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The Justinian

Member of American Law Student Association



VOL. XVII—No. 2

BROOKLYN LAW SCHOOL, BROOKLYN, NEW YORK

January, 1957

NEGLIGENCE TRIAL SERIES WELCOMED BY STUDENTS

By ED LASNER AND DAVE FRIEDLANDER

A series of seven lectures based on negligence trial practice was presented to students and members of the legal profession in the Richardson Hall on Thursday evenings. The series, was sponsored and presented by the New York State Association of Plaintiff's Trial Lawyers.

Mr. Alfred S. Julien, President of the Association, was the moderator of the series and was well received by the large audiences in attendance throughout the series. Mr. Julien was ably assisted by his panel of lecturers, which included such leading attorneys as William Geoghan, Jr., Harry Zeitlan, Herman McCarthy, Arnold Elkind, Seymour Cohen, Moe Levine, Jacquelin Frank, Morton Jacobs, and Walter Evans.

The lectures delivered were designed to help other attorneys and potential attorneys by learning through the experiences of successful trial lawyers. The subject matter included both basic and technical points faced in actual practice. However, much of the subject matter concerned the human or psychological phases of the trial.

The topics of the series were: Selection of a Jury, Opening of a Witness, Direct Examination, Cross Examination, Summation, Protecting the Record During Trial for Appellate Purposes, and Settlement Before Trial.

In the selection of a jury, the audience learned the value of challenges and how to make the best use of them. Helpful hints on evaluating a prospective juror were presented, in addition to what characteristics to look for. The selection of the jury varies with the type of case, your client, your opponent, and other similar factors. There was a discussion on what type of juror to avoid at all times, regardless of whether you are representing plaintiff or defendant. Conditioning the jury was explained, the importance of it, and how to use it to best advantage for your side. It was agreed both by attorneys representing plaintiffs or defendants, that the trial is actually begun while the first juror is being selected.

"Preparation is the paramount foundation for an opening to the jury," said Mr. Zeitlan. He stated that an opening should include something about the nature of the case, the issues which will confront the jury, an explanation of the facts, what you will attempt to prove, and what your opponent will attempt to prove. Mr. McCarthy discussed selling yourself to the jury as one of the most important factors in winning a case. He urged the trial lawyer to be conversational in tone when speaking to the jury. Mr. McCarthy also agreed, "There is no substitute for preparedness." Preparedness gives the attorney complete control and confidence which enables him to put his case across.

In preparing a witness for trial, it is extremely important to discuss his testimony with him in advance. The witness should know exactly what you are striving for when examining him. He should not be surprised on the trial by his own attorney's questions.

Cross examination has always been cloaked in the public eye with a feeling of the dramatic. The importance of this part of the trial was impressed on the audience. Discrediting the witness may be a very important factor

in winning a case. A number of approaches to this problem were discussed. When to use a particular approach depends on the attorney, the witness, the jury, and what you are attempting to prove. Cross-examination was likened to selling a product to a disinterested customer. The lawyer must, through his own actions and personality, bring the jury to the point where they will accept his ideas, thereby "selling" his case. Mr. Levine and Mr. Evans agreed that the trial lawyer should "Be Himself." Each attorney should develop his own style, one which will be most advanced. (See Negligence Series on p. 3)

WEST PUBLISHING CO. GIVES ANNUAL SERIES ON LEGAL RESEARCH

The West Publishing Company presented an interesting and valuable series of lectures on legal research daily during the week of November 25th. The talks were given by Mr. Ellis E. Champlin, special lecturer of the company.

Mr. Champlin presented a practical and concise method for legal research which can be used by both the law student and practicing attorney. Members of the audience learned of numerous ways to save time when using the law library.

This series is presented every year by the West Publishing Company and has been well received by the student body.

The audience was comprised mostly of members of the freshmen class, although there were a number of second and third year students in attendance.

Mr. Champlin has been delivering these lectures on legal research for twelve years. During this period, he has lectured at every law school in the United States.

INSPIRED FACULTY EDGES STUDENT FIVE; PROFESSOR FORKOSCH WINS MVP TROPHY

By CARL NATHANSON

A capacity crowd assembled in the small gym at the Brooklyn Y.M.C.A. to see the Faculty five inspired by the all around hustling of Morris "Facts" Forkosch come from behind to nose out a determined Student team by the score of 12-10.

The exciting contest got under way with the Faculty drawing first blood as Donald "Set Shot" Sealy probated the nets with a long towering set shot. The Student team quickly retaliated with the equalizer. This proved to be the full extent of their scoring in the first half. In the meantime, the Faculty, led by the tricky and adept ball handling of Jerome "Fingers" Prince, evidenced complete control of the game. A jump shot by Forkosch in the closing minutes of the first half provided the Faculty with their slim 4-2 lead.

