

# The Justinian

---

Volume 1959  
Issue 1 *October*

---

Article 1

1959

## The Justinian

Follow this and additional works at: <https://brooklynworks.brooklaw.edu/justinian>

---

### Recommended Citation

(1959) "The Justinian," *The Justinian*: Vol. 1959 : Iss. 1 , Article 1.  
Available at: <https://brooklynworks.brooklaw.edu/justinian/vol1959/iss1/1>

This Article is brought to you for free and open access by the Special Collections at BrooklynWorks. It has been accepted for inclusion in The Justinian by an authorized editor of BrooklynWorks.



# The Justinian

Member of American Law Student Association



VOL. XX, NO. 1

BROOKLYN LAW SCHOOL, BROOKLYN, NEW YORK

October 1959

## SBA Revamps Agenda; New Events Scheduled Stress Frosh Activity

In an endeavor to increase student participation and interest in the Student Bar Association, President Wynne Stern has outlined a program of stepped-up activity for members. Greater student interest is to be promoted through the expansion of committees, scheduling of new events, inclusion of freshmen on committees, and an over-all effort to make the students more conscious of the student bar.

The SBA leaders stress the importance, in attaining future SBA goals, of including freshmen in student bar activities. Mr. Stern believes that "freshmen training is essential if they (the freshmen) are to assume the responsibility of running the organization capably when their turn comes. To encourage greater freshmen participation in the SBA, those showing an interest in its activities will, for the first time, be appointed to serve on committees, and, it is hoped, some may become chairmen."

### ALSA Meeting Held; Celebrates 10th Ann'y

The Tenth Anniversary Meeting of the second-largest legal organization in the United States—The American Law Student Association (ALSA)—was held in Miami Beach, Florida, last August. Representing Brooklyn Law School at this annual conference were Edwin J. Lasner, past SBA President, and Eileen Maroschick.

Organized in St. Louis, Missouri, in September of 1949, the ALSA has rapidly captured the interest of the nation's 35,000 law students, of legal educators, and of bar association officials. Referred to by a Survey of the Legal Profession as "a young giant among bar associations," the Association grew from an initial membership of 46 affiliated student bar groups in as many approved law schools to 126. Only two approved law school student groups remain unaffiliated at this time.

Originally created to assist law students in bridging the gap between law school and law practice, the ALSA has continued to place emphasis on professional and educational activities during this Tenth Anniversary Meeting.

The American Bar Association (Continued on page 3)

Sociability is as important to the lawyer-to-be as it is to the practicing attorney. Good public relations is also important to the prospective lawyer, and meetings between faculty and students can become an important aid in developing a more mature social awareness. In the more relaxed surroundings of these social gatherings, student and faculty will get to know one another better than in formal classroom sessions.

One such program is held prior to the Christmas holidays, and usually consists of an informal dance to which students and faculty are invited. One recent suggestion is to revive the student-faculty basketball game, as a part of the festivities for the pre-holiday dance.

Brad Spielman, first vice-president of the SBA, and chairman of the social committee, states that "no definite arrangements have been

(Continued on page 3)

## Wynne Stern Named President As SBA Elects A New Board

Elections were held last May for the officers of the Student Bar Association, the organization of student government. The officials are: President—Wynne Stern, First Vice-President—Brad Spielman, Second Vice-President and *Justinian* Editor—Herbert Schlagman, Treasurer—Harvey Baxter, Corresponding Secretary—Ruth Kellman, Recording Secretary—Stan Nathanson, Student Aid Chairman—Norm Schaumberger and ALSA Representative—Martin Lipnak.

Mr. Stern, Class of 1961, is a married student. He must co-ordinate all student activities and be the student's representative with the faculty. He graduated from West Point in 1955, and spent the next three years on active duty, one of them in Korea. Wynne entered BLS in September, 1958. In his first year, he served on the *Justinian*, the Polio Committee, the Barristers Ball, and the nominations and elections committee of the SBA. He is now a member of Law Review and active in sports.



From left to right—BRAD SPIELMAN, First Vice-President; WYNNE STERN, President; HERBERT SCHLAGMAN, Second Vice-President and Editor-in-Chief of "Justinian."

Brad Spielman, evening Class of 1961, is the social chairman and a co-ordinator of night student activities. Since entering BLS in February, 1958, he has been active as a class president, chairman of the professional ethics committee, and intra moot court committees.

Herbert Schlagman, Class of 1961, is a married student. He was in charge of the freshman class elections, which were held recently, and is an assistant to the president. As Editor-in-Chief, he is in charge of all school newspaper activities. Last year, he was News Editor of the *Justinian*, a class secretary, and Chairman of the Legal Aid Committee.

