

Melville B. Nimmer: A Special Kind of Man

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That this inaugural issue of the *UCLA Entertainment Law Review* is being dedicated to Melville B. Nimmer some eight years after he left us is testimony to how vivid the memory of Mel remains for all of us. Even today, it is hard to believe that he is not still with us.

Mel Nimmer was a rare combination. An intellectual, but without any pretensions, Mel was extremely well read, interested in everything that was interesting, informal in manner, serious in purpose, and with an impish sense of humor, a man who, with a twinkle in his eye, glorified in making creative puns. I do not know whether he was indeed named after Herman Melville—as Mel often said—but it seemed appropriate that he should have been named after the author of a monumental American literary work.

He was, of course, also a first-class legal scholar who made the field of copyright his own, dominating it nationally as few individuals have been able to assert themselves over an entire field of law. And he was also a first-rate First Amendment lawyer and scholar, while making occasional forays into other areas of the law. Not all may know, for example, that about twenty-five years ago Mel wrote a landmark article on Israeli jurisprudence dealing with the subject of judicial review in Israel, a country that does not have a constitution.¹ The issues that Mel addressed in that paper have been discussed since in numerous articles, but Mel's piece has stood the test of time and remains the fountainhead of scholarly discussion on the subject.

That he also managed, while teaching, to maintain his *Treatise on Copyright*, to produce a large quantity of scholarly material, to be

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1. Melville B. Nimmer, *The Uses of Judicial Review in Israel's Quest for a Constitution*, 70 COLUM. L. REV. 1217 (1970).

actively of counsel to a law firm, and, with some frequency, to argue cases before the Supreme Courts of the United States and of California, was always a source of wonder to me. And the fact that he was able to do so much while keeping his desk relatively free of paper seemed a feat of wizardry. It is also worth mentioning that whether because he selected cases wisely or argued them creatively, or, I would venture, both, he had an outstanding record of appellate victories in landmark cases before the high courts.

I can remember when the issue of Mel's joining the UCLA law faculty after many years in practice was first broached. I was a very junior member of the faculty at the time; Mel was my senior in both age and experience. To appreciate the context in which that issue arose, one must understand several facts about law teaching and teachers: 1) in the national law schools, such as UCLA, teaching and scholarship are full-time activities; 2) there are a great many lawyers, often very talented and distinguished who after a number of years in practice persuade themselves that they would like to shift into a law-teaching career; and 3) there is a view among law teachers, almost amounting to a prejudice, that once a person, no matter how talented as a practitioner, has spent a goodly time in a career of practice, let us say ten years or more, it is extremely difficult to shift into a life of full-time teaching and scholarship.

When the matter of Mel's appointment to the faculty was proposed, it was against the background of such attitudes of many of the faculty about the ability of practicing lawyers to make the move into a new type of career. But Mel clearly was different. He had completed a substantial and very scholarly treatises *while engaged in the full-time practice of law*. That itself was an unusual feat. To meet and talk to him was to know immediately that he was a man of scholarly interests and would be a devoted teacher. And so he was appointed . . . and the rest is history. It was a decision that members of the faculty never regretted. He went on to become one of the most distinguished members of the UCLA School of Law faculty.

I first came to know Mel as a friend through the many evening meetings at his home that I fondly remember, meetings in the 1960s of a group that was called, perhaps a bit pretentiously, "the Jurisprudence Society." It was composed mainly of law-school faculty

from UCLA, USC, and Loyola, plus a few practitioners and judges who gathered together to hear the presentation of papers on scholarly subjects that turned out sometimes to be jurisprudential in nature. There was a lengthy period during which Mel and Gloria made their lovely home available for the meetings of this group. Those were wonderful convivial evenings of thoughtful discussion on significant subjects in a atmosphere of serious purpose.

Subsequently, Mel (and his family) and I happened to spend our respective sabbaticals in Israel at the same time. It was a couple of years after the Six Day War, an exciting and uplifting time there, and we spent many hours together and with our mutual friends in Israel. He was a friend whose wise counsel I valued. He was an extraordinarily likable, gentle man, a person who was a good friend to all of his myriad friends.

Mel Nimmer is a man whose memory we cherish. And so we exert ourselves to preserve that memory through a successful lectureship named in his honor and through the dedication of this new journal on entertainment law, a field to which he contributed so much. And undoubtedly there will, and should be, other such efforts. His is a memory that should be preserved. He is a man whom we all miss.