INSURANCE LAW FORUM PROBES NEW ISSUES

By FRED SCHURR

The second annual Forum on Insurance Law was held in Richardson Hall, November 14th and 15th. Dean Jerome Prince, on behalf of Brooklyn Law School, welcomed the ten prominent authorities on insurance law, who were the guest lecturers. Many phases of Insurance Law were discussed. In accordance with the general purpose of the Forum, the speakers based their talks primarily on topics selected by the Forum committee as being of primary interest to practicing attorneys.



Mr. Frank Steritte addresses the audience at the Insurance Forum. Seated are (left to right) Mr. Michael H. Levy, Prof. Martin H. Weyrauch, and Mr. William H. Barnes.

CURRENT ISSUE OF LAW REVIEW WILL BE AVAILABLE THIS MONTH

The December, 1956 issue of the Brooklyn Law Review will be published very shortly. Among the articles of interest in this issue will be one on "Court Martial Pre-Trial Practice" by Commissioner Benjamin Feld, Commissioner of the United States Court of Military Appeals. Commissioner Feld is a Professor of Law on leave of absence from Brooklyn Law School.

Professor Orvill C. Snyder, author of the book "Criminal Justice", discusses "Who is Wrong about the McNaghten Rule and Who Cares?" Prof. Snyder's article is expected to clear up many of the problems worrying students on this phase of the law.

Dean Alison Reppy, Dean of the New York Law School, has continued with the second installment of "Development of the Common Law Forms of Action".

In addition, there will be included in this edition, faculty "Comments" by Professor Allen B. Flouton and Mr. Noel W. Hauser. Outstanding members of

the Bench and Bar will review the latest books published.

An interesting selection of student work, including Editorial Notes and discussions of recent legislation and decisions, concludes the issue.

The Editorial Staff of the Brooklyn Law Review is comprised of Bernard Stebel, Editor-in-Chief; Burton L. Lilling, Associate Editor-in-Chief; Frank L. Bunting, Notes Editor; Robert M. Kaufman, Decisions Editor; and Howard Berler, Book Review Editor.

Faculty Advisor for the Brooklyn Law Review is Prof. Milton G. Gershenson.

The first speaker was the Hon. Arthur F. Lamanda, Deputy Superintendent of the New York State Department of Insurance and the executive in charge of administering the new compulsory automobile liability insurance law. Mr. Lamanda stressed the fact that the new compulsory law, although far from being perfect, is a fine step in the right direction toward curing some of the evils brought about by the uninsured motorist. One of the most contested points of the new law is that requiring motorists with out of state license plates to conform to the New York State Insurance Law.

Mr. Harry N. Schechter, prominent attorney, discussed the advantages and disadvantages of variable annuities. Mr. Schechter personally felt that variable annuities were more realistic than fixed annuities in that the variable permitted an increase in dividends during periods of a higher cost of living and so relieves the policy holder of his biggest worry.

Mr. John C. Pyle, Jr., a member of the Forum's Advisory Committee, in answer to a question, spoke on the disadvantages of variable annuities. The major argument stressed by Mr. Pyle was that investments under variable annuities would open the door to federal intervention in insurance through the Securities and Exchange Commission, a control which insurance companies have tried to avoid.

Mr. James P. Quinn, Counsel of the Health Insurance Association of America, spoke on the McCarran Act, Public Law 15, passed after the decision in U.S. v. South-Eastern Underwriters Ass'n, 322 U.S. 533. This act, he said, gave insurance regulation back to the states, where it is at the present time.

The last speaker of the morning was Richard Blake, Attorney for the Title Guarantee and Trust Company, who discussed "Developments in foreclosures in rem during the past year". A question and answer period followed after the last speaker had concluded and many moot issues were cleared up.

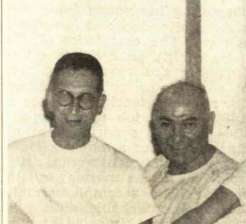
The first speaker on the second morning was the Hon. Angela Parisi, Chairman of the New York State Workmen's Compensation Board, an alumna of Brooklyn Law School. She explained many of the important sections of the Workmen's Compensation Act.

Mr. William H. Barnes, Attorney for the Metropolitan Life Insurance Company, spoke about "New York's Disability Benefits Law", under which disabled workers receive compensation for limited periods.

Mr. Frank Steritte, Counsel for the American International Underwriters Association and an alumnus, discussed "The Science of Underwriting" explaining what it was and how the insurance companies use it.

Mr. Abraham Kaplan gave examples of "Fraud in Insurance" and showed how attempts are made but rarely succeed to defraud insurance companies.

Mr. Michael Levy, Chairman of (See Insurance Forum on p. 3)



Dean Jerome Prince (left), last year's winner, with Prof. Morris Forkosch, this year's winner of the Most Valuable Player award.

Stirmer, President of the Student Bar Association.

As the teams lined up for the start of the second half there were many substitutions but the most notable replacement occurred when Jack Molinas, former hoop star of Columbia University, was sent in to referee for the Faculty. The second half developed into a wide open scoring contest with both teams scoring at will. Despite the brilliant rebounding of Forkosch and Gilbride the more aggressive Student team managed to build up a sizable lead. The Faculty succeeded in slowing down the torrid pace of the game but their attempts to tie the score were futile. The Student's lead appeared to be invincible.