Harvey Baxter, evening Class of 1961, is responsible for all money from school activities. He acquired his experience for the position as treasurer of the senior class at Champlain College, State University, New York. In addition to his studies, Harvey is teaching in a New York City "600" School for emotionally disturbed children.

Ruth Kellman, evening Class of 1962, handles all correspondence with ALSA and pre-law organizations. Last year, she was a class treasurer and worked with the previous SBA vice-president in organizing the Barristers Ball.

Stan Nathanson, evening Class of 1962, is a married student. He is responsible for the minutes of all meetings and the files of the Board of Governors and House of Delegates. He was a class president and is now a member of the Law Review.

Norm Schaumberger, Class of 1961, is in charge of the Student Aid Fund. He graduated City College in 1958, and since coming to BLS has been a class vice-president and on the Law Day Committee.

### Fourth Floor Modernized Under Remodeling Scheme

As part of a plan to modernize the entire building to meet the needs of the student, two classrooms on the fourth floor were renovated during the summer.

Both rooms were equipped with new, white fluorescent lighting. In addition, chair desks were replaced by seats and desks of latest design which provide greater space and comfort.

In past years, renovation has been accomplished on floors three through seven. Student lounges, a cafeteria, seminar rooms, a law review office, and faculty facilities had been created. One plan for the future is to convert part of the fourth floor into a modern moot courtroom.

## Student Loans Aid Four; Fund Still Short Money

Norman Schaumberger, chairman of the Student Aid Fund, announced that four applications for student loans had been submitted this semester.

The loan, which furnishes one hundred dollars for tuition and fifty dollars for books, is granted to each student in good standing who desires financial assistance. A student loan is repayable at the end of each semester; no interest being charged.

### 309 Get Degrees; At June Exercises

The honorary degree of Doctor of Laws was conferred upon Hon. Charles S. Desmond, Associate Judge of the Court of Appeals of the State of New York, and upon Hon. Lee Parsons Davis, former Justice of the Supreme Court of the State of New York, at last June's commencement exercises, held at the Brooklyn Academy of Music. Judge Desmond delivered the principal address. Mr. Herbert J. Adlerberg, retiring Editor of the Law Review, addressed the audience as the representative of the graduating class.

Hon. Henry L. Ughetta, president of the Board of Trustees of the Law School, presided at the ceremony, and conferred the honorary degrees.

Right Reverend William T. Dillon, an alumnus of the Law School, gave the invocation and the benediction.

Three hundred Bachelor of Laws degrees, eight Master of Laws degrees and one Doctor of Juridical Science degree were conferred by Dean Jerome Prince.

The following candidates received the Bachelor of Laws degree cum laude: Edward Vernon Sparer and Robert Joseph Miller. Albert Frank Bower, of Wilmington, Delaware, received the Master of Laws degree magna cum laude. Raymond James Hagan received the

(Continued on page 2)



NORM SCHAUMBERGER

The Student Aid Fund is supported by outside contributions and fund-raising functions arranged by the Student Bar Association. The present total is \$1,500, but Mr. Schaumberger insists that more is needed for this work to continue.

Prospective barristers who seek monetary assistance should file an application with Mr. Schaumberger at the Student Bar Association office. The application is passed on to Professor Sealy, the faculty adviser to the Aid Fund, and he submits it to the administration for clearance. Professor Sealy returns the application to the chairman of the Fund when the administration approves it.

Finally, the applicant appears before the Student Loan Committee, where he discusses his financial problems as well as his academic standing. The committee consists of the chairman of the Student Aid Fund and two other members of the student body. On the basis of this interview, he is awarded the grant or is rejected with an explanation.

## Law Review Names Eligibles; Set To Publish In December

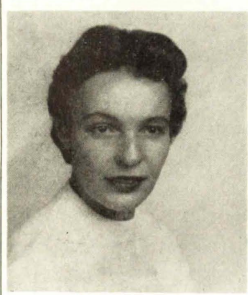
In July, thirteen freshmen of the Law School received notification that they were eligible to be appointed to Law Review. Also, new selections were made to the Editorial Board of the Law Review.

This year's Editorial Board includes: Miss Barbara Izett, Editor-in-Chief; Mortimer Kass, Associate Editor; Miss Marilyn Klosty, Notes Editor; Philip Berman, Book Review Editor; and Leonard Shapiro and Ronald Sklar, Decisions Editors.

