a case where he had introduced a new tort cause of action, "trespass to personality" in a case where the defendant had not touched or attempted to touch the plaintiffs in any way. The defendant's acts had been to teach the infant plaintiffs various and sundry perversions and aberrant sexual acts. This was proven to have caused permanent psychic damage; what Belli calls "trespass to personality."

Discussing matters relating to the law in general, Belli said he favored the television of some trials, although not necessarily the biggest ones. This, he said, will help to give the public a true picture of the attorney. On the other hand, he said, we are perhaps a little too free in the extent to which we allow publicity of a case before trial. He pointed out that the British press is severely restricted until the verdict is in. This prevents scandal sheets from having an effect on the verdict. Belli also voiced his approval of extensive discovery procedure. He stated that this forces both sides to put all their cards on the table. In this way, it speeds up trials and prevents unfair last minute surprises.

Commenting on his much criticized conduct over the Jack Ruby conviction, Belli stated that he was not the type to stand under a tree and watch his client lynched. He further noted that even as great a man as Mr. Justice Holmes was not above caustic criticism when he saw a verdict befitting a kangaroo court. Belli, who is in this area to argue a libel case on behalf of a judge and against the "Toledo Blade," spoke to a packed house.

AMERICAN JUDICATURE SOCIETY TO BE HONORED:

A dinner to mark the golden anniversary of the American Judicature Society and Law Day will be held at the Michigan Union Ballroom on Thursday, April 30. The Hon. Sterry R. Waterman, judge of the United States Court of Appeals for the Second Circuit and president of the society will be the principle speaker. Special recognition will be given to three late U-M Law School graduates: Herbert Harley, founder of the American Judicature Society; George E. Brand, a past president; and Edson R. Sunderland, an early leader of the Society and of the procedural reform movement.

Associate Dean Joiner is the general chairman, and the Hon. James R. Breakey, Jr. is chairman of the Washtenaw County Bar Association arrangements committee for the banquet which is being sponsored by the State Bar of Michigan, the law school, the Washtenaw County Bar Association and the American Judicature Society.

It is significant and fitting that this Golden Anniversary Dinner be held on the campus of the University of Michigan, Dean Joiner points out. In addition to the work of alumnus Herbert Harley in founding the American Judicature Society, an organization of laymen and lawyers to promote the efficient administration of justice, Michigan has played a key role in the society. Others active in the early days of the society include Michigan Gov. Woodbridge N. Ferris and U-M Law Dean Henry Bates. From 1932 until 1954 the American Judicature Society had its offices in the U-M Law School's Hutchins Hall, Joiner recalls. It moved to Chicago in the latter year when the American Bar Center was built.

LIBEL AND SLANDER:

With this issue, the school year comes to a close for the Res Gestae, which still lacks a cartoonist if you're interested--for next year. It is our hope that it has served the function that a paper of its nature should serve; and that the time spent reading each issue proved to be enjoyable and informative. Our special thanks to the Board of Directors, past and present, for their confidence and cooperation; to Dean Proffitt for his numerous contributions; and to those who were brave enough to affiliate themselves with the paper: Pete Sickinger, Rosemary Pooler and Ted Heimer. As you go into exams and the long summer, rest assured that we will be back in the fall with more of the worthy and the worthless.

- H.V. Baxendale.

MISCELLANEOUS:

Any persons who have suggestions for speakers at the Lawyers Club for next year or whose contacts might be of assistance in securing any speaker of interest are encouraged to contact Kevin Beattie, rm. N-13. You are asked to do so now since the speaker's chairmen are already planning next year's program and most of the invitations to prospective speakers will be sent this summer.

AT THE FLICKS:

Campus: "Macbeth"

Michigan: "Captain Newman"

State: "Tom Jones"

Cinema Guild: Fri.- "Key Largo"; Sat.- "Hamlet"

Ode to a Toad (or: Ode to a 28 Credit Load)--by: R. Vitkus

My cans, my notes, like Quaker Oats, and smelly goats, and root beer floats
Become too grim when seen again and shared within a study bin just crammed
with sin

Of tv, gin, frug-flics and skin --Those spirits pin my pen

By yet there's hope for this droll dope, rescind the mope
Press on the test, I'll best the rest in the behest of vigor, zest
from in my breast

You see I found a way to pound those goddam sounds of fear and fail into a
pail of frothy ale

And bring them out too drink to shout and freeze my knees and chill the spill
Of brilliant swill which soon will fill a book of blue to please the screw

Who soon will view

The mess and bless, caress the seed I need to plead to loan the road to
Prettyville with wile and style to win beguile

The one who'll free the key to me

I hope.