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IN MEMORIAM
PROFESSOR JAMES W. JEANS, SR.

Professor Ed Stein[†]

To say that Jim Jeans was larger than life is far from an overstatement. And it was always so. Jim loved to explain that he was eight years old before he realized that the English language contained the word “tall.” Until then, he thought the word was “niceandtall” because all of his relatives kept telling him how niceandtall he was.

Yes, Jim towered over most of us and we were always looking up at him. But what was far more compelling is how we looked up to him. Whether as a lawyer, a teacher, an author, a philosopher, or a friend, Jim was a giant. I was privileged to know Jim in all these capacities for more than thirty years.

I first met Jim at the National Institute of Trial Advocacy in Boulder, Colorado in 1973, the second year of NITA’s existence. It was still very much a work in progress. Someone I hardly knew called me to ask whether I could serve as a last-minute substitute for a faculty member who had canceled. Of course I could. I would be on Jim Jeans’ team. Jim who? Jeans, I was told, a tall blond fellow, a great guy.

Forty-eight hours later, I was breakfasting at the Kitteridge Commons cafeteria on the University of Colorado campus, looking for a tall blond fellow. Somehow, he was the one who spotted me, and he welcomed me with the warmth that I soon came to understand was an integral part of his character. You always felt that Jim had his arm around you.

Jim told me that, after breakfast, we’d have a brief meeting with his group of twenty-four students and then we would break into small groups. I would be leading the plea bargaining exercise. Plea bargaining? I am a plaintiff’s lawyer, what do I know about plea bargaining? Jim explained that he was sure I could pull it off, and I could feel his arm around me. Well, if he was sure, who was I to argue? And I learned the first important thing about Jim Jeans – he did not hoard his self-confidence. Jim shared his self-confidence generously and everyone around him was the better for it. If Jim believed you could do something, you could. What a wonderful quality for a teacher.

Since that NITA session, I have taught at hundreds of NITA programs with scores of great trial advocacy teachers. None, however, reached Jim Jeans’ heights. His ability to connect with students was unmatched. Even with a

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hopelessly untalented student, Jim could find something positive to say. Maybe the best he could do was to comment on the student's obvious sincerity. In that case, he complimented the student on his "affidavit face." Maybe all he could point to was a pleasing physical trait, like good posture or a pleasant voice. In that case, he would applaud the student for having chosen her parents well. Even from the back of the room, Jim had his arm around each student, and you could tell that each student felt it, and was encouraged by it.

For the better students, Jim could explain how a good performance could become an excellent performance. Consistently, he complemented and challenged at the same time. He provided students with both a road map to excellence and the inspiration to begin the journey. The inspiration came not just from Jim's critiques, but even more so, from his demonstrations. Watching Jim perform in the courtroom was like watching Willie Mays play center field – graceful, magical, and apparently effortless. All of us who watched Jim perform hoped that a little of the magic might rub off, that just for a moment we could be like Jim Jeans. We never were.

If there were fifty good ways to cross-examine a witness, Jim would find the fifty-first, the excellent way that no one else could imagine, let alone execute. Jim never used a hammer on cross-examination. Rather, he would good naturedly present the witness with one reasonable proposition after another, to each of which the witness had to agree. By the cross-examination's end, the witness surely felt Jim's arm around his shoulder, likely in sympathy for the witness' tattered testimony.

Even more compelling than Jim's ability to cross-examine a witness, was his ability to directly relate to a jury in opening and closing. He was the only lawyer I ever saw who could quote from the Good Book, recite a poem, tell a story about his childhood, make an analogy to Mr. Potato Head, and summarize the facts, all in the same presentation. And all without, definitely without, PowerPoint. To Jim, PowerPoint held little power and was completely pointless. To Jim, courtroom power was human-to-human communication, and at that, there was no one better.

Outside the courtroom too, Jim was a compelling advocate for his beliefs. Often those beliefs put him at odds with other NITA teachers, myself included. He and I were poles apart on many non-legal issues. Jim was a social conservative, a committed Christian, and a St. Louis Cardinals fan. I am a liberal Democrat, a secular Jew, and a lifelong Detroit Tigers fan. Our friendship transcended those differences, even when we replayed the 1968 World Series. No matter how much Jim and I disagreed on certain issues, it never affected our mutual warmth and my unbounded admiration, except

perhaps for Jim's incomprehensible fascination with Walker Cooper (lifetime batting average: .285).

My most colorful recollection of Jim is when he and I, in period costume, served as co-counsel for the prosecution in a re-creation of the Frank James murder trial. James was obviously (to Jim and I at least) guilty as all get-out. The jury, however, quickly found otherwise. But the trial was in western Missouri where the James boys were heroes, so what would you expect? At least Jim and I were not hooted off the stage, and in that we found our germ of victory.

Just as Jim could find a sliver of achievement in an adverse jury verdict, he could always find something fascinating in everyday events. At the Illinois State Fair, we suffered through record-setting temperatures and an avalanche of disinterest as we tried to demonstrate trial advocacy techniques under a small tent. The only people who stopped to watch us were a few farmers who were desperate, and I mean desperate, to find some shade. Through it all, Jim could rave about the extra-fatty pork sandwiches that he discovered on the midway. In Honolulu, Jim may not have been impressed with Polynesian, Thai, or Japanese cuisine, but he was crazy about the senior citizen discount at Denny's. In New Orleans, Pat O'Brien's hurricane cocktails may not have been to his liking, but sitting on a bench on the Mississippi bank watching the barges float by was perfect. In Alaska, Jim may not have landed many salmon, but when he hooked one three-inch-long sculpin after another, he was sure that, ounce for ounce, they were the fightingest fish in the world. And in rural Missouri, Jim was thrilled to find a diner waitress honest enough to volunteer that although the menu listed "farm fresh eggs," all they really had were store-bought.

That sort of honesty was one of the old fashioned virtues that Jim treasured. Often he grouched that in the law and society, we have moved too far from those virtues. Sometimes I agreed with Jim; sometimes I did not. But I always understood that the law was a far better profession, and our society a far better place, because of Jim Jeans' presence. They still are.