The attainment of this prized goal is determined by the scholastic achievements of the students in competition with their classmates. The selection is made from the top five per cent of each freshman class at the end of the second semester or equivalent. Thereafter an advanced student must have an honors average (90%). Eligibles are on probation until they submit a manuscript which is acceptable for publication. At that time only, the appointee becomes a full member of the Law Review, eligible for further advancement to a post on the Editorial Board.

The December issue goes to press on the 1st of that month, and should be in the hands of the students by the end of the month. The leading articles in this issue were written by Assistant Dean Gerald A. Gilbride, Lester Nelson, member of the bar, and Raymond Hagen, graduate and Captain, New York City Police Department. The articles are, "The Part Performance

Exception in New York," "Federal Jurisdiction and Sovereign Immunity," and "Impounding and the Subpoena Duces Tecum in Criminal Cases."



BARBARA IZETT  
Editor-in-Chief of Law Review

The following are the "probationers" appointed in July: Stanley Alter, A. Mathew Aronson, Eugene Flanagan, Abe Goldner, Richard Leder, Richard Nanes, Stanley Nathanson, Allan Palmer, Martin Pollner, Stanley Rosen, Steve Ross, Sanford Siegal, and Wynne B. Stern, Jr.



# The Justinian

Published quarterly during the school year under the auspices of the  
Student Bar Association of the Brooklyn Law School  
375 Pearl Street, Brooklyn 1, New York

Vol. XX, No. 1

October, 1959

**HERBERT S. SCHLAGMAN** ..... *Editor-in-Chief*  
**HERB SWARZMAN** ..... *Associate Editor*  
**JOHN LEVY** ..... *News Editor*  
**RICHARD BENACK** ..... *Feature Editor*  
**ROBERT WEISSWASSER** ..... *Alumni Editor*  
**MILTON C. GERSHENSON** ..... *Faculty Advisor*  
**GERARD A. GILBRIDE** ..... *Bar Ass'n Advisor*

## Staff

Harvey Baxter, Carl Campetella, Michael Gallo, Burt Goldstein, Shelly Greenberg, Ruth Kellman, Eileen Maroshick, Stan Nathenson, Hal Scharlatt, Norman Schaumberger, Bernard Silverman, Bradford Spielman, Wynne Stern.

## Next Stop: Last Station!

There are countless opportunities from which a person may choose when his time arrives to become a man. However, of the thousands of choices available, there are but three selections that can be made if an individual desires a *learned* profession—theology, medicine and the law.

Our time for decision has come, and we have made our selection in favor of a learned profession. The fact that a choice was made does not infer that a man will result. What will determine our right to an adult's station in life will be our willingness to assume the responsibilities that accrue to the mature.

\* \* \*

The profession did not procure the adjective learned haphazardly. It was earned by centuries of guidance towards order, acquired by conducting man from barbarism to comparative sophistication.

Where individuals have formed families and families grew first to tribes and then to nations, there have been men who made rules. From the beginning, when man's problems involved the basic fight for survival to today's laws between nations, rules have been necessary to protect the whole from the part, and equally important the individual from his group.

Society's rules-makers are its lawyers. They are responsible for the codes of conduct of its group. When an individual or his state is deprived of a right without redress, the weight of fault and correction must be shouldered by the lawyer. This burden of the attorney is not a light one—the intercourse of a nation is in his hands; and as the maturing world grows increasingly smaller, it may well be for our generation that the conduct of the world will be the lawyer's problem.

\* \* \*

The responsibilities of the attorney are clearcut. He is both the leader of his society and its protector. If we are not willing to accept these facts, then we cannot seriously consider ourselves on the way to a learned profession or to adulthood. The person who does not contribute to his group is not a man; in turn, the graduate of a law school who does not guide or protect is not giving to his group, nor is he a member of the learned profession of law.

This is the profession of the Cardozo's, the Holmes', and the Brandeis'. While every lawyer cannot sit at the bench, he can protect, he can insure that his client has every benefit the law offers. At the very least, a man becomes the very best his capabilities permit.

\* \* \*

Our test comes now. The degree to which we prepare ourselves will determine our future station in life: the member of a learned profession, or the skilled tradesman whose shingle reads, "Plaintiff's with fractures only; no city cases."

If in our approach to the law, we do not bring the respect and love needed for the successful marriage of the individual and his labors, we may expect to be only skilled tradesmen. There is no place in the learned profession for the paramour.

—H. S. S.

## Freshman Class Yields Author of Two Novels And Army Counselor

Brooklyn Law School's library may have to add a fiction department. There is a writer of novels in the freshman class.

