James A. Martin

Law professor remembered for his keen logic, wide-ranging scholarship, and delightful foibles

James A. Martin died December 10 of a prolonged illness. He was 41. Known for his diverse knowledge of civil procedure, commercial transactions, and conflict of laws, Martin was the co-author of one of the country’s leading law textbooks, Civil Procedure, Cases and Materials.

He was born April 5, 1944, in Elmhurst, Illinois, and received his B.S. from the University of Illinois. He received the M.S. in mathematics from The University of Michigan, where he earned the J.D. in 1969. He joined the U-M faculty in 1970 and had been full professor since 1975.

Professor James J. White, the Robert A. Sullivan Professor of Law who has taught at the School since 1964, remembers Martin as a student. “Almost from the day he arrived, he demonstrated a capacity for legal analysis and logical thought that far surpassed the typical student,” he recalls. “In addition to his writing and teaching, he chaired the review committee drafting the recent revisions of the Michigan Court Rules and worked closely with members of the bar in that capacity,” White added.

Martin served as a Visiting Distinguished Professor of Law at the University of Hawaii Law School and was acting U.S. delegate to the Hague Conference on the Private International Law of Agency.

His other books include Conflict of Laws and Basic Uniform Code Teaching Materials, both in second edition, and Michigan Court Rules Practice, published last August.

A memorial service for Professor Martin was held at the Lawyers Club in January. Professor White was among those who spoke at the service. His remarks follow.

Jim Martin was a student, a colleague, and a close friend. His was a mind of independent ideas and uncommon sharpness. He was a scholar of national reputation, not just in one subject, but in three. Books that he authored or co-authored in conflict of laws, civil procedure, and commercial law were used in courses from coast to coast. He was a principal draftsman of a new statute on the law of leases that will soon be proposed for adoption in every state of the United States. He was a drafter of and a commentator on the Michigan Rules of Civil Procedure. These are remarkable accomplishments for a man of 41 years. In his books, in the court rules, and particularly in the new statute, his memory will live with us. Neither I nor anyone else need speak for them; they speak for themselves.

In the minutes given to me I would like to honor a part of Jim’s memory in a form not preserved by his books and scholarly work. I fear that the rigor and careful logic with which Jim wrote and spoke portrayed him as a man of keen but unidimensional intelligence. In fact, Jim Martin was many persons. To think him merely a keen and logical thinker would be wrong.

One Jim Martin was a highly traditional, even prudish, product of a Roman Catholic upbringing. A second was an avant-garde devotee of science and science fiction. Yet a third, who co-existed with the other two, was a practitioner of a decidedly non-traditional life style. The traditional and conservative Jim Martin rebelled at lawlessness and disorder, was repelled by slovenliness of writing or thought, and was invariably offended by pretension and self-righteousness in all of its forms. Yet it was the non-traditional person who spoke out about such lawlessness, slovenliness, and pretension. These responses to such matters were always informative, usually clever, and occasionally humorous, not only in their content, but in the scolding officiousness that they revealed. To demonstrate this engaging and eccentric facet of Jim’s character, I wish to read parts of four of his letters. Each of these letters was published or offered for publication—so be assured that I do not reveal something that was private.

James A. Martin

The first is a serious letter about a statement of a member of the Board of Regents on a topic that deeply interested Jim. This letter appeared in the March 18, 1984, Ann Arbor News.
"A Regent was quoted as urging caution about non-discrimination against gays, based upon 'public appearances' and 'what legislators think.'

"I am glad that the Regent keeps practicalities in mind, but after he has considered them briefly, I hope he will dismiss them forthwith. Can you imagine him making the same statements about discrimination against blacks or Jews? (I would like to oppose discrimination against you, but, you know, I have to think about those anti-black and anti-Jewish legislators in Lansing. Of course I think you're okay . . . kind of.)"

Of course this letter properly criticized a Regent for a statement the Regent would not have made had he thought about it carefully. It shows Jim's capacity to draw a biting analogy that brings the issue into focus.

The second letter is less serious. It is a letter titled Martin responding on a political issue, but stimulated by the pretentiousness and self-righteousness of his political opponents. This was published in November, 1984, in the Ann Arbor News.

"Walter Mondale's concession speech was gracious and dignified, and showed the warmth that has made him a successful human being if not a successful presidential candidate . . . ."

"In marked contrast, the statements of the proponents of the Nuclear Free Zone, both before and after the election, have been ungracious and mean-spirited. "With the knowledge that free advice is usually ignored, I nonetheless offer the following to the nuclear free folks for their next campaign . . . . [And he then gives them various pieces of advice, among it the following:]

"3. Don't try to convince us that you lost only because you were outspent. Money doesn't guarantee victory, as Republican House and Senate candidates found out this year. Moreover, your opponents actually published the text of your proposal in a full-page newspaper ad. Whether you like it or not, and whether it was accompanied by their own commentary or not, that was voter education—much more than in the usual election. Accept the fact that educated voters, rightly or wrongly, disagreed with you. They weren't bought. They read, they listened, and they weren't convinced. Stop whining.

"4. Next time, try at least to pretend that you accept the possibility that someone who disagrees with you may do so on the basis of principle and honest disagreement, and not instead for reasons of stupidity, greed, or a desire to see the end of the human race. You may not believe it's true, but if you pretend that you believe it, you will turn off fewer people who, this time, were unimpressed by your self-righteousness."

In the third letter we see Jim at his officious best. Here he is springing to the defense of a group of which he was clearly not a member. This is the group of those who are both fat and gullible. He is responding to an advertisement titled "Thrilling Japanese Super Pill Guarantees Rapid Weight-Loss!" that appeared in a stuffer in the Ann Arbor News. He writes to the Federal Trade Commission to "initiate formal procedures for complaining" about this fraudulent advertising. Not only does he take the perpetrator of the advertisement to task, he asks how he might initiate a complaint "against the Ann Arbor News." He states, correctly, that the Ann Arbor News has no obligation to use the Family Weekly as a stuffer, and, always ready with an analogy, suggests that the Ann Arbor News would not carry the Family Weekly if, for example, it ran pornographic photos or libelous articles.

The final letter is a quintessential Martin letter. It complains about English language usage, a topic dear to his heart. It was directed at his favorite target, the Ann Arbor News, only last July.

"I am perplexed by the continuing misuse age by the News of "media" as a singular noun. The most recent example was a headline . . . "Terrorists' control over media illustrates how non-objective it really is.""

"Irregular plurals are admittedly troublesome . . . . But the proper use of "medium" and "media" should not appear beyond your capabilities, especially since newspapers are one of the news media and intelligent people are usually expected to know the proper usage of words touching upon their very livelihoods.

"Since this issue has been raised many times in your letter columns without apparent effect, I wonder if you would descend from your customary icy editorial silence and share with the readers your views on the subject—are these misusages mere oversight, are they attempts at linguistic reform, or is there some other explanation I haven't thought of?"

So we see it. Jim Martin was a brilliant man, but not merely a brilliant man. He was a man of grand strengths, but also of delightful foibles. I hope that the weight of his tragic and early death can be lightened, if ever so little, by our appreciation of the many things that he left for us in the scholarly literature, in our daily discourse with him, and also in the pages of our newspapers.

Memorial contributions in Prof. Martin's name may be sent to the U-M Law School, Dean's Office, 302 Hutchins Hall, Ann Arbor, MI 48109.