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JAMES A. MARTIN

*Evan A. Davis**

Jim Martin and I clerked together for Judge Harold Leventhal during the 1969-70 court year. Jim had just graduated from the University of Michigan Law School, I from Columbia Law School. Judge Leventhal was in his fifth year on the bench. That year was an important one for the judge's two law clerks. As will be obvious to anyone who knew Judge Leventhal, a clerkship with him was more than an education. But while we both learned from the judge, I came away learning a great deal from Jim, and I am sure that Judge Leventhal felt the same way.

I don't know when, how, or why Jim decided to become a lawyer, but he stood out even at first meeting as a naturally gifted one. His thinking exemplified the traditional traits of rigor and skepticism, but what he added was a special ability to think about the law in a fresh, humorous, and open kind of way that kept us all in closer touch with the real problems. Jim also brought to his work a sense of inclusiveness. Jim liked people and was always going out of his way to reach out and include all members of the court family in his area of concern. He was an energetic organizer who brought judges, law clerks, and nonlegal staff together for social events and expeditions such as an expedition to see the solar eclipse in 1970.

I have the sense that Jim applied this same inclusive approach to legal thinking. He admired institutions that are able to be serious about their functions and standards but at the same time approach those matters in a way that keeps the institution open, fresh, creative, and energetic.

Jim's sense of humor was a particular way to bring people together. The image I had of life on the *Michigan Law Review* staff from talking to Jim was an almost utopian combination of poking fun at being serious while all the time being very serious about the work of the *Review*.

As I kept in touch with Jim over the years, he remained constant as a person both loyal to and serious about the law but always anxious to lighten its spirit. He loved the substantive issues of the areas in which he worked but thought it useful to include jokes and cartoons in his casebooks. He was as loyal to the judge as any law clerk could be but at clerks' reunions was always ready with good-natured humor about the judge and the judicial process.

* Counsel to the Governor, State of New York. — Ed.

Jim for me is an example of someone who knew how to think about the law with his superb analytical mind, but who also knew how to use wit and humor to gain a perspective on and detachment from the calculus of reason and logic. He used his sense of humor to add energy and spirit to legal debate in a way that brought home the fact that the subject of the law is in the end the encouragement of happiness and good will. Jim's approach is perhaps unusual, but I think it proved an extremely effective way to keep the law rigorous and principled yet avoiding a level of sanctimonious abstraction that disconnects the rules from the personal, everyday problems that they are trying to address.

Jim was a person who could not be labeled as either idealist or pragmatist. Jim was both and so should be the law.

We shall all miss Jim and the insight and happiness that he brought to the work of our profession. He had a rare talent which has made us, his friends and colleagues, the better.