John G. "Jack" Ehrlich is twenty-nine years old, married, and the father of two children. Quiet and unassuming, he is a modest man, hesitant to talk about himself.

John graduated from Syracuse University in 1952 and became a commissioned officer in the Air Force, where he worked as a trial counselor. His interest in writing brought him to a trade magazine and, eventually, to *Newsday*, with which he has been associated for five years as a reporter. His series on "Slum Clearance" won a national award from the Home Builders Association. But, his most cherished reward was an interview with Marilyn Monroe. John would not elaborate; he only grinned and said, "Wow!"

John has done courtroom reporting from homicide to narcotics. From his work, he has acquired a knowledge of and interest in criminal law. His books revolve around his experiences in these fields.

*Revenge*, published by Dell Company, is a psychological suspense story about a former Assistant District Attorney. His second book—no title yet—to be published in December, concerns a military court martial. Another book, still in formation, is about politics.

Of course, John's writing will be curtailed temporarily, as he endeavors to join a profession about which he has written.

## Named To Alumni Post



ROBERT WEISSWASSER has been appointed Executive Secretary of the Alumni Association. In this capacity he is the liaison between the school administration and the alumni. An Air Force Veteran, Mr. Weisswasser is a Senior and the Alumni Editor of "Justinian."

## Mrs. Jurow Honored

Mrs. Lucie Jurow, librarian of the law school, was recently elected Treasurer of the Law Librarians Association of New York. Mrs. Jurow is a graduate of Brooklyn Law School, and holds a Doctorate of Jurisprudence. She has been the law school librarian for over ten years.

## Graduation

(Continued from page 1)

Doctor of Juridical Science degree *summa cum laude*.

Prizes awarded at the exercises were: First Scholarship Prize, Edward Vernon Sparer, who also received the Williams Press Prize and the Lloyd Paul Stryker Memorial Award; Second Scholarship Prize, Robert Joseph Miller; Dean Carswell Prize in Pleading and Practice, Richard Gumson; Hirschman Prize, Harold Freund; Evidence Prize, Kenneth Parker; Koransky Prize, Sheila L. Fireman; Surrogate Rubenstein Prize, Henry Kalow; Arthur Block Memorial Prize, Martin I. Menack; Matheson Prize, Herbert J. Adlerberg.

## FACULTY PROFILE

### Prof. Irwin Taylor

The record of Professor Irwin Taylor's accomplishments is both varied and fascinating.

The professor set enviable scholastic records at City College where he won his *Phi Beta Kappa* key while majoring in social sciences; at Columbia University where he earned his Master's Degree in Political Science; and at Brooklyn Law School where he graduated *summa cum laude*. He represented Columbia on the tennis courts and then taught the game professionally at resorts in the New York area. In addition, Professor Taylor taught for ten years in the New York City high school system in the fields of World Economics and Political Philosophy.

The professor's principal occupation these days, as it has been for the past eight years, is the practice of law at his offices, towering over Madison Avenue in mid-Manhattan.

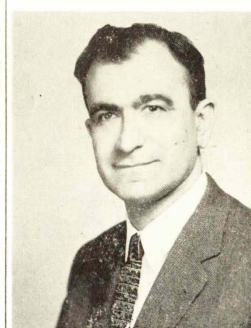
Born in Montreal, Canada, in 1914, Professor Taylor moved to Brooklyn when he was nine. He completed his education at City College and Columbia, and in 1937 began a teaching career.

While still teaching, the professor commenced the study of law. Shortly after graduation from Brooklyn Law School in 1947, he was invited to join the Brooklyn Law School faculty, and simultaneously opened a small law practice. In the next four years, his practice had expanded to such an extent that the professor had to limit his lectures to the evening hours.

Although he teaches a variety of courses at Brooklyn Law School, Professor Taylor has gained recognition for efforts in two particular fields. He has written on the law of Insurance and has taught an experimental clinic concerned with New York Pleading and Practice. His Insurance handbook has been used extensively by several insurance companies who distribute it to their personnel.

The professor feels that the value of the Pleadings Clinic lies in the opportunity it affords students to have a practical look at the law, and he believes that it is equivalent to six months' experience as a clerk in a firm. He states, "When I graduated from law school, I was all set to prepare and argue appeals. Unfortunately, no one told me how to get the business or how to prepare cases of lesser import."

