1963


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Professor Francis Allen's plans for the future include an appearance before the Senate Judiciary Committee in Washington. His purpose is to testify in behalf of legislation allocating federal funds to pay for counsel defending indigent persons accused of federal offenses. At present, the committee has several bills related to this problem before it. The primary bills which Allen will be endorsing were drafted by the Attorney General's Committee, of which he is chairman.

Allen noted that it has been 25 years since the Supreme Court decided Johnson v. Zerbst, the case which ruled that all persons accused of a federal crime have a right to counsel, who must be supplied by the court if necessary. Since then, Congress has done nothing in the way of providing compensation for attorneys defending these persons; a necessary step in making the Johnson decision really effective. Nor is there money available to pay for pre-trial conferences or any other items necessary to provide a complete defense. Allen pointed out that the attorneys are not even compensated for out-of-pocket expense.

Allen said that such legislation has been introduced in virtually every session of Congress since 1937. It has passed the Senate thrice but never been approved by the House. Every Attorney General since then has endorsed such legislation. He said, however, that although the outcome of legislation is highly unpredictable, he was very optimistic this time. Supporters have been reinforced by the fact that the Attorney General has given this measure top priority and the President endorsed it in his State of the Union message.

He also remarked that the situation on the state level is somewhat better. In 1961 there were 81 publicly financed Public Defender offices. Outstanding among these were California, Connecticut, and Cook County, Ill. There were 12 privately financed agencies, including those in Philadelphia and New York. Five more are sponsored jointly by public and private funds. Some of these, notably the privately run ones, do lend their services to persons accused of federal offenses. However, Allen noted, even at the state and local level inadequate compensation is the rule rather than the exception. In some of the states that do provide such aid, compensation is limited to cases involving capital crimes.

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MICHIGAN'S NEW CONSTITUTION EVALUATED:

A comprehensive study of the work of the 1961-62 Michigan Constitutional Convention by a noted expert has been published by The University of Michigan Institute of Public Administration (IPA). The 306-page volume entitled "Constitution-Making in Michigan, 1961-62" by Prof. Albert L. Sturm, director of the Florida State University Institute of Governmental Research, surveys the complexities and ramifications of basic law-making in modern society.

In appraising the general features of the 1962 constitution, the author points out, among other things: "The new document is rooted in Michigan tradition and experience rather than in idealism and acceptance of 'model' provisions. On the whole, it is a conservative instrument, although it also contains a number of innovations.

The new document, Sturm notes, contains many provisions based on concessions and compromises. "Cleavages in making substantive decisions were not always between Republicans and Democrats, nor between urban or rural blocs; on some issues the alignment of forces and votes was determined by other factors, not the least of which was a desire to retain present political advantages. "With all its minor shortcomings, the experience of the Michigan convention appears to provide additional support for the thesis that such bodies afford the best method of general constitutional reform."
In addition to appraisals of the convention and its product, the study also includes an extensive examination of the document's substantive contents with special attention to controversial issues, and chapters dealing with such topics as the organization, administration, procedure and principal political forces of the convention. The study was made under the auspices of IPA and is based largely on published official materials, personal interviews, and direct observation of convention in action.

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EDITOR'S HASTEE BASKET:

Professors Wellman and Polasky will speak at the Third Annual Probate Seminar which is being presented by The Institute of Continuing Legal Education. The seminar will take place May 16-18 at Boyne Mountain Lodge. Professor Polasky will speak on "Recent Estate and Gift Tax Development" and "Preservation of the Small Family Estate." Professor Wellman's talk is entitled "Probate Avoidance Techniques and Devices."

Professor Julin will be joined by Professors Whitmore Gray and Otto Ulc on Quest for Certainty, Sunday at noon over WMJ-TV. Professor Ulc is a former Communist District Court Judge from Czechoslovakia. They will discuss comparative law, particularly that of the Anglo-American countries and the Communist nations.

An ominous sign of what lies ahead for law students is the decision of the Northwestern University School of Law to require comprehensive examinations as a pre-requisite to graduation. The requirement will apply to all students entering this coming September or thereafter. The exam will cover all required subjects and will consist of 18 questions, each 20-minutes in length.

Anthony Lewis, who spoke at the Lawyers Club this spring, was recently awarded his second Pulitzer Prize for his work as a Supreme Court reporter. Hats off to the Speakers Committee for bringing him here.

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MISCELLANEOUS:

Plans are presently being made for the 1963-64 Speakers Program. All are encouraged to submit their suggestions for people that they would like to hear speak at the Law Club. Contact: Gregg Stover or Bill Rutherford, B-22, NO2-7707...

The Law Hives are having their annual Exam Bake Sale for hungry law students on May 20 and 21, after 8:00 p.m. in the basement of the library. Coffee, cookies and sandwiches will be going for only one thin nickel...Anyone interested in working on the Res Gestae next year should contact Roger Marce, D-42. There are currently 47 openings on the staff.

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AT THE FLICKS:

State: Fri.: "Come Fly With Me" - Sat: "My Six Loves"

Campus: "Electra"

Michigan: "The Birds"

Cinema Guild: Fr.: "Born Yesterday" - Sat.: "Forbidden Games"

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QUADSVILLE QUOTES:

"I could carve out of a banana, a judge with more backbone than that."
- Teddy Roosevelt (on Holmes)

"There is nothing does a young lawyer so much good as to be half starved: it has a fine effect."
- Lord Eldon