At the start of the final quarter the Faculty found themselves trailing by a 10-4 score. This margin (See Basketball Game on p. 3)

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CANONS OF PROFESSIONAL ETHICS

32. The Lawyer's Duty in His Last Analysis.

No client, corporate or individual, however powerful, nor any cause, civil or political, however important, is entitled to receive nor should any lawyer render any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold, or corruption of any person or persons exercising a public office or private trust, or deception or betrayal of the public. When rendering any such improper service or advice, the lawyer invites and merits stern and just condemnation. Correspondingly, he advances the honor of his profession and the best interests of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law, though until a statute shall have been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all a lawyer will find his highest honor in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

OPEN LETTER TO THE SENIOR CLASS

I should like to take this opportunity to invite you to join the Alumni Association of Brooklyn Law School upon your graduation. The purpose of this letter, therefore, is to acquaint you with the organization, and to inform you of its activities and its ambitions.

The Alumni Association is a partisan group dedicated to the task of solidifying the great body of alumni and encouraging closer relations with the school and its undergraduates. One of its purposes is to create a closer relationship between the alumni and the student body so as to increase scholarship aid for the student, and job opportunities for the graduates. A further basic aim is to provide a forum where the practicing attorney can keep abreast of new developments in the law. This endeavor might best be exemplified by the annual insurance law forum and the series of lectures concerning the trial of a negligence case, which recently concluded. Finally, we plan to make it possible for the membership to meet together periodically on an informal basis at our luncheons and other social functions.

About three years ago the Officers and Directors of the Alumni Association decided to reorganize the Association and develop a more active group. At the present time, therefore, our primary function is to increase our mailing list so as to inform as many graduates as possible of our existence. Unfortunately, graduates often fail to keep the Law School informed of their changes of address and this puts an additional burden on the organization. Nevertheless, we have made great strides in creating a large and accurate mailing list of our alumni, and our files go back over the fifty-five years of our Law School's existence.

At the last luncheon of the Association, there were 80 alumni guests of honor who were judges or former judges of courts of the metropolitan area and the federal judiciary. The Grand Ballroom of the Hotel St. George was filled to capacity by close to 600 members of the Association. Our most recent function was a cocktail party held at the Hotel St. George roof, and some of you may be interested in attending our next alumni get-together which will be held in March at the Garden City Hotel on Long Island.

We are a moving, a growing, a dynamic organization and we would like to have you join our number. The membership fee is one dollar a year for the first three years after graduation, and five dollars a year thereafter.

The goals of our organization are not complex and, I believe, might best be stated by quoting from a speech delivered by Dean Prince on the occasion of the 1954 Alumni Luncheon where the Dean said, "We have a thoroughly sound and progressive institution, with standards and with a record of achievement that will bear comparison with any law school in the United States. What we lack is a well-informed and active alumni body. I regard it as self-evident that the reputation which a school enjoys among the members of the public but a reflex of the reputation it enjoys among its own graduates. And no school can enjoy among its own graduates the prestige to which it may justly be entitled unless its graduates know and are interested in the progress which the School has made. For these frankly selfish reasons, I hope that this Luncheon today will mark the rebirth of a strong, healthy, and active Brooklyn Law School Alumni Association."

Yours truly,
Richard J. Maloney '27
President, Alumni Association

FACULTY PROFILE: Professor Richard J. Maloney

For a panoramic view of the metropolitan area, there are few vantage points more ideal than the thirty-fifth floor of 16 Court St. in downtown Brooklyn. Here a visitor to the offices of Professor Richard J. Maloney can in one visual sweep perceive below him the activities of the humming metropolis extending in a one hundred and eighty degree arc from the Narrows through Staten Island and industrial Jersey, across the reaches of Manhattan and the Bronx, and around to busy LaGuardia. Against this backdrop of the City, Prof. Maloney deals with an important segment of the paper-work that keeps this tremendous creation of man purring in harmony. For necessarily, the organization of the complex metropolis creates problems in the field of Real Property. Many of the legal niceties arising are defined in the legal laboratory of which Prof. Maloney is director of research.

For many years, since 1927, in fact, when Prof. Maloney graduated summa cum laude from Brooklyn Law School, the field of property has been an engrossing pursuit of our teacher. Academically, it led him to the degree of Doctor of Jurisprudence in 1941. Similarly, in the world of business, this same interest found expression in the foundation of the Brooklyn Mortgage Guaranty and Title Co. in 1928. He was one of its chief architects, rising to become President and General Counsel of the company. In 1955, when business mergers were becoming the rule, rather than the exception, Prof. Maloney completed the negotiations leading to the merger with Inter County Title Mortgage and Guaranty Co. He presently serves as Counsel of Inter-County, and is a member of the Board of Directors.

This kind of background has enabled Prof. Maloney to bring a seldom paralleled wisdom and insight to the students of his undergraduate and graduate courses. The combination of legal scientist and practical expediter enables students to obtain a rich appreciation of an area of the law which is replete with invisible perils to the unknowing.

