

# Law Quadrangle (formerly Law Quad Notes)

---

Volume 27 | Number 2

Article 3

---

Winter 1983

## Briefs

University of Michigan Law School

Follow this and additional works at: <https://repository.law.umich.edu/lqnotes>

---

### Recommended Citation

University of Michigan Law School, *Briefs, 27 Law Quadrangle (formerly Law Quad Notes)* - (1983).  
Available at: <https://repository.law.umich.edu/lqnotes/vol27/iss2/3>

This Brief is brought to you for free and open access by University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Law Quadrangle (formerly Law Quad Notes) by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact [mlaw.repository@umich.edu](mailto:mlaw.repository@umich.edu).

## Shoot out on television

*Bollinger on broadcasters' First Amendment rights*

Professor Lee Bollinger was invited to be one of three key speakers at a national workshop on television and violent behavior which was held in Washington, D.C., this winter. The workshop was sponsored by the committee on research on law enforcement and the administration of justice of the National Research Council's commission on behavioral and social sciences and education.

Professor Bollinger discussed the constitutional issues involved in regulating televised presentations of violence. His address followed a talk by psychologist Thomas Cook of Northwestern University which surveyed research on the relationship of television viewing and violent behavior and a discussion of regulating strategies by Professor Douglas Ginsberg of the Harvard Law faculty.

The question of whether the Constitution would permit any form of legal regulation directed at severing the possible link between television viewing and violent behavior was Professor Bollinger's subject. Although proceeding on the assumption that such a link is demonstrable, he stressed that a cause-and-effect relationship between viewing televised violence and aggressive antisocial behavior has been asserted but not conclusively established.

In his talk, Professor Bollinger considered how laws regulating portrayals of violence would fare under the First Amendment, concluding that they would not fall within the well-defined exceptions to protected speech outside the broadcasting context. He then discussed the rationales which have been used to legitimize special regulation of broadcast media which would be impermissible if applied to other forms of speech, drawing on the Supreme Court's decision in *F.C.C. v. Pacifica* 438 U.S. 726 (1978). Arguments turning on the scarcity, pervasiveness, or ability to penetrate into the private home of broadcast media "would not provide much help in supporting a case for the regulation of television violence," Bollinger said. He further noted that these rationales, as well as the "impact thesis" which holds that television has a unique and extraordinary control over its audience which justifies particularly stringent regulation, are currently "undergoing a rather rapid erosion, both from the force of logic and from that of technological change within the television medium."

Those advocating regulation of televised violence, then, would of necessity turn to other rationales which, Bollinger cautioned, might well legitimate government con-



trol "over virtually every aspect of television programming" and have an impact outside the broadcasting media, eroding First Amendment protections in other areas of expression. Since seeking to deal with social violence by controlling televised portrayals of violent acts would thus present "grave constitutional difficulties," Bollinger suggested that alternative government responses to the underlying social problems should also be explored.

The problem of vagueness which would necessarily attend any attempt to define improper programming violence is possibly the most insuperable of the First Amendment questions which would be raised by such regulation. Bollinger voiced his concern about the difficulty of articulating a legal standard which would reliably distinguish violence with undesirable social consequences from that which is integral to works like *King Lear*. Regulation designed to be sensitive to context and social value in a given expression is inevitably ambiguous and can lead to excessive self-censorship among broadcasters. The corresponding disadvantage with a narrow or quantitative standard, Bollinger said, is that it can be highly arbitrary. It "will encompass good as well as bad speech, and probably even fail to reach all the bad speech," he said.

The difficulty of drafting a legal standard to control televised violence would not, of itself, be determinative in any assessment of the constitutionality of such a regulatory scheme, Bollinger said. The combination of constitutional considerations raised by proposals to restrict or prohibit the attractive portrayal of violence on television, however, does mitigate against the desirability of devising and defending such a scheme in Bollinger's

view. Nevertheless, he continued, it is worthwhile to consider the central theories which could be used most effectively by advocates of such regulation with the least disruptive impact on existing First Amendment doctrine.

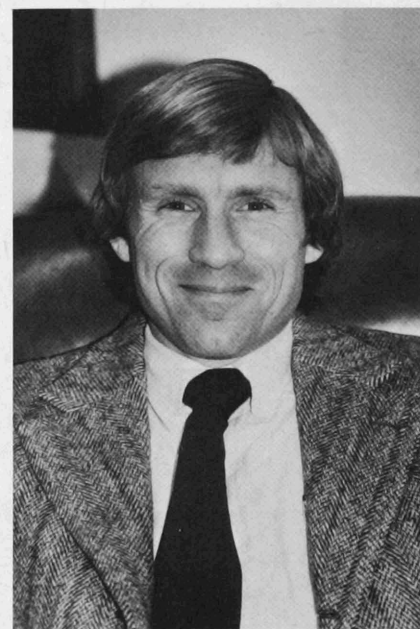
One need not demonstrate the uniquely persuasive nature of television to justify its regulation, he said, since the technology of all broadcast communication has traditionally been perceived as a proper place for regulation. There are also grounds for arguing that television entertainment programs are entitled to a lesser degree of First Amendment protection than political speeches without involving the regulatory agency and courts is case-by-case examinations of the merits of particular programs. Furthermore, "given the generally unpolitical character of television entertainment programs," Bollinger said, the risk that such an argument would lead to the suppression of important and valuable speech is not substantial.

A proposal that the attractive portrayal of violence be restricted to certain times of day would make regulatory sense, Bollinger said, if the object of such regulation were to control the exposure of children to such programming. Regulation with that restricted purpose would also stand a better chance of success than a broader regulation directed at controlling expression for adults, he added.

