IN MEMORIAM

JULIUS F. FRANKI

Julius F. Franki, Visiting Professor of Law, died unexpectedly of a heart attack Christmas morning, December 25, 1960, at the age of 51. He is survived by his wife, Katherine Spiller Franki, his son Gibbs, and his daughters, Diana and Eve. Also surviving him are his father and mother, Mr. and Mrs. Julius J. Franki of Del Rio, Texas, his brothers, Guido, Fred, David, and Joseph, and his sisters, Mrs. Wilbur Schieffbauer, Mrs. John D. Eccell, and Mrs. William P. Holloway.

Mr. Franki was born in Del Rio, Texas, on May 8, 1909, of parents who had migrated to this country from Italy. He was schooled in the public schools of Del Rio. Upon graduation from high school he came to The University of Texas, and in 1932 was awarded both the Bachelor of Arts and the Bachelor of Laws degrees. Mr. Franki excelled as a student, graduating among the top ten of his class of sixty. While a student he was a member of the Student Editorial Board of the Texas Law Review for Volume Eight and was elected to Chancellors, a University of Texas Law School honor society whose student membership is limited to six senior and six mid-law students who by a combination of consistent scholarship, personality, and achievement have shown themselves most likely to succeed and become a credit to their profession.

Upon graduation in the depths of the Great Depression, Professor Franki accepted appointment to engage in a research project concerned with the decision process in appellate courts under the direction of Professor Robert W. Stayton of the law school. Thus began a professional association with Judge Stayton, the prolific commentator on the law of Texas and the great Texas judicial reformer, which was to continue over the years. In 1934 Mr. Vernon Hill induced Mr. Franki to go to Mission and practice with Mr. Hill. Mr. Hill has said of this, "I first brought Julius to the Valley to assist me in partitioning six porciones in Starr County where his very excellent knowledge of Spanish was a great asset. We completed the partition of these porciones in eighteen months, which I think is a record which has never been surpassed for partitioning porciones." Mr. Franki continued to practice in Mission until 1942 when Covey Oliver, now a transplated Texas Professor of Law at the University of Pennsylvania, recruited Mr. Franki as a Spanish-speaking lawyer to join the Board of Economic Warfare, Department of State, for service in Latin-America. After a short but intensive training course in Washington, Mr. Franki went to Santiago, Chile. Mr. Franki's colleagues at the Texas Bar who were recruited for this service included Byron Skelton, Leroy Denman, Thomas C. Mann, Hubert Lee, William Scanlon, and Fred T. Wagner. Mr. Franki served as Special Assistant to the United States Ambassador to Chile, Mr. Claude G. Bowers, until 1944. He served in Washington with the State Department until 1945, when he returned to Texas and established an office for the general practice of law in Austin. For the sixteen remaining years of his life he conducted a general practice of law in Austin. An unostentatious and able advocate, Mr. Franki served his clients with diligence, patience, and understanding.

To persons in need of legal advice but unable to pay for it, Mr. Franki gave freely of his time and talent. His dedication to the law can further be seen in his providing employment for law students as his research assistants and for law students' wives as his secretaries over the years.

Mr. Franki began his association with the School of Law in the summer of 1948 when he was first asked to teach a course. Since that time he has been a regular member of the part-time faculty of the School of Law. For most of that period he has taught a course on trial and appellate procedure and what might be termed a "clinical" course--the course called "Practice Court." In this latter course the students were provided with experience in the preparation, and trial of a lawsuit. Unsolicited letters and comments to the dean

attest to the great contribution Professor Franki made to many students of this law school through these courses. Clearly, Mr. Franki was one of the greatest part-time teachers The University of Texas Law School has ever had.

Mr. Franki's scholarly contributions to the law have their beginnings in the student casenotes he wrote for publication in the Texas Law Review during his student days. Professor Stayton has expressed his indebtedness for Mr. Franki's contribution to the massive study of the process of judicial decision conducted under Professor Stayton's direction. See Stayton, An Easement to Decision: A Servitude upon Judicial Legislation, 35 Texas Law Review 20, Note 1 (1956). Professor Franki's interest in judicial reform led to the publication of two articles in the Texas Bar Journal on Discovery. Perhaps the greatest lasting contribution to the improvement of justice is Mr. Franki's service as Editor of Vernon's Texas Rules of Civil Procedure Annotated (1955). This thoroughly documented commentary on the Texas rules of civil procedure is the ever-present handmaiden of the Texas practitioner. By presenting to the Texas lawyer the lessons of history concerning Texas procedure and practice, Mr. Franki has made a significant contribution to the efficient, effective, and proper administration of justice in this state.

Professor Franki, as should all lawyers conscious of their heritage and professional obligations, has been a valiant and effective worker in the State Bar of Texas. His service as a member of the Committee on the Administration of Justice for the state bar has gained special recognition. His encyclopedic knowledge of the law of practice and procedure and his scrupulous use of that knowledge made him a member upon whom the rest of the members of this Committee importantly relied. His contribution towards the improvement of the rules concerning discovery are especially important.

The foregoing recitations of events give some measure of the life that was the life of Julius F. Franki, but it does not give a full account. It fails to tell of Mr. Franki's devotion to his family. It fails to tell of the great kindness, of the great friendliness of this self-effacing but forceful advocate. It fails to explain how this lawyer who practiced alone could carry the back-breaking load of work and yet never appear harried or hurried and never cut his friends short but always have time to pause with a friend for a pleasant exchange. These and many other things the foregoing recitation fails to include, but those whose paths crossed his will remember most the warm, quiet, and human soul that was Julius F. Franki.

Millard H. Ruud, Chairman
Professor of Law

F. Lanier Cox
Vice Chancellor and Professor of Business Law

H. Malcolm Macdonald
Professor of Government

PUBLICATIONS OF JULIUS F. FRANKI

BOOKS

VERNON'S TEXAS RULES OF CIVIL PROCEDURE ANNOTATED (1955)(4 volumes)

ARTICLES

Discovery Under Rule 167, 11 Texas Bar Journal 301 (1948)

Discovery, 13 Texas Bar Journal 447 (1950)

BOOK REVIEW

KEETON, TRIAL TACTICS AND METHODS, 33 Texas Law Review 555 (1955)

STUDENT NOTES

Municipal Corporations--Liability to Employee for Negligence
9 Texas Law Review 104 (1930)

Damages--Manufacturer's Breach of Dealer's Contract
9 Texas Law Review 280 (1931)

Physicians & Surgeons--Negligence--Res Ipsa Loquitur
9 Texas Law Review 459 (1931)

Federal Practice--Rules of Decision Act--Directed Verdict
10 Texas Law Review 103 (1931)

Bills and Notes--Negotiation of Order Paper by Delivery
10 Texas Law Review 377 (1932)

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