Although his practice is located in the heart of the city, Professor Taylor lives with his wife Roselyn, and his two children, Cathy, 12, and Steven, 11, in Rockville Centre. He is a member of the



PROF. IRWIN TAYLOR

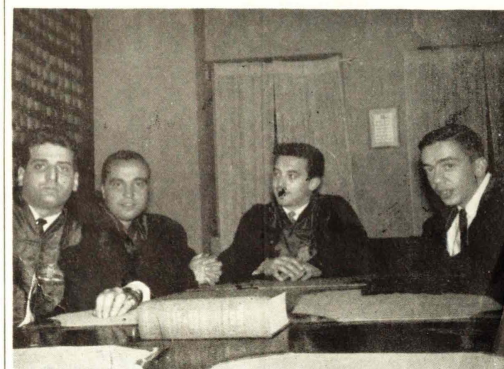
Bar Association of the City of New York, and the New York County Lawyers Association, where he serves on the Post-Legal Education Committee.

Locally, Professor Taylor is Chairman of the Mayor's Committee on Brotherhood in Rockville Centre. For several years, he has been head of a committee concerned with brotherhood in the South Shore high schools.

When asked where the best opportunity lay for the newly graduated attorney, Professor Taylor told the *Justinian* that there were many openings outside of New York, particularly among the Southwestern, Western and Southern states. "I find in my practice," he added, "that in areas which are heavily agricultural there seems to be a dearth of lawyers familiar with modern corporate practice and problems."

"What do you look for in better students?" Professor Taylor was asked. His reply clearly marked the professor's own educational pattern. "I seek the student who recognizes the legal problem involved, rather than the one who can repeat the court's decision in a parrot-like manner. I like originality and creativeness in legal thought because the law is constantly changing and attorneys are helping to shape the change. A good lawyer sees many facets to a case . . . so should a good student."

## Visiting The Fraternities - D.T.P.



The berobed gentlemen are not members of the Supreme Court, however, they are the top officers of Hamilton Senate, the BLS branch of Delta Theta Phi. The frat's big upcoming function is its Christmas Dance to be held December 4. The gentlemen pictured are from left to right—NICK DeMARTINO, EMIL SANCHEZ, HANK GARGANO, and JOSEPH COLANTUONO.



# ALUMNI IN CURRENT NEWS

## Necrology

Barron, Bernard '16  
Behrman, Meyer '31  
Davis, Frank '10  
Haber, Bernard '38  
Levy, Martin '23  
Lorch, George '27  
Mauskopf, David '43  
Sheehan, Thomas '25  
Stern, Irwin '27

## 1911

HON. W. J. OLIVER is the Chief Judge of the United States Customs Court.

## 1917

PROF. GUSTAV DREWS, patent lawyer and postgraduate teacher at Brooklyn Law School, is the Chairman of the Committee on Patents, Trademarks & Copyrights, N. Y. County Lawyers' Association, and is a member of the Committee on Anti-Trust Law, New York Patent Law Association.

## 1922

HARRY GITTLESON is a member of the Senate of the State of New York.

HON. DANIEL GUTMAN has been appointed dean of New York Law School. After serving in the capacities of assistant U. S. Attorney, special assistant to the U. S. Attorney-General, and as assistant District Attorney of Kings County, he became a member of the state Assembly in 1939. In 1940, he was elected to the state Senate where he served until 1943, when he was elected a justice of the Municipal Court of the City of New York. Re-elected in 1953, he was ap-

pointed President Justice of the Municipal Court the following year and served until January, 1955. He was then appointed counsel to the governor, serving throughout the administration of Governor Harriman.

## 1927

SAMUEL S. GOOGEL is a member of the State Legislature of Connecticut, and is the majority leader of the State House of Representatives.

## 1928

MEYER F. WILES, Deputy Commissioner of the N. Y. City Department of Public Works, is a Professional Engineer in the N. Y. State Society of Professors. He is also President of the Society of Municipal Engineers.

## 1929

HARRY ZUKERNICK has been elected a member of the Board of Governors of the Florida Bar Association.

## 1930

AARON L. SOLOMON, senior partner of Solomon & Rosenbaum, is Vice-President and Member of Board of Trustees of Long Island Jewish Hospital, a Member of the Board of Trustees of the Federation of Jewish Philanthropies, and a Vice-President and Member of the Board of Trustees of the Jewish Community Services of Long Island.

## 1931

IRVING ENGEL is a Trustee of the Brooklyn Public Library.

## 1936

Manual F. Cohen, class of '36,

has been promoted to the position of Advisor to the Securities and Exchange Commission. The wide range of business interests covered by his new position includes a re-examination and re-evaluation of policies, interpretations, and procedures within the Commission. His contributions will be significant in the continuing campaign to keep up with the ever-expanding securities field. His paramount study will be those problems accruing from the development, importance, and present significance of international financing in the American capital markets.