Those seeking to regulate televised violence might also decide to make a claim under the fairness doctrine rather than advocating censorship, Bollinger said. They could argue that the broadcasters should be required to represent the attractiveness of nonviolence as well. This approach "has the great merit of being designed to 'expand' rather than 'ban' speech," Bollinger said. A similar balancing effect

might be achieved, he went on, through the financing of non-violent programming for the public broadcasting system.

Whether broadcasters should be held liable for injuries sustained by individuals which were allegedly caused by violence in television programming was Professor Bollinger's final topic of consideration. Noting that such tort liability would probably result in excessive self-censorship by broadcasters and could be imposed for impermissible reasons which would be difficult to discern, Bollinger argued that tort liability for acts of violence which are imitative of television programming should not be constitutionally permissible. He concluded, however, that "liability may well be imposed in situations where there is a true attempt at incitement and a clear and present danger of serious harm is presented. Nothing insulates the television medium from the application of this normal First Amendment rule."



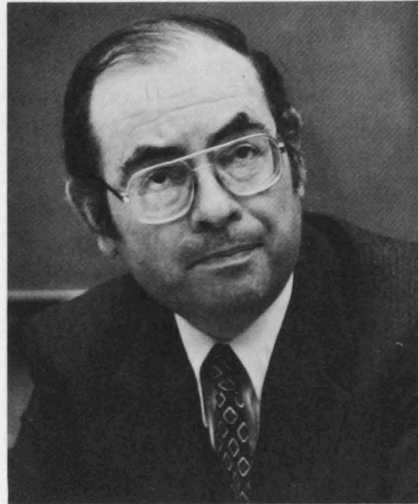
Lee Bollinger

## On flatfoots and gumshoes

*Kamisar's study of interrogation wins award*

"Professors, it seems, are supposed to tiptoe, not crash. They are supposed to be troubled and tentative, not take very strong and very clear positions on anything," writes Professor Yale Kamisar in an article praising the unusual prescience, outspokenness, and openmindedness of his long-time adversary on questions of police procedure and protection of suspect's rights, Fred E. Inbau. The article is one of seven provocative and influential essays on the law governing confessions collected in the volume, *Police Interrogation and Confessions: Essays in Law and Policy*. They were written by Professor Kamisar during the fifteen years of unprecedented change from pre-*Escobedo*, pre-*Miranda* days to the Supreme Court's decision in the "Christian Burial Speech" case, *Brewer v. Williams* (1977). Widespread praise of the volume suggests that Professor Kamisar, while an indefatigable scholar who imaginatively and fairly considers all views of a question, is himself no tentative tiptoeer.

"Perhaps no other legal scholar's writings have ever played so great a part in formulating the relevant questions, in providing insight into the critical issues, and, ultimately on shaping the constitutional doctrine established by the Supreme Court as have Kamisar's in this area," wrote Welsh S. White in the *Pennsylvania Law Review*. "The articles survey the pros and cons but then let you know where the author stands, usually in no uncertain terms, and often in language that flows white hot with an indignation made more compelling by Kamisar's obvious



Yale Kamisar

awareness of countervailing arguments and his graciousness (usually) to the individuals who advance them," says Stephen J. Schulhofer in the *Michigan Law Review*. Even a nonprofessional, like the reviewer for the *Times Literary Supplement*, is awakened to the significance of the subject by the book's impassioned advocacy: "Kamisar's conviction maintains a compulsive, intensive fascination for the reader that makes him [or her] realize thoroughly the importance of legal theory if one is not to place the 'mouse under the protective custody of the cat.'" All of the book's many reviewers mention its thoroughness and power. As the writer in the *National Law Journal* put it, "Mulling, speculating, pondering, digging about, revising and rethinking, nobody is as comprehensive as Mr. Kamisar. . . . The charm and eagerness that characterize him as a teacher and debater are apparent in his written work."

It is little wonder that *Police Interrogation and Confessions* received this year's Michigan Press Book Award. The award is conferred for the most distinguished book published by The University of Michigan Press within a two-year period. The seven essays in the volume "provide the most illuminating historical perspective of the Supreme Court's efforts to deal with the confessions problem and the most penetrating analysis of the constitutional and policy issues that have confronted the Court along the way," writes Wayne State's expert on criminal procedure, Joseph D. Grano. Yet the interest of the book is not merely historical. The appearance of the collection is also timely, as reviewers note, coming as it does when many Americans are demanding increased police powers and when the Burger Court has been accused of retreating from the Warren Court's concern for the rights of suspects. With expanded footnotes and a retrospective introduction describing how and why he came to write each of the essays, Professor Kamisar sets all the material in the collection in a contemporary context.

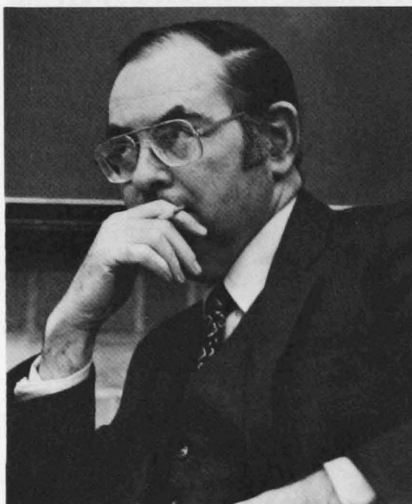
Significantly, Professor Kamisar credits an initial angry reaction with instigating his subsequent prodigious research into the problem of interrogation. In his introduction Professor Kamisar suggests that the "secret root" from which he "drew the juices of indignation" was a six-hour-long tape recording of the questioning in the 1962 Minnesota case, *State v. Biron*. The tape is unusual, Kamisar says, in including not only Biron's confession, but also the "repetitious and unrelenting" questioning by five interrogators endlessly "urging, beseeching, wheedling, nagging Biron to confess."

