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UCLA Entertainment Law Review

Title

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Permalink

<https://escholarship.org/uc/item/277525v3>

Journal

UCLA Entertainment Law Review, 1(1)

ISSN

1073-2896

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Publication Date

1994

DOI

10.5070/LR811026301

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Mel Nimmer: Scholar and Professor

Kenneth Ziffren*

A bit more than three decades ago, I was accepted for admission to the UCLA School of Law and “prepped” by working in the law library the summer before classes commenced. After getting some rigorous workouts running up and down stacks and through carrels, there were moments of reflection and terror as the weeks passed and school become imminent. I started to browse around. I spoke to my fellow workers about the enormity of the task soon (and sooner) to arrive. I became indoctrinated into the woof and warp of the school, to its then short tradition (having been formed circa 1950), to its past luminaries, its graduates, and to its then current faculty. Occupants of the library spoke of the titans of the era—of Richard Maxwell (then the Law School Dean), James Chadbourn, Murray Schwartz, Ben Aaron, William Warren, Arvo Van Alstyne, Addison Mueller, “Wild Willie” Cohen, and others. The list makes me shiver even today. But none was more awesome nor as well regarded for scholarship and working knowledge in his area of expertise than Professor Mel Nimmer.

In those days, with the Beatles chirping in 5/4 time and JFK on worldwide jaunts, Congress had begun the process of revising the Copyright Act of 1909. For his part, Mel Nimmer was the leading academician, indeed practitioner, advising and counseling on how to make sense of it. The politics and complexities of the subject, added to the multifarious lobbying groups, caused the legislative process to stretch out more than a decade. One would not recognize sufficiently, even today, how intricate themes and doctrines would be systemized, coordinated and resolved. What was apparent to all of us who joined Professor Nimmer on the long journey toward passage was that this saturnine, benevolent, extraordinarily calm genius was shedding light and vision on intellectual puzzles of great magnitude. Anticipating

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what was to come—pay television, home video, pay-per-view, interactive games (from Atari to CDI), lap top computers, and the emerging electronic superhighway, to name a few—this modest, straightforward individual sought to bring realistic and cogent examples of abstract thinking into very real everyday thought and language. What is more, he succeeded in illuminating a subject that still causes angst in intellectual circles. With a dry humor, almost continental in approach, he systematically laid out the historical background, the competing groups (financiers vs. “authors,” distributors vs. producers, etc.), the options and alternatives. He challenged befuddled students, academics, practitioners and judges as no one had before.

Before the computer and its digital friends had made their appearance on the scene, he came forth with a compendium of organized depth and breadth called *Nimmer on Copyright*. But the treatise was much more than simply a volume about copyright—it traversed a century of intellectual property matters melded into the growth of the entertainment industry in publishing, music, stage, film, television, and other disciplines. Today, thanks to his son and his colleagues, the opus is regarded as the indispensable reference for newcomers and veterans alike.

After matriculation from the Law School, I had the good fortune to practice in the arena that Professor Nimmer occupied. He was generous in his “off and on” the record consultations with me as a budding lawyer faced with the practical—as opposed to academic—problems of making copyright law work for authors, producers, lenders and distributors. Even today, more than three decades later, I remember his measured discourse and keen appreciation for problems of the law practice and how to anticipate opposing counsel’s arguments.

It is therefore altogether fitting that in this inaugural issue of the *UCLA Entertainment Law Review*, we pay tribute to this distinguished gentleman. His insight and verve will last as long as scholars and practitioners muddle over intellectual property issues.