



Letter to Edward Chace Tolman, January 5, 1955: CU-9.21

[Letter, January 5, 1955]

January 5, 1955
Professor Edward C. Tolman
1038 Middlefield Road
Berkeley, California
Dear Edward:

What you and Covey Oliver suggest for fees is entirely agreeable to me. I would prefer that the percentages be computed after excluding interest. Furthermore, I would prefer that there be deducted from the computed percentages the prorata amount of all charges paid for the time of "junior" attorneys in our office. The proposal that the individual recipients of recovery of severance pay and interest turn the funds over to Leonard Doyle as trustee is all right so far as I am concerned, subject to reservations noted later for your own consideration.

As to such matters as

"(a) how much each litigant was loaned by the Fund; (b) what proportion of the legal fee and costs they (the Fund) decide to pay; (c) how much the Fund should pay for the costs incurred by each litigant in getting another job and in transporting his family and worldly chattels; (d) whether the litigant should be held for interest to the Faculty Fund on the loan made to him by the Fund"

it seems to me that there is little I can contribute. As to (a), I should think the fact would speak for itself. As to (b), it seems to me that that is up to the Trustees of the Faculty Fund; ditto as to (c) and (d).

On (b)(c) and (d), I do have the impression — from whence I cannot now recall — that the Faculty Fund people wished the litigants not to be out of pocket on net salaries.

It seems to me that you are better positioned than I to obtain Leonard Doyle's agreement to act as trustee.

As to writing each resigner to suggest that he hold on to his check, by all means do so if you wish to proceed along the lines of your letter of December 31st. I would be somewhat surprised, however, if all or some of the checks have not already been cashed; so your letter should cover that contingency.

One matter on which I should like to make a suggestion to you relates to the allocation of costs. That suggestion is contained in the form of the enclosed letter to each of the resigners.

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If you approve of it, please send them along with your own. Also please treat that letter as part of this.

Perhaps I ought to add another comment. Whether or not the request to each resigner to send the check or proceeds to Leonard Doyle as trustee will be resented, I cannot calculate. Surely, each resigner would want to be sure to repay everything owed to the Faculty Fund and to acquit such responsibility as seems appropriate in the matter of legal fees. Whether it might be preferable, for this reason, to work out the answers to the questions posed in your letter and then write each resigner, suggesting remittance accordingly to the Faculty

Fund and to this office — whether or not the latter would be a better procedure I leave to the good judgment of yourself and Covey Oliver.

Indeed, I perhaps ought to underscore the query thus raised to make it more in the nature of a suggestion that the latter procedure be followed, not only for its justifiable assumption of complete good faith, but as well because of the likelihood that the checks have been cashed and the possibility that some of the proceeds may have already properly been put to personal use.

With every good wish for the New Year

Sincerely

Stanley A. Weigel

SAW:AC

Enclosures

cc: Professor Covey Oliver

Professor Leonard Doyle