Students, to whom Kamisar plays the tape, rarely can bear to listen to more than two hours of it. Yet "the interrogators neither engaged in nor threatened any violence." Rather, what is disturbing about the tape is that it vividly illustrates "the kinds of interrogation practices that at the time satisfied the best standards of professional police work and fell within the bounds of what the courts of that day called 'fair and reasonable' questioning." Kamisar implies that it may have been dismay at actually hearing such methods of wrenching confession from the accused which prompted the Minnesota Supreme Court to strike down Biron's conviction, though the ground which it articulated was only the narrow one that false legal advice by the police had vitiated the confession.

"How can anyone listen to the insistent questioning of Biron and to the many different ways his interrogators urged, cajoled, and nagged him to confess without feeling the relentless pressure, without sensing Biron's confusion and helplessness, without getting the message—confess now or it will be so much the worse for you later—and without wondering what ever happened to the privilege against self-incrimination and the right to the assistance of counsel?" Kamisar asks. The discrepancy this question suggests existed between the meticulous protection of the right to counsel and privilege against self-incrimination required in the courtroom and practices then acceptable in secret police questioning is the subject of a landmark article included here entitled "Equal Justice in the Gatehouses and Mansions of American Criminal Procedure." Kamisar's sense that a court will be most likely to correctly ascertain coercion if it is exposed to an exact record of the

interrogation underlies the argument which he makes in his discussion of the famous 1977 "Christian Burial Speech" case, *Brewer v. Williams*.

In his article on that case, Kamisar illustrates that discrepancies existed between the police captain's two accounts of the speech he made which led to a confession. Noting that none of the courts which considered the case attended to these differences, Kamisar argues for the impor-



tance of the nuance which may well be lost in even an honest and well-intentioned officer's account of a conversation. To understand the tone and implications of an interrogation, Kamisar insists, the court needs to have access to tape recordings of private meetings between police and suspects. When police could make such an objective record but fail to, Kamisar argues, courts should reject all governmental claims that a suspect has waived the right to counsel or the right to remain silent.

If Kamisar's first fascination with these issues arose out of his distaste for the *Biron* tape and sympathy for the accused, he also manifests an unwillingness to let

a problem drop and an insatiable appetite for finding satisfactory explanations which might qualify him for the interrogator's role. Indeed, it is Professor Kamisar's own tireless style of questioning which makes his book fascinating. Progressing from the earliest essay, "What Is an 'Involuntary' Confession?" to the final one, "What Is 'Interrogation'? When Does It Matter?" he takes nothing for granted. Through comparisons and a string of hypotheticals, he clarifies the distinctive significance of the particular fact situation of the case under discussion. Analyzing the opinion of the court and those of the dissenters, he patiently highlights points of contention or moments of obscurity. The court, for example, fails to delineate what constitutes "interrogation" in the "Christian Burial Speech" case; Kamisar compensates for the oversight.

No problem seems static in Kamisar's characterization. He does not advance a fixed thesis, but progresses through question and exploration, developing and elaborating a viewpoint which grows as one reads. The landscape of criminal procedure is, as he presents it, a shifting and deceptive one, constantly disturbed by new articles, decisions, and ideas. Professor Kamisar seems to welcome each new complication with an energetic readiness to contemplate all aspects of a problem.

Yet this is not the balance of the cautious, tiptoeing academic. It is the overwhelming crash of the man who has been called "the dominant academic force among the reformers of police interrogation" fortifying the "nearly impenetrable wall" of scholarship he is praised, and sometimes cursed, for having constructed around the Warren Court decisions.

## The conscience of the University?

*Sax becomes distinguished university professor*

This year Professor Joseph Sax of the Law School was appointed a Distinguished University Professor. He was recommended for the honor by a University-wide committee of faculty. Only one other law professor, William W. Bishop who is now retired, has received this title. Professor Sax is the youngest faculty member ever so honored.

The name of the professorship, which is designated by the holder, is the Philip A. Hart Distinguished Professorship of Law. With his choice, Professor Sax expresses his respect for the late United States senator from Michigan who was known by many of his colleagues as "the conscience of the Senate." Senator Hart, a 1937 graduate of the University, played an important role in shaping all major civil rights, consumer protection, and anti-trust legislation passed by Congress during his eighteen years in office.

Senator Hart was widely regarded as a man of great intellectual honesty, principle, compassion, and determination. His ideals and career as a senator were honored by his colleagues' decision a few months prior to his death from cancer to name the Senate Office Building then under construction the Philip A. Hart Senate Office Building. Described by one colleague as someone committed to finding out the truth on every issue and then opening it up for all to see, Senator Hart's career and reputation were summarized by the statement: "He exemplified the highest of moral and ethical stan-

dards in public service. He was a friend of the American consumer and a tireless worker against injustice."

Like Senator Hart, Professor Sax has become recognized for his principled, reasoned, and effective intellectual leadership on complex issues of pressing importance to our society. He is widely recognized as the nation's preeminent authority on environmental law and as one of the major intellectual figures in the environmental movement.

In several score books, articles, and reviews he has addressed the problems of environmental protection and the conservation of natural resources with uncommon imagination and intelligence and with a breadth of learning unconfined by disciplinary boundaries. His work on the definition of

property rights, on the relationships between law and politics, and on the control of bureaucracy are justly regarded as seminal. It has enlarged our understanding of issues that are central to the formation of public policy regarding the environment and natural resources and that are, more generally, of enduring significance for democratic government.