However, preoccupation in the fields of property, estates, and corporations has not stunted the growth of our man in fields diverse from the law. The Wheatley Hills Golf Club is at frequent intervals a strong competitor of Court St. and Pearl St. The professor brings to his pursuit of the little white ball the same avidity he brings to the solution of legal cases. Always a fierce devotee of the more virile sports (football and the fights have been his favorites), few of the major sporting events on the college or professional level down through the years have been marked by his absence.

While at Brooklyn Law School, Prof. Maloney was a member of Delta Theta Phi, becoming Dean of the Senate. It was as a member of this body that he became acquainted with Col. John C. Doyle of the class of '26. Their friendship ripened into a law partnership which has stood the test of time from law graduation to the present day. Needless to say both are ardent advocates of fraternities.

Success in the law comes easy to a relatively few. Pre-law studies at St. Francis College in Brooklyn, which he gratefully acknowledges might never have been completed without concessions which enabled him to split his hours, were complemented by service as a law clerk in a local office. Studies were then temporarily interrupted by two years of service with the Navy as a Lieutenant during World War I.

Like many a returning veteran, Prof. Maloney was married soon after his discharge from the Navy. But his other love, the law, had not been forgotten. Supporting his young family demanded attendance at law school at night. The completion of this phase of his education was undoubtedly the most trying, for, in addition to going to classes five nights a week, there was a full-time day job to be responsible for. As superintendent of construction for a major building concern, our student worked daily from 7:30 in the morning to 5:15 at night. The accomplishment is the more remarkable when it is remembered that this grind happily terminated after three years with the fullest honors obtainable at graduation. The professor will admit that many a time it was a nip

and tuck battle just to keep going. Superintending construction, by the way, often meant walking up and down the unprotected stairways of a twenty-one story embryonic skyscraper, to check on the progress of work gangs. It would be natural to expect that after a day of this there would be little energy or disposition left for the mental gymnastics of the law. Study had to be relegated to the so-called wee hours of the morning. Too frequently this meant only one thing: sleepless nights.

Inspiring? Certainly. If one asks Prof. Maloney what impelled him to do all this, he would give you the most hackneyed answer in the world, the answer that so often brings a smile to the lips of law teachers and weathered attorneys. He would say: "I always wanted to be a lawyer." There can be no doubt about that now, and it reminds us of the words of Dean Prince at orientation, when he emphasized the necessary ingredient above all others for the successful completion of law school was "a hunger, a drive, a passion, a veritable lust to finish."

While the law was a love he discovered for himself while clerking during his years at St. Francis College, the love of teaching, Prof. Maloney believes, was something he inherited from his father. Though not a teacher in the professional sense, for Grandfather Maloney worked as a civil engineer for the City of New York, he was the center of education for many of the young men of Bay Ridge, who accepted his invitations to gather round him that they might prepare for the civil service jobs offered in that day. Prof. Maloney glowingly recalls the success of these classes and the great good they were instrumental in effecting. He feels that this bent in his father led him to desire and accept a teaching position with Brooklyn Law School at the time of his graduation. Since then he has taught Torts, Insurance, and Wills in the Undergraduate School, besides the various courses in Property. In the Graduate Division Prof. Maloney conducts a course in Real Estate Practice, devised for young lawyers, which has received wide attention and recognition. The outstanding characteristic of this course is the

practical approach that it brings to the solution of problems in real property.

The professor's legal idol is John Marshall. He proudly possesses a first edition of Beveridge's four volume classic on the peerless Chief Justice. He is extremely interested in the success of the plan to streamline the City and State judicial systems, and hopes to see the Tweed recommendations in effect in 1959.

Mrs. Maloney has shared her husband's interest in teaching, and has encouraged him in these endeavors from the beginning, despite the sacrifices they have demanded of their family life.

An active interest in civic affairs is a necessity for the young lawyer, says Prof. Maloney. He also advises several years of practice in a busy law office, doing a general practice, preliminary to striking out for oneself. He feels that the suburban areas offer the best opportunities for the beginner, both from a professional and domestic point of view. The modest town of today may be the big city of tomorrow, so rapid is the growth in outlying communities.

Prof. Maloney's only daughter Mrs. Gerard A. Gilbride lives with her family in Bay Ridge. Rev. Edward F. Maloney S.J., the younger of his two sons, is presently completing his tertianship at St. Bueno's College, Flintshire, Wales. Richard J. Maloney Jr., an alumnus of Brooklyn Law School, is admitted to the Bar, and practices with the firm of Maloney and Doyle in Brooklyn. While attending Poly Prep, both youths were outstanding athletes, starring in basketball, baseball, and soccer.

