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RESISTANCE  
PUBLISHED WEEKLY BY  
THE STUDENT BAR ASSOCIATION OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL

Vol. 8

Thursday, December 4, 1958

No. 8

THE 2ND ISSUE OF THE MICHIGAN LAW REVIEW, WHICH WILL MAKE ITS APPEAR-  
ANCE EARLY THIS MONTH will feature an article by Alfred Blaustein and Andrew  
Field entitled "OVERRULING" OPINIONS IN THE SUPREME COURT. The second lead  
article, authored by Michigan Professor William Wirt Blume is titled CRIMINAL PRO-  
CEDURE ON THE AMERICAN FRONTIER.

S.B.A. NEWS: The Academic Committee met last Tuesday to consider the needs  
and possibilities of a faculty advisor system here at Michigan..... Three  
members of the Legal Aid Society are now working on a problem submitted by a  
Jackson prison inmate..... The Joint Speakers Committee of the S.B.A. and  
the Executive Council will present the annual Career Forum Wednesday, De-  
cember 10 at 6:30 in the Law Club lounge. This annual affair brings together  
attorneys from corporations and law firms to discuss the pros and cons of each  
type of practice.

64 STATES, TERRITORIES AND COUNTRIES ARE REPRESENTED IN THE STUDENT  
BODY THIS YEAR. Michigan residents comprise 382 of the 851 students in attendance.  
Illinois has the largest out-state contingent with 92 followed closely by Ohio with 88 and  
New York with 79. Next in order is Pennsylvania with 36, Indiana with 26, Wisconsin  
and Missouri with 22 and New Jersey with 21.

EXECUTIVE COUNCIL NEWS: A faculty discussion and debate on the subject of  
the function of the Supreme Court today is scheduled for December 17. It is  
expected that four members of the faculty will participate, two of whom will be  
visiting Professor Kennedy and Professor George..... There will be an open  
house this Saturday from 2:00 till 5:45.

NEW CRITERIA ARE NEEDED FOR JUDGING CRIMINAL CASES WHERE INSANITY  
IS AN ISSUE, according to Professor Burke Shartel (retired) of the University of  
Michigan Law School. Traditionally, criminal responsibility has been determined by  
the answer to this type of question: "Was the man able to distinguish between right and  
wrong when he committed the crime?"... Shartel says the answer to this question is  
"meaningless" to psychiatrists. As a result, some criminals who are found legally  
insane are given a clean bill of health by psychiatrists and escape punishment...  
Professor Shartel, co-author of a forthcoming book on "The Law of Medical Practice,"  
notes that a better way of measuring responsibility in mental cases is to ask two  
questions: "Does the man have a mental disease?" and "Was his criminal act a con-  
sequence of the disease?"... Answers to these questions are both factual for the court  
and meaningful to the psychiatrist, he continues... Shartel notes two additional improve-  
ments which have helped some courts improve the handling of cases where sanity may

be an issue. Some communities provide a routine medical examination for all persons charged with murder and an unbiased report is presented the court prior to trial. If this examination shows that the crime was a result of mental disease, prosecution is dropped and the individual committed to a mental institution... Where the sanity question is not readily determined, the choice of experts called in the trial is left to the court. In federal courts, this choice is discussed by the judge with both prosecution and defense attorneys. While each remains free to call additional experts of their own, the jury "probably doesn't pay too much attention" to them, Shartel notes. The result: Some curtailment of the costly "battle of experts" in the courtroom... In some criminal cases, Shartel observes, judges now take the physical condition of the convicted person into account when determining his sentence. The same practice might be extended to mental disease, Shartel suggests... Thus, while drunkenness is not usually a defense for murder, Shartel continues, in several cases it has resulted in a finding of second rather than first degree murder, on the grounds that an intoxicated person couldn't form an intent to commit murder. Similar disposition might also be considered in cases involving mental disease, Shartel suggests... Attempts to abolish pleas of insanity in criminal cases in one state resulted in a ruling that the "defense of insanity is a constitutional right," he notes... Shartel's comments are made in an interview just published by The Michigan Journalist.

FRATERNITIES: The DELTS and the PHIDS will stage their annual Snow Bowl football game this Saturday at 1:30 p.m. at Wines Field. After the game there will be a party at the winner's house with refreshments provided by the losers. Professor Sam Estep will referee the game..... The DELTS moved into the second place volley ball play-offs..... The PAD bowling team will have their first match Sunday.

ANNUAL CHRISTMAS CONCERT: Two performances of MESSIAH (Handel) will be given by the University Choral Union this week-end. The first will be at 8:30 p.m. Saturday and the second at 2:30 p.m. Sunday. Both concerts will be held in Hill Auditorium.

CIRCUIT COURT DOCKET: This week: Friday, a slander case; Saturday, two divorce cases..... Next week: Monday, indecent liberties case; Tuesday, contract matter. The remainder of the week Judge Breakey will be out of town.

#### AT THE FLICKS

MICHIGAN.....Dial 2-2513  
Now showing.....HOME BEFORE DARK  
STATE.....Dial 2-3136  
Now showing.....THE DECKS RAN RED  
Starting Dec. 7.. TUNNEL OF LOVE

CAMPUS.....Dial 8-6416  
Now showing... OLD MAN & THE SEA  
Starting Dec. 6.SKI CRAZY  
Starting Dec. 9.ARSENIC & OLD LACE,  
INSPECTOR GENERAL  
ARCHITECTURE (CINEMA GUILD)  
Thurs. & Fri.. OUR TOWN  
Sat. & Sun..... CHINA SEAS

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