The importance of Professor Sax's work may be measured by its profound influence upon legal scholarship and by its impact upon the legal system. Of the many examples that might be cited to illustrate his significant contributions, one is the conception of the "public action," which he developed in his book *Defending the Environment*. This concept has not only been remarkably influential in the environmental field, but legal scholars and law reformers also have brought it to bear on a broad range of contemporary issues. The pioneering Michigan Environmental Protection Act, which he authored and which embodies many of the ideas advanced in *Defending the*



*Joseph Sax*

*Environment*, has been adopted by a substantial number of states and in some respects by Congress.

Professor Sax's distinction as a scholar and the importance of his contributions to the public weal have received frequent tangible recognition. Among other awards, he has received the Environmental Quality Award of the U.S. Environmental Protection Agency, the American Motors Conservation Award, and the National Wildlife Federation Resource Defense Award. In recognition of the influence of his work on European environmental law, he has also received the Elizabeth Haub Award, the major European award in environmental affairs. His most recent book, *Mountains Without Handrails*, which was characterized by a colleague as "eloquent, learned, and compelling," received The University of Michigan Press Biennial Book Award.

Although Professor Sax's efforts, especially in recent years, have been directed primarily toward environmental protection and the conservation of natural resources, he also has addressed other important issues. In a series of articles during the Vietnam years, he imaginatively probed a number of issues of enduring importance in a democracy—civil disobedience, conscientious objection, and the obligations of jurors to respect laws they regard as immoral. This work significantly advanced the quality of public and professional discussion at a time when the nation had no greater need.

The qualities of mind that have enabled Professor Sax to make such important scholarly and public contributions have made him equally effective as a teacher. His courses are among the most popular in the Law School. Students respect him not only for the

strength of his intellect but for his power as a moral force. The rigor, idealism, responsibility, and commitment he displays in

his scholarship he also brings to the classroom and to his dealings with students as individuals.

## The Quadrangle isn't square

*Law School is an unusual architectural mélange*

Many of those who visit and admire the Law Quadrangle assume that it was modelled by architects York and Sawyer on some existing complex of buildings at Oxford or Cambridge. While the Law School's buildings are in the tradition of English Gothic used at other institutions, they are unique and very much more varied in style and use of ornamental detail than is apparent to the casual observer. A recent descriptive evaluation of the Quadrangle written for an architecture class at Michigan by student Paul Weller demonstrates that the buildings are not only original designs but also "tend to represent styles which span the fifteenth, sixteenth, and early seventeenth centuries."

While the Legal Research Library, Hutchins Hall, and the Dining Hall make use of English Gothic features which prevailed in the fourteenth and early fifteenth centuries, the Lawyers Club building and the two dormitories have a late Tudor or Jacobean character. They reflect Italian and Flemish influences which had only affected English architecture by the late sixteenth and early seventeenth centuries.

According to Weller, York and Sawyer wanted to evoke a "sentimental connection between legal education at Michigan and a rich legal and academic past." To do that, he points out, "they need

not design a perfect period piece or copy of an English college. As long as the result had an apparent unity and completeness, each building, in fact each architectural element, could be from a different period. If variation in detail were controlled by a consistency in the materials used, the subtle variety of architectural ornament could be all the more delightful and amusing." In Weller's estimation, the Quadrangle as completed in Massachusetts granite and carved Indiana limestone, decorated with lead fixtures and topped with slate roofs, does achieve a harmony whose "quality derives from the complexity of detail appropriately carved and assembled in durable, pleasing material."

The prevailing effect and feeling of the Quadrangle is Gothic. The Dining Hall and Legal Research Library, with their crenellated parapets, their finials, turrets, wall buttresses, and tall windows subdivided by vertical stone tracery, resemble English buildings in the perpendicular Gothic style of the early Tudor period. Hutchins Hall, which sits between these two buildings, is "essentially a twentieth century structure," according to Weller, but is ornamented with wall buttresses, pointed doorways, and carvings which "make it blend with the other buildings in the complex."

---

# B R I E F S

---



*At far left:  
The Dining Hall, with its solid masonry construction and structural oak trusses supporting the roof, is modelled on the chapel at Eton College. Like the Legal Research Library, it has tall pointed windows, subdivided with stone tracery, which are characteristically Gothic.*

*At left:  
Even where pointed arches and turrets are absent, the Quadrangle retains an overall Gothic feeling derived from the consistent use of heavy, carefully cut blocks of stone.*



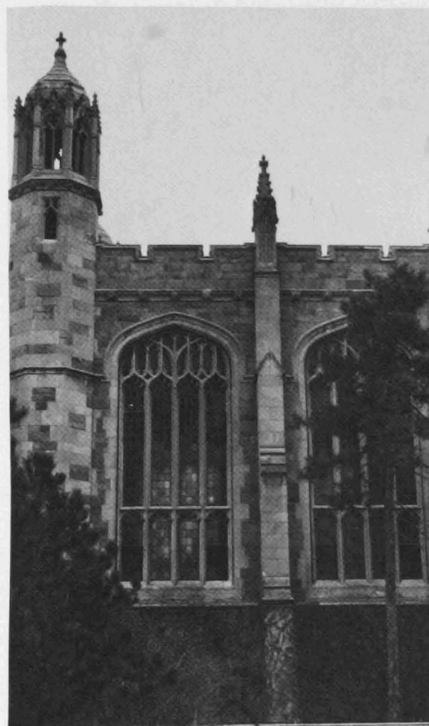
*The Club building, with its Renaissance portico, forms a link between the Perpendicular or early Tudor style of the Dining Hall (left) and the late Tudor or Jacobean style of the dormitories (right).*