Mr. Cohen has been with the Commission since July of 1942. He has received consistent promotion to more responsible attorney positions within the Investment Company Division. In 1956, Mr. Cohen received a Rockefeller Public Service Award under which he spent a year abroad studying the techniques of securities distribution and capital formation in Western Europe.

## 1937

RICHARD G. GREEN is Director of the Association for Psychiatric Treatment of Offenders, Inc., President of the Harry Futterman Fund, Inc., and counsel of the Institute for the Advancement of Medical Communication, Inc.

## 1938

MRS. FLORENCE RYAN CARLSSON has been appointed the first woman Assistant District Attorney in the history of Nassau County. She has been assigned to

the newly-established Family Court division of the District Court.

## 1940

MISS ROSALEEN C. SKEHAN is Assistant General Counsel for the Port of New York Authority.

## 1950

ROBERT S. KREINDLER is Assistant U. S. Attorney and Chief of the Drug, Crime and Racketeering Section.

## 1951

SHELDON SILVERBERG, associated with RUBEN SCHWARTZ, '38, has just been appointed a member of the Executive Board of the New Leadership

## Alumni Luncheon

This year's Annual Luncheon of the Brooklyn Law School Alumni Association will be held at the Hotel Roosevelt in Manhattan at noon on Saturday, December 5th. The Association's Distinguished Alumnus Award will be presented to Presiding Justice Bernard Botein '24 of the Appellate Division, First Department, and to Associate Justice George J. Beldock '24 of the Appellate Division, Second Department. Other members of both benches will be honored guests.

All alumni and their guests are invited to attend. Subscriptions, at \$6.50 per person, may be obtained by forwarding check to the Alumni Association office at the Law School, 375 Pearl Street, Brooklyn 1, N. Y.

Division of the Federation of Jewish Philanthropies.

## 1952

WILLIAM T. MALONE, member of the Pennsylvania Bar and of the American Bar Association, is the present Commander of the State of Pennsylvania American Legion.

## 1954

LEONARD SILVERMAN, a partner in the law firm of Silverman & Lifschitz, has been appointed Examining Attorney to the N. Y. City Department of Investigation.

## 1957

JOHN G. TROIANO, a member of the N. Y. State Bar Association, is currently an Assistant Professor at Pace College, N. Y. City.

## Bernstein

(Continued from page 3)

Professor Bernstein instituted an undergraduate course in taxation at Brooklyn Law School fifteen years ago, and has since conducted postgraduate courses in taxation and accounting for lawyers.

"The role of a teacher provides the individual with a great deal of self satisfaction, but it is in a larger sense that he finds his reward. Those who have been privileged to practice law have a great responsibility to protect our precious freedoms and uphold our institutions.

"Fulfilling this obligation requires a deep love of the law and a constant search for its meaning. A teacher can in some measure impart this necessary ingredient which accrues to the benefit of all. In so doing he realizes his purpose."

## Remember The Luncheon — Dec. 5

### UNUSUAL

### PERSONAL ATTENTION

And Prompt Service Make An Account Here

MEAN MORE THAN A CONVENIENCE TO YOU

### KINGS COUNTY TRUST COMPANY

Established 1889

In the Heart of Borough Hall at  
342 FULTON ST., BROOKLYN 1, N. Y.

Member Federal Deposit Insurance Corporation



## Post Grad Instructor In Taxation, Prof. Bernstein Joins Day Staff

Why does a man active and successful in the practice of law take valuable time to teach? This question was put to Meyer Bernstein, now serving as Professor of Taxation on the undergraduate faculty of Brooklyn Law School.

A man eminently qualified to present a valid answer, Professor Bernstein in scope and distinguished in performance, providing an outstanding platform from which to speak.

The professor entered Columbia University as a Pulitzer Scholar, was elected to Phi Beta Kappa, and graduated with honors in 1916. While studying for a Master of

however, upon his return from army service, Professor Bernstein became a certified public accountant. 1922 found him attending Brooklyn Law School where, as a student, an incident in his sophomore year provided the springboard for his entrance to and later eminence in the field of taxation.

