

Somebody Is Going to Pay

By Judith Martin

If you think Melvin Belli is a smoothie, you should hear his lawyer. Probably the best show in town last week was Marvin E. Lewis, the president of the American Trial Lawyers' Association, who was here in his electric blue suit, alligator shoes, the ring with the star sapphire and the one with the scales of justice, lobbying against no-fault insurance with its automatic compensations for obvious injuries.

Handling "all of Melvin Belli's divorces" is merely a sideline for Marvin E. Lewis. Finding fault's his field.

Probably his most famous case is the one of last year in which a young woman was awarded \$50,000 when she claimed that a cable car accident had turned her into a nymphomaniac. In fact, she didn't even claim it—she said in court that she doubted the connection—but Lewis claimed it, and they won. That case was known as *The Cable Car Named Desire*.

"This was not a put-on case," he said severely, amid the giggles the mention of it always brings on. "If a person loses his leg or his eye, people sympathize, but any time there's a mental injury, they turn right around and get suspicious, and with this particular obsession, it becomes a laughing matter."

"... And the next day she was directing traffic in the nude. I had to try the case without her."

His client, a 29-year-old dance instructor, was riding a San Francisco cable car when the cable snapped and the vehicle became "like a runaway scenic railway, with everybody jumping off," until it was brought to an instant halt when a brake was applied that removed the wheels. There was one death and many injuries, but Lewis' client had nothing to claim until later, when she noticed her unusual symptoms, a pronounced interest in men.

"At the age of 20, people used to kid her for being the only virgin at the University of Michigan," he said.

But after the accident, said Lewis, her interest in sex grew. He related: "She was having two, three, four men a day. 'I feel that I have to be cuddled,' she told me."

Lewis got her \$50,000. "Three jurors were holding out for \$500,000, but it was a bad jury," he said. "One woman hit me in the face with her bag in the recess."

It wasn't enough for her mental anguish, he said, but the last

time he saw her, she seemed to be all right. "She was with a Marine."

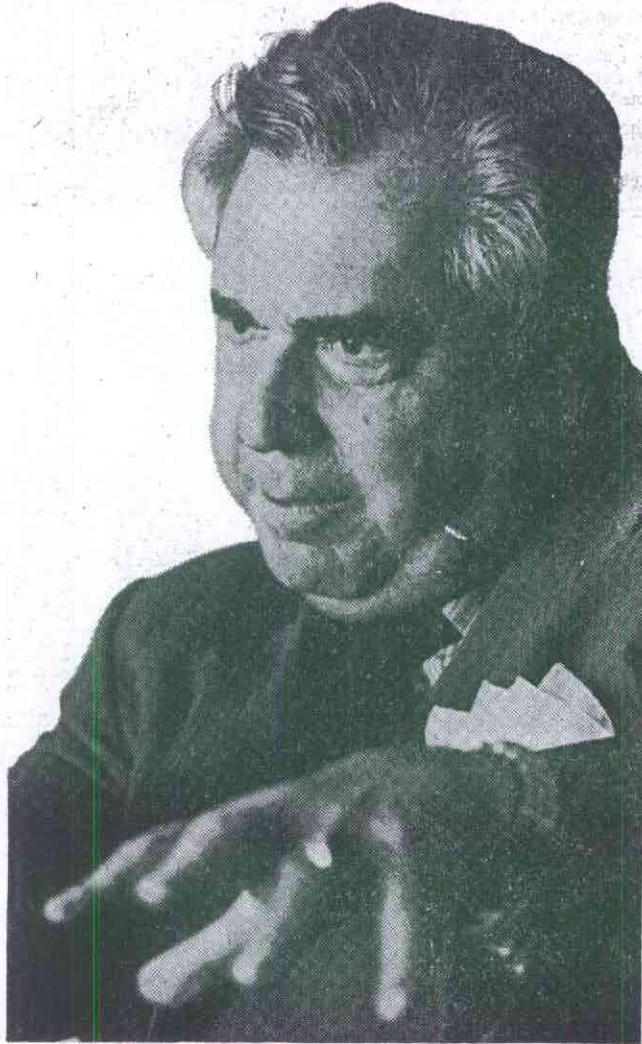
Lewis' philosophy, heavily backed by psychiatric testimony at his trials, is that "we are all on the edge of a precipice, every one of us, and when an accident happens, it depends on how that experience fits our past life."

There was the woman whose car was hit by a motorcycle policeman who died in the accident. She was not physically hurt, but collected \$140,000 from the state of California because having a policeman die on her car made her feel guilty. Another client collected \$150,000 because he said a car which had tapped his car from the rear, also with no physical harm, had made him sexually impotent.

But Lewis' greatest, double triumph was the girl who put her foot through a rotten wooden step of her apartment building and got a few scratches on her thigh. She got \$150,000, and the landlady, who also eventually became Lewis' client, collected \$210,000.

The victim, said Lewis, was a girl "who had been raised a good Catholic, but hadn't lived like one, and after the accident she thought she was the Virgin Mary and had fallen from grace to sin. She asked her husband to take her to see his ex-wife, and when

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By Jim McNamara—The Washington Post

Marvin E. Lewis: Fault-finder.

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he did, she hit the ex-wife with a Coke bottle.

"One night there was a call that she was breaking up a bar at North Beach, and the next day she was directing traffic in the nude. I had to try the case without her."

At that time, he was asking only \$5,000, but the insurance company refused to settle, even when the landlady offered to put up \$3,500 of it herself. An appeal was made, and this time Lewis's client was awarded \$150,000. The landlady, who had only her building, couldn't pay.

"So, sorry as I felt for the defendant, I sold her prop-

erty out from under her, and at a lower price than she should have gotten, too. She tried to take her life."

But then she smartened up and hired Lewis herself, and the two of them sued the insurance company for:

- Bad faith in not settling the policy claim.

- The mental anguish he—Lewis—had caused her by selling her property, this being the company's fault for not having settled the case earlier.

- And the difference in property value between what her building was worth and what he—Lewis again—had sold it for.

This time, he took it to a judge "because I felt a jury

wouldn't understand the legal principles involved," and after a total of eleven years since the client had stepped through the staircase, the landlady got \$210,000 including 7 per cent interest on the money, and the insurance company moved out of California.

"Sometimes a thunderbolt just hits one piece of ground, but the light of it can light up the horizon," concluded Lewis, whatever that means.

He is, he feels, a pioneer in the enlightenment of justice so that the emotionally and mentally injured may be compensated for their griefs and troubles as are the physically wounded.

And what happens? People laugh. "It's like people going into a modern art gallery and laughing and saying, 'My kid could do better than that,' where they wouldn't laugh at a sunset or a landscape. There's always a tendency to laugh at what you don't understand."

Even his wife was laughed at during the Cable Car Named Desire case, by people making snide remarks about Lewis and the nymphomaniac.

Did she suffer mental anguish? "Damn right, she did," said Lewis.

And who's going to pay for it?

"Don't be funny," said Marvin E. Lewis.