That Prof. Maloney serves as Counsel to Brooklyn Law School is a fact all will take judicial notice of. In addition to his long association with InterCounty Title and Brooklyn Mortgage Guaranty and Title, the firm of Maloney and Doyle has been General Counsel for Dauerheim Inc., wholesale flower growers of Wamtagh, L.I. for the past twenty-six years. The professor has served for many years as a member of the Grievance Committee of the Brooklyn Bar Association, and is now Vice-Chairman of the Committee. He is a Trustee of Poly Prep Country Day School. Prof. Maloney's interest in youth guidance is also evident in his activities as a Director of the Catholic Youth Organization of Brooklyn. His concern for the needy is indicated by his membership on the Bishop's Committee of the Laity for Catholic Charities. Among the clubs to which he belongs are the Brooklyn Club, American Legion, Montauk and Wheatley Hills Golf Clubs, and the Chisler's Club of New York. He is also a Fourth Degree Knight of Columbus.

All this has contributed to making Richard J. Maloney a lawyer's lawyer. In the words of one of his colleagues: "There is no case that I would hesitate to entrust to him, regardless of the issues involved, so highly do I value his competency and judgment." And in the words of a student: "Prof. Maloney's forte is his knack of breathing life into abstract principles of law. He gets his message across, and this is the talent a student appreciates most."

As Prof. Maloney nears the thirtieth anniversary of his teaching career at Brooklyn Law School, the heartfelt wishes of all his associates in the law is for his continued success in his vocation ad multos annos.

M. J. Y.

A.L.S.A. NAMES ROSEMAN AS HEAD OF PROFESSIONAL ETHICS COMMITTEE

The American Law Student Association announced this month the appointment of Gilbert Roseman, member of the senior class at Brooklyn Law School, to the post of Chairman of the Professional Ethics Committee.

Mr. Roseman spent his undergraduate days at Illinois Wesleyan University from which he was graduated in 1952. Two years service with the U.S. Army followed, which included a tour of duty in Japan. At Brooklyn, Mr. Roseman has been active in student affairs. He has served as Coach of the Student Basketball team, member of the Student Council, and is now President of his class.

The Professional Ethics Committee follows the latest developments in this important field, prepares reports on changes, and handles distribution of materials relating to this subject which they feel will be helpful to law students.

The American Law Student Association, through the generosity of Martindale-Hubbell, Inc., has made available to all law students a booklet containing the rules governing the conduct of members of the legal profession. The pamphlet contains the Canons of Professional Ethics, the Canons of Judicial Ethics, the Oath of Admission to the Bar, and the American Law Student Association Credo. Class officers are urged to see Mr. Roseman in order to obtain sufficient quantities for distribution to interested members of their class.

The American Law Student Association was "created for and dedicated to introducing law students to the professional problems and responsibilities they will face upon admission to the bar, providing a closer integration between the future lawyers and the present day leaders of the legal profession, promoting the idea of professional responsibility, and acquainting law students with the opportunities and obligations present for improving the administration of justice through the organized bar."

Mr. John C. McNulty, President of the American Law Student Association, and a student at the University of Minnesota Law School, stated in a report to the organization which was published in the October issue of The Student Lawyer Journal, "The ALSA has three functions. (1) to assist the law student in bridging the gap between school and practice; (2) to acquaint these future lawyers with their professional responsibilities, thus serving the needs of our American democracy; and (3) to prepare those interested for work in the important activities of the organized bar."

Each year the ALSA provides each entering freshman with a copy of the **Canons of Professional and Judicial Ethics**. This

publication, designed as an introduction to the rules governing the motives and conduct of lawyers, is being used in many law schools as part of the orientation of entering freshmen.

Through various publications, including **The Student Lawyer Journal**, ALSA distributes information on job opportunities in the state and federal government and articles describing practice in various specialized fields of law. Written by experts, these articles will serve to assist you in deciding what use you will make of your legal education.

The Student Lawyer Journal serves as a means of informing the student further about the peculiar problems and responsibilities of the legal profession in the United States. Last year articles were published on "The Law as a Calling," "The Legal Profession and its Public Relations," and the "Unauthorized Practice of Law."

Each year, ALSA conducts several contests open to all law students in ALSA affiliated member associations. Among these are the Annual Writing Contest with \$900 worth of cash prizes, and two Trial Technique Scholarships.

Strictly a service organization, the ALSA does not engage in political activity as student groups in other countries have.

Students who would like to work on committees of the American Law Student Association are requested to submit their names to Mr. Edward Kaplan of the Student Bar Association. Mr. Kaplan will submit the names and assignments requested to the ALSA.

INSURANCE FORUM

(continued from page one)

the Board, Federated Brokerage Group, spoke on the subject "What Every Lawyer Should Know About Insurance."

Mr. Edward M. Fuller, Secretary-Treasurer of Greenwood Mills, discussed "Extra-judicial Settlement of Insurance Claims."

There was a brief but informative question period at the conclusion of speeches on the second day, and, with a closing statement by Prof. Martin H. Weyrauch, Chairman, the Forum came to an end. The Associate Chairman was Russell Perry, Vice President of the Republic Insurance Company, and an alumnus of Brooklyn Law School. The members of the Forum's Advisory Committee were Mr. Raymond N. Caverly, Mr. Bert Colton, Mr. James B. Donovan, Mr. John F. McAlevy, Mr. Morris Permut, Mr. Harry F. Perlet, Mr. John C. Pyle, Jr., and Mr. N. Morgan Woods.