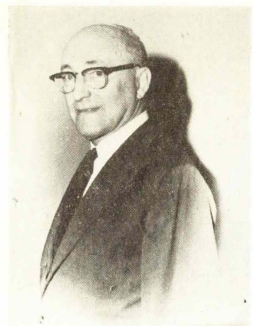
A memorandum of law which he prepared for a practicing accountant of his acquaintance enabled the accountant to obtain a substantial tax verdict for one of his clients. The memorandum so impressed the accountant that he provided the young student with many subsequent assignments.

In 1925 he graduated summa cum laude and invaded the taxation field, once solely the province of accountants. This area was becoming so complex and inclusive because of federal, state, and local governmental involvement that legal knowledge and analysis had become necessary.

During the administration of Mayor Fiorello H. LaGuardia, Professor Bernstein, in a competitive Civil Service examination, became Tax Counsel for the City of New York. As counsel he helped to amplify and elucidate the existing tax structure.

During the 1930's, again in a Civil Service position, he occupied the post of Under-Sheriff of the City of New York, in charge of the Borough of Manhattan, and capably fulfilled the manifold duties of that position.

(Continued on page 4)



PROF. BERNSTEIN

Arts degree in mathematics, he taught at Columbia. Further study was interrupted by World War I.

## S.B.A. Plans

(Continued from page 1)

made yet, but it is hoped that this year the events will create improved student interest."

In addition to the pre-holiday dance, there is also the Barristers Ball, usually held in May. Though still in the planning stage, this year's Ball may be on a larger scale than in past years. The possibility of a seated dinner is being considered.

The final official social gathering is Law Day, an open house for all law school students, faculty members, and their relatives and friends. Undergraduates interested in the study of law are encouraged to attend this function at which a noted guest speaks on a significant and timely legal topic.

Another aspect of SBA activities is the intra-moot court competition. Stuart Namm, a previous winner of this competition, will be in charge of the program this year. Moot court usually begins in late October with an orientation meeting. Notice is given in advance and all interested students are urged to attend. It is felt that participating students will acquire greater assurance and increased confidence in themselves by taking part in this program.

A proposal recently made to the SBA has been to increase the number of legal films shown. Usually there are two films each year, but if student interest warrants, consideration will be given to showing additional films.

In commenting on the coming year Mr. Stern states, "All students are members of the SBA and it is hoped that every student will, in some way, contribute to the over-all success of this year's program. Student suggestions for future events and activities of interest to them are solicited and will be welcomed. Whenever possible, and student interest warrants, they will be included in our program of activities for SBA for the coming year."

"We hope that this year the SBA will prove to be an effective force in the life of the entire student body, in which every student will participate to the extent of his or her ability, and that through such concerted effort, the student body and the law school, itself, will reciprocally benefit."

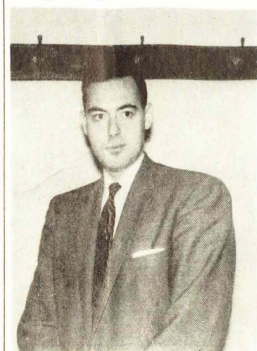
## State Loans Open To Needy Student

A loan to graduate students guaranteed by the State of New York Higher Education Assistance Committee, is now available through a number of commercial banks in the city area. Loans up to \$1,000 for each year of graduate study may be made at an interest rate of 4%. Repayment plans extend through a period up to eight years.

The procedure for obtaining a loan is quite simple. Requests for application should be made to the NYHEAC, Albany 1, N. Y. They will furnish the application along with a list of commercial banks participating in the plan.

Upon completion of the application with the school's approval, the bank will forward the application to the NYHEAC. They, in turn, notify the student directly of their approval of his application for a state-guaranteed loan. The total time involved may be as little as three weeks.

## Preparing For The Moon



STAN NATHENSON is currently preparing an article for the next edition of "Justinian" concerning the rights of nations to declare possession of the moon, and how such rights can be determined. Mr. Nathenson is a Law Review Candidate, a member of the SBA House of Delegates, and is the SBA Secretary. He has also had several articles published in leading publications.

loving the oral arguments, Conference Chairman Reginald Heber Smith announced the winners of the ALSA's 1959 Opinion Letter Writing Competition and presented prizes totalling \$900 in cash.

One of the most popular aspects of ALSA annual meetings is the Legal Film program. This year the film presented was "Compulsion." Its purpose was to present in a dramatic fashion the value of audio-visual techniques in educational and public relations' programs.

Perhaps the primary accomplishment of the annual meetings of ALSA is the constructive benefit member associations derive through representation by official delegates. With this in mind, the ALSA put increased emphasis on the Student Bar Workshop aspects of its 1959 Annual Meeting. An entire day was devoted to the exchange of practical information on student bar activities. Topics of universal interest to student bar officers and law students were discussed at nine sessions of a Student Bar Workshop.

