Vale Marvin Mitchelson (1928-2004) - divorce lawyer to the stars

[unpublished obituary noting the death of renowned publicity seeking Hollywood lawyer]

Hollywood lawyer Marvin Mitchelson's career extended beyond that of a divorce specialist for rich celebrities. Despite his later fame and fortune as a one-trick pony he maintained his greatest satisfaction derived from his argument in *Douglas v California*, 372 US 353 (1963) upholding the right of criminal defendants to appointed counsel for appeals.

Mitchelson's victory was however overshadowed by the judgment in the simultaneous *Gideon v Wainwright* landmark decision (372 US 335) which required counsel be appointed to represent indigent defendants charged with serious offences in state criminal trials. *Douglas* and *Gideon* were no more than parts of the general whole of extended constitutional rights now recognized by the US Supreme Court and granted to defendants in criminal prosecutions. Because *Gideon* was of wider application and was argued by famed advocate (and later Supreme Court justice) Abe Fortas and was delivered the same day meant that this raft of constitutional rights would be forever known as *Gideon* thus diminishing Mitchelson's triumph. Later, the *Douglas* ruling was read down as applying only for first appeals: *Ross v Moffit*, 417 US 600 (1974).

Mitchelson's career took off in 1964 when he acted for Pamela Mason in her divorce from actor James Mason. The publicity and threatened revelation of sordid marital details ensured a handsome settlement — back then a million dollars was really worth a million dollars.

Thereafter he acted for Zsa Zsa Gabor in two of her seven divorces (“He taught me housekeeping. When I divorce, I keep the house”) and for two of the lyricist (*Brigadoon*, *My Fair Lady*, *Gigi*) Alan Jay Lerner's eight wives and the spouses of Tony Curtis and Rod Steiger. The list goes on. And on and on. If he wasn't involved in your divorce then your status as a celebrity was in serious doubt. His penchant for a quotable quote was exemplified by describing himself on a late night tv talk show as performing social work for the very rich.

He really arrived with the representation of actor Lee Marvin's de facto wife (or "live-in lover") Michelle Triola Marvin in 1979 and, although the award was a trifling \$104,000 (later lost on appeal), his reputation was made as the pioneer of "palimony" which he shrewdly quipped in a sound bite was "a commitment with no rings attached." His pioneering of *palimony* was matched by his courting of publicity — how many lawyers are shown on "60 Minutes" taking a bubble bath in their office? It all paid off however with a rush of new celebrity clients including Bianca Jagger and the wife of an Arab sheik whose estate was worth in excess of a billion dollars. Given that Michelle couldn't pay his fee (not that he cared given his newly expanded practice) he requested that the State of California pay him half a million dollars in fees for representing her on the basis that his lawsuit on her behalf was "a public service." California declined but no doubt the publicity attendant to the request was more than sufficient for Mitchelson's purposes.

Just as a lack of a wedding band was no reason to forgo a lucrative divorce, so lack of paternal genes was no reason to shy away from a paternity suit. Mitchelson sued Robert De Niro on behalf of the daughter of an old flame, dismissing as irrelevant DNA testing proving that De Niro could *not* be the father. "She loves him," the lawyer publicly argued. "She feels he's her dad."

It all went pear-shaped in the 1990s. Given his fame and fortune were the fruits of the personal foibles of others his fall from grace was similar: charged with fraud, alleged by his staff to be addicted to cocaine, accused of rape by two former clients, he was finally convicted of taxation evasion and went to the big house in 1996 where he ran the law library and advised fellow inmates on their appeals. When released he was broke and worked as a paralegal.

Mitchelson was to win one last battle between regaining his licence and the onset of his final illness: a \$216 million settlement for the wife of a minor Saudi royal. [This is obviously some new and strange usage of the word *minor* that we were not previously aware of — with due deference and acknowledgement to the late Douglas Adams and his *Hitch Hikers Guide to the Galaxy: a trilogy in four parts* (1992 paperback edition) London, Pan Books, page 45.]

Despite the drugs, the fraud, the rape allegations and the tax conviction Mitchelson steered clear of one of the most common messes ensnaring his contemporaries: he left a widow, Marcella, his wife of forty-five years and a son and daughter. We here give him the last word because his long marriage had permitted him to periodically utilize the snappy one-liner that he himself wasn't setting a good example for his divorce practice.

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