NEGLIGENCE SERIES

(continued from page one)

tageous to his own personality. Among other things, the cross-examiner was told not to fall into the common error of repeating an answer by the witness because this, particularly when the answer is not helpful, only impresses the answer on the minds of the jurymen.

The cross-examiner was told to keep the following in mind: Plan cross-examination before testimony is given. Try to make the witness change his testimony. Identify yourself with your client's cause of action. And most important of all, know when to sit down.

When preparing your summation, it is important to keep in mind that this trial is the only time when your client will be compensated for his injury. Thus, it is the duty of the plaintiff's attorney to concentrate his arguments around his cause of action, his objectives, and what he is asking by way of damages. The attorney should not try to re-argue legal points in the case or attempt



Prof. Gerard A. Gilbride (left) presents Mr. Alfred S. Julien (center) and Mr. Morton Jacobs at one of the Negligence Trial lectures.

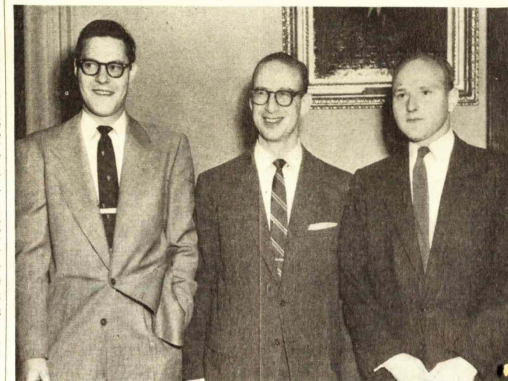
to refute minor arguments raised by the defendant's attorney in summation.

In summation, the following general rules should be followed:

Stay away from details. Avoid writing out a summation. Employ the human element in your argument. Don't try to impress the jury with big words. Allow your-

MOOT COURT TEAM TAKES SECOND PLACE; LOSES TO COLUMBIA IN FINAL ROUND

On the evening of November 8th and the afternoon and evening of November 9th, the Regional Moot Court Competition for all law schools in the Greater City of New York was held at the House of the Association of the Bar of the City of New York, 42 West 44th Street, New York City. This competition is sponsored annually by the Young Lawyers Committee of the City Bar Association. The problem upon which the arguments are based is set forth in a printed record which is prepared by the Committee. Copies of the record are distributed among the competing schools.



The Brooklyn Law School Moot Court Team is composed of (left to right) Ivan M. Sherman, Robert M. Kaufman, and Arnold Fieldman.

BASKETBALL GAME

(continued from page one)

gin was quickly narrowed when the referee tapped in a rebound for the Faculty. With a little over 60 seconds left in the contest the Faculty, with the help of the referee and time keeper, managed to score two baskets deadlocking the score at 10-10. The Faculty, in possession of the ball with five seconds left to play, were determined to take one good shot. This shot was taken and made by Gerard "The Great" Gilbride as the final buzzer sounded.

Thus judgment was rendered in favor of the Faculty. The Students appealed, but certiorari was denied in 55 YMCA 4th quarter.

The loss impressed the Students coach with the importance of choosing a competent referee since a search of the leading authorities revealed that this was the first basketball game recorded in which the referee was the high scorer.

Student Coach Gil Roseman accused the Faculty of exerting undue influence in the week preceding the game by overburdening his players with extra-heavy assignments. Coach Roseman declared, "By game time, my boys were more interested in who had title to the ball instead of trying to get possession." When questioned about these accusations, Dean Jerome Prince stated, "Faculty 12, Students 10. This is definitely a case of Res Ipsa Loquitur."

A trophy was awarded to the most valuable player on the Faculty team. This year the award went to Prof. Forkosch whose fine all around playing sparked the Faculty in their uphill climb to victory.

The large crowd was further entertained by the fine dance music of the Soft Winds. Refreshments were served through the courtesy of the Student Bar Association.

FRESHMAN CLASSES HEAR LECTURES ON IMPROVING STUDIES

In an effort to help the freshman students, Brooklyn Law School has in recent years scheduled classes on Problem Analysis designed to show the newcomers how to achieve better results in their studies.

Faculty members participating in this series are Mr. William S. Herrmann who conducts problem analysis in the Law of Torts and Mr. Noel W. Hauser in Contract Law.

Under the auspices of the Student Bar Association, Bernard Stebel, Editor-in-Chief of the Brooklyn Law Review and member of the senior class, gave the freshmen the benefit of his experience in law school with a talk on examination techniques. The subject of his talk was "A Method for Handling Questions on an Examination".

self plenty of time to talk about damages. Tell the jury exactly how much you want in damages.

Protection of the trial record is an important key to success in trial practice. A case, no matter how well fought in the lower court, can be lost on appeal. The use of "objections" was thoroughly discussed and their importance emphasized.