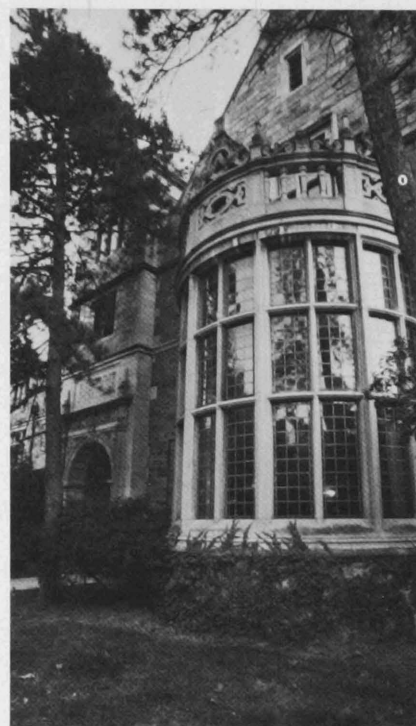
The most delightful structures of the Quadrangle, in Weller's estimation, are the Lawyer's Club, its dormitory, and the John P. Cook Dormitory. Both dormitories are decorated with ornamental stonework in the shape of scrolls, curves, and shields, forms which did not appear on English buildings until the Jacobean period.

The Club building, Weller notes, is the most unusual. "It speaks the language of the Renaissance in a direct manner, which seems right for a building meant to function in many capacities," he says. The rounded arches and Tuscan columns on its balustraded parapet lend the Club its Italianate feeling. The Italian Renaissance reached England in the Tudor period, so the Club building evokes English architecture constructed between the Gothic and the Jacobean. Thus, the Club serves as an appropriate transition linking the perpendicular buildings south of it on the Quadrangle with the stylistically later dormitories north and east of it.

The diversity in architectural style of the Quadrangle's buildings is echoed in the rich variety of its decorative detail. Some features are purely ornamental, adding pomp, solemnity, and esthetic pleasure to the experience of entering the Quadrangle. Other decoration on the buildings is symbolic, designed to instruct the observer and convey William W. Cook's intentions in donating the funds for the buildings. Still other details, like the Quadrangle's many carved heads, gnomes, and painted glass medallions, are satiric in intent. They offer a special delight to the spectator who takes the time to appreciate their humorous incongruity, Weller observes. Many of the faces and figures on the buildings good-naturedly poke fun at eminent



*The Dining Hall and Legal Research Library make use of fourteenth and early fifteenth century Gothic stylistic features like crenellated parapets, finials, turrets, and wall buttresses.*



*The entry arch, bay window, and ornamental scrollwork evident in this picture of the Lawyers Club are curved, and thus characteristic of seventeenth century English architecture.*



*Doorways into the dormitories reflect the harmonious melding of diverse styles accomplished in the Quadrangle. While doorway P is Gothic, doorway M has classical elements like those used in Jacobean buildings. Doorway F combines classical and baroque features, a tendency also characteristic of the later period.*



*Satiric ornamental details in the Quadrangle mock the fallible humans who practice, teach, and learn the law, but never legal and political institutions.*



jurists like Coke, Blackstone, and Marshall or at the University's presidents, as well as at law students. "Jolting anachronisms are part of the entertainment," Weller says, with law students carrying tennis rackets and stony gargoyles peering out from behind horn-rimmed glasses.

How do these fit with William W. Cook's stated aims in making his donation? Cook wrote that he wished to construct facilities which would attract the best students and "establish the moral tone and dignity proper to the study of law." It is significant that the satiric ornaments mock only those who practice, teach, and learn the law. "Neither the law, nor constitutional principles, nor American political institutions are part of the mockery and fun," Weller points out. The satiric ornaments encourage students to recognize human foibles and failings, as lawyers must. Their effect is counterbalanced, however, by the overall aura of the Quadrangle. Weller concludes that "the satiric gnomes and heads relieve in miniature the Quadrangle's ponderous character without disrupting its atmosphere of reverence and hushed dignity."

"The buildings, with their Perpendicular, Tudor, and Jacobean elements carved in limestone and set against granite, conjure up a feeling not only of the Anglo-American legal tradition but also

of the durability and permanence of the law," Weller says. He concludes that they have certainly contributed to legal education as

Cook wished: "The ability of The University of Michigan's students and faculty may not be exclusively the product of the struc-

tures wherein their activities take place," Weller says, "but certainly the quality these buildings speak cannot be overlooked."

## A good consequence

*Regan receives national philosophy prize*

A professor of constitutional law and philosophy of law at Michigan, Donald H. Regan, has been named a recipient of the 1982 Franklin J. Machette Prize which is awarded by the American Philosophical Association. The award, which is given every other year, honors scholarly books or articles of outstanding philosophical merit. Regan's prize-winning book, *Utilitarianism and Co-operation*, was published by Oxford University Press in 1980.

Utilitarianism is a doctrine which holds that the determining consideration of right conduct should be the usefulness of its consequences. In his book, Professor Regan analyzes a seemingly indissoluble contradiction inherent in utilitarian theory as it had been described by previous scholars. This turns on whether the requirement that moral agents should maximize good consequences applies to individual acts or to classes of acts and patterns of behavior.

Regan proposes a new theory, "co-operative utilitarianism," which differs radically from the traditional positions debated among utilitarians and makes a reconciliation of their conflicting intuitions possible. Thus, Professor Regan is able to rescue utilitarianism from internal contradiction.

One of the few non-philosophy professors to win the award, Professor Regan shares the Machette Prize with Bas van Fraassen of the philosophy department at Princeton University and Paul Guyerof, professor of philosophy at University of Illinois, Chicago Circle. A member of The University of Michigan's philosophy faculty, Lawrence Sklar, is a previous recipient of the award.

Professor Regan, who attended Harvard College, received his law degree from the University of Virginia Law School in 1966. He

joined the Michigan law faculty in 1968 after having attended Oxford University as a Rhodes Scholar. While teaching at Michigan, Professor Regan did graduate work in philosophy, completing his Ph.D. in 1980.