A separate Conference for Student Bar Presidents dealt with general operational problems of student bar associations. A Job Placement Clinic offered suggestions on how student groups, law schools, and bar associations can cooperate in the proper placement of law graduates. A Publications Seminar offered a discussion of the editorial and financing requirements for student bar newspapers, yearbooks, directories and other useful law school publications. And a Trial Moot Court Discussion provided information on the organization and operation of trial moot court programs in the nation's law schools.

## Professional Ethics

The opinions printed below have been taken from the decisions of The Committee On Professional Ethics of The Ass'n of the Bar of the City of New York. This column is not meant to take the place of the Professional Ethics Course offered by the school; its purpose is only to supply current rulings of interest and importance to law students. Credit for the arrangements with the Association to obtain the opinions and the necessary permission to publish them is due to Brad Spielman, SBA Vice-President.

**Question:** The law firm of A, B & C employs a clerk, a first year law student, who processes among other things collection files. In the course of his work, the clerk writes letters to debtors and corresponding attorneys and signs his name after "Very truly yours, A. B & C By." The clerk's name does not appear on the letterhead. The law firm asks if such practice violates one or more of the Canons of Ethics or constitutes the practice of law by the clerk.

**Opinion:** This Committee has consistently expressed the view that it is not professionally proper for members of the Bar to represent an employee to be a member of the Bar when the employee has not in fact been admitted to the Bar (Opinions 11, 57, 341, 454, 470).

The nature and scope of the activity in which a clerk not yet admitted to the Bar may properly engage is discussed in Opinion 78 of this Committee. In summary of that opinion, he may act only under the guidance and at the direction of a member of the Bar, and he may not perform any ministerial, administrative or other function in or out of Court which would involve the exercise of independent judgment and initiative.

On the question submitted, even though in processing the collection files and writing letters the clerk is governed by the strictures referred to, the Committee feels that his personal signature on behalf of the firm would constitute a clear representation by the firm that the clerk is a member of the Bar and would therefore, as already stated, be improper.

Such identification of the clerk as the author of the letters could not fail, and might in fact be intended to result in the addressing of responses by mail, by telephone and in person, to the clerk. In the handling of responses by telephone or in person, the clerk's difficulty in avoiding the exercise of independent judgment is obvious.

Whether the clerk's activity would constitute the unauthorized practice of law is a question of law. This Committee does not pass on questions of law. Nor can the Committee express any opinion as to the possible views of the Committees on Character and Fitness with reference to the clerk's activity.

\* \* \*

**Question:** Attorney A contemplates taking into his employ attorney B to assist him in his practice. Attorney A desires to enter into a written contract of agreement with attorney B, in which, among other things, there will be a restrictive covenant which will in effect prohibit attorney B from soliciting or representing any of attorney A's clients in the event their association is severed.

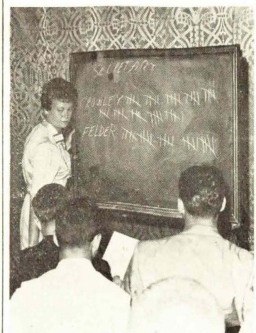
Would such a restrictive covenant between attorneys violate any of the canons of ethics, and if not would such a restrictive covenant be improper for any reason whatsoever?

**Opinion:** The Committee does not answer questions of law and so does not express any opinion as to the enforceability of the proposed restrictive covenant.

The Committee, in its Opinion 811, has recognized that under Canons 7 and 27 a former employee of a lawyer is permitted to send formal announcements of the establishment of a new office to those clients of the office of his former employer to whom he is personally known, even where such personal relations originated with professional associations growing out of his former employment.

Canon 22 (Candor and Fairness) states that the conduct of a lawyer "with other lawyers should be characterized by candor and fairness," and Canon 29 (Upholding the Honor of the Profession) states that the lawyer "should uphold the honor and maintain the dignity of the profession."

The Committee does not believe the proposed restrictive covenant consistent with these Canons. Requiring such a covenant constitutes a demand that the rights of a lawyer be bargained away as a condition of employment and, further, appears to deny recognition to the general right of a client to an attorney of his own choosing.



EILEEN MAROSCHICK, BLS' representative at work at the ALSA Convention in Miami.

student leaders were special guests at a reception in honor of Ross L. Malone, President of the American Bar Association.

For the sixth consecutive year, members of the ALSA House of Delegates participated in the annual Conference on Personal Finance, Law Debate and Reception. Fol-