Mr. Jacobs gave the audience some helpful hints to use when attempting to settle a case out of court. He explained some of the mechanics of casualty insurance companies. In settlement, it is most important to know who to speak with concerning your claim. The best time to settle a law suit, according to Mr. Jacobs, is when you are fully prepared to try the case and you have in your own mind a definite amount of damages claimed.

On behalf of the student body, The Justinian would like to thank the lecturers for their helpful ideas and highly entertaining talks. We are grateful to these men for allowing us a portion of their valuable time.

The record this year dealt with a supposititious case in which a defendant, charged with murder in the first degree, interposed insanity as a defense. Counsel for the defendant sought to have the trial court charge the jury in accordance with the "product test" recognized in the Durham case, but the court instead charged the jury in accordance with the M'Naughten Rules and the irresistible impulse doctrine. From a judgment of conviction the defendant appealed, eventually reaching the United States Supreme Court. The teams representing the six New York City law schools were required to prepare printed briefs and oral arguments appropriate for presentation in the United States Supreme Court.

The competition began on the evening of November 8th when the Columbia Law School team, representing the petitioner, defeated the team from New York University Law School, and the Fordham Law School team, representing the respondent, defeated the team from St. John's Law School. On the afternoon of November 9th, Columbia again representing the petitioner, defeated New York Law School, and Brooklyn Law School representing the petitioner defeated Fordham, representing the respondent. Since the Brooklyn Law and Columbia Law teams were then the only unbeaten teams in the competition, they were required to oppose each other at the evening session. Both teams, by assignment, had prepared briefs on the petitioner's side, and it became necessary to draw lots to determine which team would represent the respondent. Brooklyn drew the respondent's side and Columbia continued to represent the petitioner. The final contest was witnessed by a large and attentive audience consisting primarily of law students, members of law school faculties, and friends of the competing schools and contestants. The five judges were Judge Frederick P. Bryan of the United States District Court for the Southern District of New York, Thomas B. Gilchrist, Jr., Chief Assistant U.S. Attorney for the Southern District of New York, Myles J. Lane, former U.S. Attorney for the Southern District of New York, Arnold Bauman, former Assistant U.S. Attorney for the Southern District of New York, and Judge Irving Ben Cooper, Chief Judge of the Court of Special Sessions. At the conclusion of the arguments, the judges conferred for approximately forty minutes before reaching a decision. They finally announced that their decision was in favor of Columbia Law School but that the margin of difference between the two teams might be represented by the breadth of a hair. In consequence of the decision, possession of the Whitney North Seymour bowl, which has been in the possession of Brooklyn Law School for the past year, goes to Columbia Law School for the coming year.

A Brooklyn Law School team has won first place in the annual regional contest on three occasions since 1948. Last year Brooklyn Law not only was awarded first prize in the regional contest but Mr. Henry Sherman of Brooklyn Law was awarded the first prize for the best individual argument. No announcement was made this year as to the best individual speaker. Only once in the history of the competition has a Brooklyn Law School team been defeated in the opening round of the contest.

(See Moot Court Team on p. 4)

CLASS OF 1911 HOLDS FORTY-FIFTH ANNUAL REUNION ON DEC. 4

Twenty-seven of the fifty surviving members of the class of 1911 met for their forty-fifth annual reunion at a dinner held at the Norwegian Club, 117 Columbia Heights, Brooklyn, on the evening of Tuesday, Dec. 4. Present as guests of the class were Dean Jerome Prince and Mrs. Thomas J. Cuff, widow of the late Justice Thomas J. Cuff, who for more than 25 years was president of the class organization. Both Dean Prince and Mrs. Cuff by unanimous vote were elected to honorary membership in the class.

Several interesting ceremonies marked the evening. Justice Henry J. Wenzel of the Appellate Division, on behalf of the class, presented to Robert M. Kaufman, of the student body, an engraved watch, emblematic of a prize awarded annually by the class of '11 to that student who, by vote of the faculty shows the greatest proficiency in the study of the law, and has outstanding personality and traits of character which warrant the belief that he will bring honor and credit to the legal profession. Also, the tenth member of the class who has been elevated to judicial office was presented with a gavel. The recipient was Justice Joseph Kozinn, recently designated as a member of the Court of Special Sessions. The presentation was made by The Hon. Raphael R. Murphy, retired city magistrate. Judge Webster J. Oliver, Chief Judge of the United States Customs Court, a member of the class, spoke of some of the interesting aspects of practice before his court.

A traditional class function brought the evening to a close. This was in the nature of a brief resume by each of those present

MOOT COURT TEAM (continued from page three)

The Brooklyn Law team this year consisted of Mr. Robert M. Kaufman and Mr. Ivan M. Sherman, with Mr. Arnold Fieldman as alternate. Mr. Kaufman and Mr. Fieldman are seniors; Mr. Sherman is a junior. Mr. Kaufman, in his argument for the petitioner, contended that the legal tests of insanity as charged by the trial court, were not in harmony with modern scientific knowledge and that they do not provide an adequate opportunity for the expert witness to disclose to the jury highly important information. Mr. Sherman pointed out that the "product test" has proved satisfactory where used, may readily be adapted to meet advances in scientific knowledge with respect to mental disease, and is conducive to the true administration of justice.