Last year, Professor Regan received a Senior Research Fellowship from the National Endowment for the Humanities which enabled him to spend a research leave at the University of California in Berkeley where he worked on a theory of the good. His testimony on proposed amendments to the Constitution concerning abortion before the Senate Judiciary Committee's Subcommittee on the Constitution appeared in last spring's issue of *Law Quadrangle Notes*.



Donald Regan

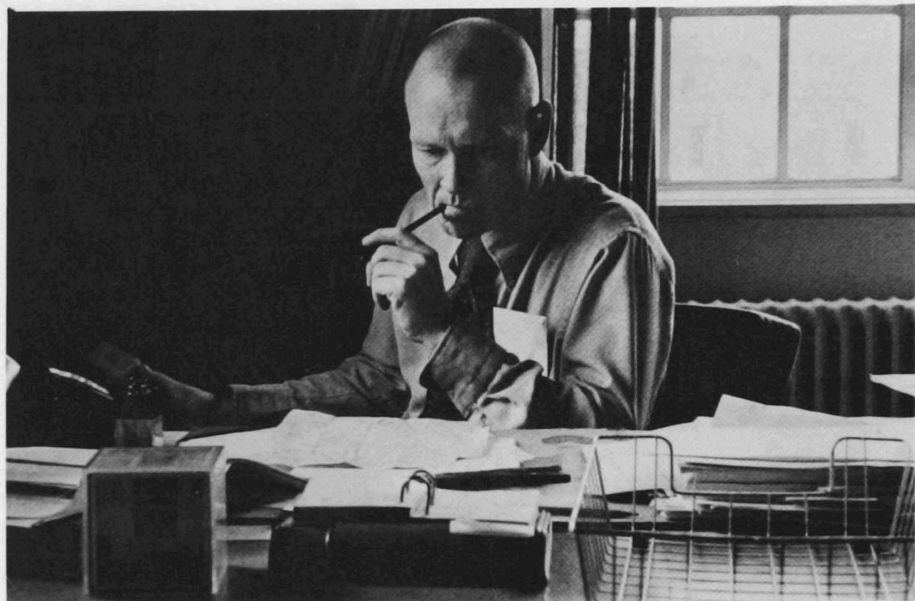
## Law professors get new names

Three distinguished members of the Law School faculty have been honored with appointments to named chairs. Professor John H. Jackson has become the Henry M. Butzel Professor of Law, a position long held by his recently retired colleague, Alfred F. Conard. Named to the new Robert A. Sullivan Professorship of Law is James J. White. Jerold H. Israel has become the first Alene and Allan F. Smith Professor of Law. The profiles given here describe the distinct contributions each has made to the intellectual and professional vitality of the Law School.

□ **Professor James J. White** is among the nation's leading scholars in the field of commercial law. He received a B.A. *magna cum laude* from Amherst College and a J.D. from the University of Michigan Law School. After practicing law in Los Angeles, he returned to Michigan in 1964 as an assistant professor and was promoted to associate professor in 1967 and professor in 1969. He has also been a visiting professor at Wayne State and Harvard Universities. A skilled and efficient administrator, Professor White served as Associate Dean of the Law School from 1978 to 1981.

He has written extensively on a broad range of commercial law topics and is the author of several widely used casebooks. The text on the Uniform Commercial Code that he co-authored with Professor Robert Summers has become the standard reference on that important subject. He is also a frequent contributor to professional and scholarly periodicals.

Among Professor White's many public service activities, the most noteworthy are his service as



James J. White

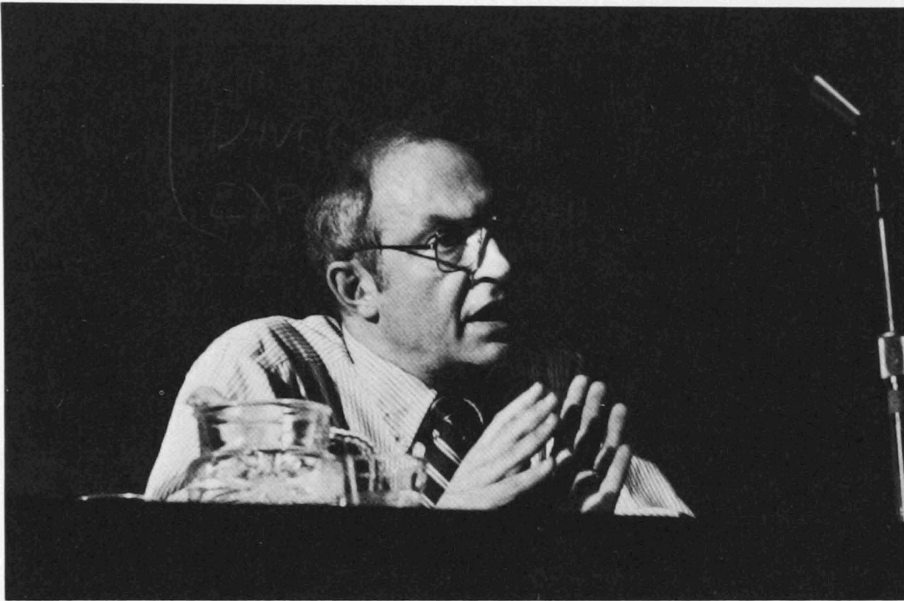
executive director of the National Institute for Consumer Justice, his service as chairman of Michigan's Advisory Commission on the Regulation of Financial Institutions, and his current service as a trustee of the Ann Arbor Board of Education.

Professor White is widely regarded as one of the most demanding and yet most popular of the School's teachers. He has been a pioneer in the development of programs for training students in professional skills. He played a leading role in the establishment of the School's clinical law program and created a course, which has become a model for similar courses at other institutions, to train students in the art of negotiation.

Professor White has made important contributions to the community, the state, and the nation as well as to the Law School. He provides law students with a consummate model of the qualities of mind, the precision, dedication, and acuity, which characterize the finest legal professionals.

□ **Professor Jerold H. Israel** received a B.B.A. from Western Reserve University and an LL.B. from Yale University. Thereafter, he served for two years as a law clerk to Justice Potter Stewart of the Supreme Court of the United States. In 1961, he joined the law faculty at Michigan as an assistant professor. He was promoted to associate professor in 1964 and to professor in 1967. He has been a visiting faculty member at the Stanford Law School and at the University of Florida.

Professor Israel is an eminent authority in the field of criminal law, particularly distinguished by his capacity to integrate theory and practice. In recent years, he has been increasingly active in seeking to achieve reform of the criminal justice system. He served as co-reporter for the Uniform Rules of Criminal Procedure and as a member of several governmental commissions on criminal law reform. He currently serves as the Executive Secretary of the Michigan Law Revision Commission. As reporter to State Bar committees, he has proposed



Jerold Israel

revisions of the *Michigan Penal Code* and the *Michigan Code of Criminal Procedure*. He has participated in training programs for lawyers, judges, prosecutors, and police and has authored thirteen training films designed to educate police officers about legal restrictions governing their activities.

With Professor Yale Kamisar of this law faculty and others, Professor Israel is the author of two widely used casebooks on criminal procedure, both of which are currently in their fifth printing. He has co-authored two texts on criminal law, as well as numerous articles that range from subtle analyses of landmark cases to lucid overviews of areas of criminal procedure for professionals and nonprofessionals. In his writings, as in his professional service, Professor Israel manifests an unusual ability to conceive improved procedures through thoughtful examination of existing practice.

Professor Israel is consistently praised by students for his excellence as an instructor. His classes are marked by careful explication of existing practice, rigorous

analysis of legal materials, and sensitivity to the uniqueness of cases, all skillfully blended with attention to principle. His own enthusiasm and interest are quickly transmitted to students who describe his classes as both stimulating and informative.

Professor Israel was among the first persons appointed to the law faculty during Allan Smith's tenure as dean. It is, therefore, especially fitting that his many contributions to the Law School, the state, and the nation have been recognized with the conferring of the first Alene and Allan F. Smith Professorship of Law.

□ **Professor John H. Jackson** received an A.B. degree *magna cum laude* from Princeton University and was awarded a J.D. with honors by The University of Michigan. While a student at the Law School, Professor Jackson received the Coblenz Award for the best student work for the *Michigan Law Review*. Following graduation from Law School, Professor Jackson practiced law in

Milwaukee until 1961, when he joined the law faculty at the University of California, Berkeley. He became a Professor of Law at Michigan in 1966; since that time he has become an indispensable figure in the School's Graduate and International Law programs.

Professor Jackson is internationally recognized as a preeminent authority on the law of international trade. His classic study on *World Trade and the Law of GATT* is widely used by governments and embassies and has become a standard reference for practitioners in the area. In numerous other scholarly publications he has demonstrated intellectual command of and a distinctive breadth of insight into the multiple, complex issues that arise in international trade. Yet his work is not restricted to his area of specialization. Professor Jackson is the author, with Professor Lee Bollinger of this Law School, of the casebook, *Contract Law in Modern Society*, which is now in its second edition.

The importance of Professor Jackson's scholarly contributions and the widespread esteem for his expertise are revealed by the many invitations that he has received to lecture and teach throughout the world and by the frequency with which he has been asked to advise government and international agencies. He has served the United States government as General Counsel of the Office of the President's Special Representative for Trade and as a consultant to the Senate Committee on Finance. At various times he has also been called in as a consultant by G.A.T.T. (General Agreement on Tariffs and Trade), by the United States Treasury, the United Nations Commission on Transnational Corporations, UNCTAD, as well as by private law firms. He currently serves as a member of the Task Force on

Trade Laws and Practices of the Advisory Council on Japan-U.S. Economic Relations. He was a Research Scholar in Geneva, Switzerland, a Rockefeller Foundation Fellow and Professor of Law in Brussels, Belgium, and a Visiting Professor of Law at the University of Delhi in India. He was invited by the U.S. government to return to India as a guest lecturer and received the U.S. State Department American Specialist Fellowship to Brazil. He was Guest Professor at the Europa Institute in Amsterdam, a Distinguished Speaker at the International Bar Association in Berlin, and a guest lecturer in Tokyo. He serves on the Board of Editors of three scholarly journals: *The American Journal of International Law*, the *Journal of World Trade*



John Jackson

*Law*, and the *Journal of Law and Policy in International Business*.

Professor Jackson is one of the Law School's most effective and admired teachers. His advice and example are particularly valued by our many foreign graduate students and by J.D. students who aspire to work in the international field. Professor Jackson brings to the School a sense of vital connectedness and concern with the rapidly changing law of trade between nations.

At a school with a long tradition of preeminence in international and comparative law, Professor Jackson is a truly worthy successor of scholars like Edwin D. Dickinson, William W. Bishop, and his immediate predecessor in the Henry M. Butzel Professorship, Alfred F. Conard.

## Visiting faculty

This year, one in which many members of the Law School faculty were engaged in supported research, University administration, and other activities which drew them from the classroom, the School was particularly fortunate in securing the services of a large group of able and distinguished visitors.

In the fall term there were three visitors.