The regional winner will participate in the National Moot Court Competition which is scheduled to be held at the House of the City Bar Association, December 19-21, 1956.

In 1948, a Brooklyn Law School team defeated all schools then entered in the competition from the metropolitan region and the other regions as well, thereby winning temporary possession of the Samuel Seabury cup.

of events in his own career which have taken place since the last meeting. A committee consisting of Justice Wenzel, Judge Oliver, Justice Murphy, Abraham L. Doris, former deputy state controller, and John Eubank, was designated to report on the most appropriate disposition of a class fund of some \$10,000 so as to bring the greatest advantage to the law school. Prof. Martin H. Weyrauch, president of the class, presided. Secretary Edwin L. LaCrosse read communications from those unable to attend, and Treasurer Harry H. Schutte rendered a financial report.

ALUMNI ELECTED

Supreme Court

First District

BERNARD BOTEIN, 1924, was elected on a combined Republican-Democrat-Liberal ticket after having served a full term of distinguished service on the bench of this court. Judge Botein has been an Associate Justice of the Appellate Division since 1953.

Municipal Court

Seventh District—Manhattan

MARGARET M. J. MANGAN, 1930, was elected to this post to which she had been appointed earlier this year. Justice Mangan is a former law assistant to the Supreme Court Justices of the First Department. She has been prominent for many years in civic and professional affairs.

City Court—Richmond County

MARK A. CONSTANTINO, 1947, who is very active in the professional activities of the local bar. This is the first time he had run for any office.

County Court—Kings County

NATHAN R. SOBEL, 1927, re-elected to this important post in which he has served since 1942. Judge Sobel was counsel to Gov. Lehman from 1936 to 1942.

The following were elected Representatives to the Congress of the United States:

Queens—Fourth District

HENRY J. LATHAM, 1931, has been a Congressman since 1945. Mr. Latham served as State Assemblyman in 1941 and 1942.

Brooklyn—Eighth District

VICTOR L. ANFUSO, 1927, was a Congressman in 1951, 1952, and since 1955. Mr. Anfuso served as City Magistrate in 1954.

Brooklyn—Thirteenth District

ABRAHAM J. MULTER, 1922, has been a Congressman since 1947. Mr. Multer is a former Counsel to the Hart Investigating Committee of the New York City Council and was Special Counsel to Mayor O'Dwyer.

Manhattan—Twenty-First District

JAMES L. WATSON, 1951, served as State Senator since 1954. Mr. Watson has devoted himself to solving community problems and had sponsored important housing legislation while in the State Senate.

The following were elected to the State Senate:

Brooklyn—Twelfth District

FRED G. MORITT, 1927, has served as State Senator since 1945. Mr. Moritt had previously served in the State Assembly from 1938 to 1944. He has introduced numerous bills in the public interest.

Brooklyn—Eighteenth District

HARRY GITTLESON, 1922, has served as State Senator since 1949. Mr. Gittleson had served in the State Assembly in 1938 and from 1941 to 1948. He is one of the Legislature's most effective speakers.

Richmond—Nineteenth District

JOHN J. MARCHI, J.S.D. 1953, elected on this his first candidacy. Mr. Marchi has served as Counsel to the Joint Legislative Committee on Natural Resources and as Research Counsel to State Senator MacDonald.

The following were elected to the State Assembly:

Bronx—Seventh District

JOHN T. SATRIALE, 1954, has served as Assemblyman since 1949. Mr. Satriale is the ranking

minority member of the Ways and Means Committee.

Bronx—Tenth District

GEORGE W. HARRINGTON, 1936, has previously served as Assemblyman in 1953 and 1954. Mr. Harrington is active in community affairs.

Brooklyn—Sixteenth District

BERNARD HABER, 1948, had been elected earlier this year to fill a vacancy. Mr. Haber is active in civic affairs.

Brooklyn—Twenty-First District

BERTRAM L. PODELL, 1949, has been an Assemblyman since 1955. Mr. Podell has sponsored numerous bills in a comparably short term in office.

Queens—Twelfth District

J. LEWIS FOX, 1930, has served as Assemblyman since 1949. Mr. Fox is Secretary of the Joint Legislative Committee on Natural Resources and is a member of the Joint Committee on Imitation Milk Products.

ALUMNI ASSOCIATION ANNUAL AFFAIR HELD

The annual Cocktail Party of the Brooklyn Law School Alumni Association was held at the St. George Roof at 4:00 P.M. on Wednesday, December 19, it was announced by Prof. Richard J. Maloney, President.

An informal affair, without speeches, the annual event is well attended by Alumni and Faculty of the Law School.

A short business meeting of the Brooklyn Law Review Association, composed of undergraduate and graduate staff members of the Review was held at the same place at 3:30 P.M.

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