□ **Joseph F. Brodley** was here from Boston University School of Law where he has been a professor since 1979. A graduate of UCLA who holds law degrees from Yale and Harvard, Professor Brodley practiced law in New York City and in Los Angeles before taking up teaching. He is an authority in antitrust. While at Michigan he taught Antitrust Analysis I and a seminar entitled

"Mergers and Joint Ventures: Evolving Standards."

□ **John W. Wade** is Distinguished Professor at Vanderbilt University School of Law. Professor Wade is an authority on conflict of laws and author of a classic casebook on torts. He holds degrees from the University of Mississippi and from Harvard. At Michigan he taught the first-year course on torts and a seminar, "Advanced Topics in Torts."

□ **James Boyd White** visited from the University of Chicago Law School. He is the author of the book, *The Legal Imagination*. Professor White's subjects are criminal law, criminal procedure, and law and literacy. He is a graduate of Amherst College and of Harvard Law School. At Michigan he offered an upper level course entitled "Criminal Justice: Administration of Police Prac-

tices" and a seminar on the legal imagination.

During the winter semester, our reliance on the expertise of our visitors was even greater.

□ **Professor Robert H. Abrams** visited from the Wayne State University Law School. Professor Abrams holds A.B. and J.D. degrees from Michigan. He worked for the firm Kozlow, Jasmer & Well in Southfield after his graduation from law school. He then became an assistant professor at Western New England University for three years before moving to the Wayne State faculty. Professor Abrams taught Introduction to Constitutional Law and a seminar entitled "Federalism Sovereignty and Natural Resources."

□ **Professor William R. Andersen** was with us from the University of Washington School of Law.

Professor Andersen specializes in administrative law and has written on corporate practice and on professional negligence. He graduated from the University of Denver and from the University of Denver Law School. He holds an LL.M from Yale. Professor Andersen has taught at the University of Kentucky Law School and Vanderbilt University Law School. He was a visiting scholar for a year at Columbia. He also served as Associate General Counsel at the Federal Aviation Agency from 1960-63. At Michigan, Professor Andersen taught a course in administrative law and a seminar on urban finance.

□ **Professor Stuart R. Cohn** is on the faculty of the Spessard L. Holland Law Center at the University of Florida. He received his B.A. from the University of Illinois, an Honours Degree in Juris from Oxford University, and an LL.B. from the Yale University Law School. Professor Cohn was a partner in the firm Devoe, Shadur & Krupp in Chicago. He joined the faculty at the University of Florida in 1977. Professor Cohn's subjects are agency and partnership, corporate finance, corporations, and securities regulation. This winter he taught a course in business planning and a course in enterprise organization.

□ **Professor Jane M. Friedman** visited from the Wayne State University Law School. She works in the field of constitutional law, in contracts and in law and medicine. Professor Friedman received her B.A. and J.D. degrees from the University of Minnesota. She served on the *Minnesota Law Review*.

From 1966-69 Professor Friedman was a trial attorney with the U.S. Department of Justice, Civil Division. She then became Assistant General Counsel at the

Federal Commission on Obscenity and Pornography. She was an instructor on the Michigan Law School faculty for a year before moving to Wayne State.

□ **Professor Alan Gunn** visited from Cornell Law School. He received a B.S. from Rensselaer Polytechnic Institute and a J.D. from Cornell where he was article editor on the *Cornell Law Review*. Professor Gunn specializes in natural resources and real property. He was in private practice in Washington, D.C., before he became a law professor. He taught first at Washington University in Saint Louis, then moved to Cornell in 1977. Professor Gunn taught Tax I at Michigan, as well as a seminar in products liability.

□ **Professor Atsushi Kinami** of Kyoto University also taught in the Law School this winter. He taught a course on the Japanese Legal System with Professor Whitmore Gray. Professor Kinami has written two articles dealing with the Uniform Commercial Code. He received a bachelor of law degree from Kyoto University where he is now an associate professor of law.

□ **Professor Frederic L. Kirgis, Jr.**, visited from Washington and Lee University where he is a professor and the director of the Frances Lewis Law Center. Professor Kirgis's subjects are conflict of laws, international law, and international organizations.

He received a B.A. from Yale University and a J.D. from the University of California at Berkeley where he was assistant notes and comments editor for the *California Law Review*. He has been a research student at the London School of Economics and Political Science. He was an associate with Covington and Burling in Wash-

ington, D.C., before beginning to teach. He then became an assistant professor at the University of Colorado School of Law. He moved from there to U.C.L.A., and then to Washington and Lee in 1977.

□ Another visitor at the Law School was **Richard Mittenthal**, a lecturer teaching a seminar in labor arbitration. Mr. Mittenthal holds an A.B. from Cornell University and an LL.B. from N.Y.U. He is with the firm Alspector, Sossin, Mittenthal, and Barson in Birmingham, Michigan. Since 1954, he has been self-employed as an arbitrator.

□ **Professor Mark Yudof** teaches at the University of Texas School of Law where he is the Marrs McLean Professor and Associate Dean for Academic Affairs. Professor Yudof received his B.A. and LL.B. from the University of Pennsylvania where he was on the law review. He clerked for Hon. Robert A. Ainsworth, Jr. of the U.S. Court of Appeals for the 5th Circuit. He then became Associate General Counsel to the Committee of the American Bar Association to Study the Federal Trade Commission. He was Staff Attorney at the Center for Law and Education at Harvard, where he also lectured in the Graduate School of Education. Professor Yudof joined the University of Texas law faculty in 1971. His specialties are children and the law, constitutional law, and contracts. At Michigan he taught the first-year course in contracts.

Last summer's visitors were **Professor Ronald J. Allen** from Duke University School of Law, **Daniel Polsby** of the Northwestern University Law School faculty, and **Bernard Wolfman** who is Fessenden Professor at Harvard University Law School.