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The Justinian

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VOL. XXV, NO. 4

BROOKLYN LAW SCHOOL, BROOKLYN, NEW YORK

MAY, 1965

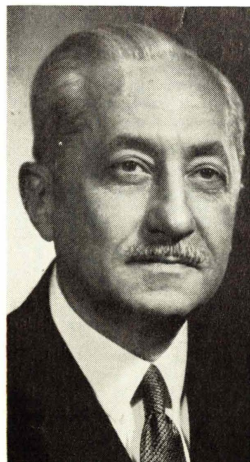
Koota Stresses Need For Criminal Lawyers

by JEFFREY NOVICK

One of Brooklyn Law School's prominent graduates is the present District Attorney of Kings County, Mr. Aaron E. Koota. Mr. Koota has dedicated more than 35 years to the legal profession and has demonstrated both his outstanding legal ability and his devotion to public service.

Mr. Koota earned his undergraduate and graduate professional degrees at Brooklyn Law School, receiving his LL.B., *cum laude*, in 1927 and LL.M., *summa cum laude* in 1928. He was admitted to the Bar in June, 1928.

In 1950, at the invitation of then District Attorney, now State Supreme Court Justice, Miles F. McDonald, Mr. Koota joined the Special Investigation and Rackets Bureau of the Kings County District Attorney's office. As an Assistant District Attorney, Mr. Koota's duties involved the investigation of gambling and other criminal activity in Kings County. He served in that capacity until January, 1955 when he was designated to head the Rackets Bureau by the then District Attorney, now Surrogate, Edward S. Silver. In the spring of 1963, Mr. Koota was appointed Chief Assistant District Attorney and in November, 1964 the people elected him to his present office of District Attorney, Kings County.



Aaron E. Koota

In a recent interview with the *Justinian*, Mr. Koota was asked what advice he would offer to aspiring young attorneys. "There is a severe professional need for trial attorneys particularly in the field of criminal law," he said. "A lawyer can render no greater service to the community than in the trial of criminal cases, either for the prosecution or for the defense. I would urge the law students and newly admitted attorneys to concentrate in this area of the administration of justice."

Mr. Koota was asked what issue he considered to be of fundamental importance to the preservation of our social order. He responded that "Since 1961, with the landmark decision of the United States Supreme Court in *Mapp v. Ohio*, the attention of the courts throughout the country has been concentrated on the field of individual liberties. One of the most sensitive and vital problems in the administration of criminal justice," he said, "is the balancing of the oft-competing rights of the individual to his freedom and of society to be protected against criminal depredation." Mr. Koota, as well as many other responsible leaders of our community, express their belief that perhaps the pendulum has swung too far towards protection of the criminal to the detriment of the social order.

In light of the current controversy over the abolition of capital punishment in New York State, Mr. Koota was asked his opinion on this public issue. "Regrettably, the approach to the problem of the abolition of the death penalty is too often emotional," he said. "Statistics are frequently cited one way or another. In my opinion statistics have not proved to be of substantial value in ascertaining whether capital punishment is or is not a deterrent. Since July of 1963, a new procedure exists in New York whereby the court and jury, on an *ad hoc* basis, determines whether the nature of the crime, the background of the defendant and his relation to society justifies the imposition of the death penalty. There is great merit to this procedure, since a jury determines, on the particular facts of the particular case, condign punishment. Laws have value only as they receive the moral support of the community. Under our present procedure, society, through a jury, may properly express its opinion in a given case as to the extent of punishment. I believe that before the death penalty is abolished, we should give this new two stage procedure a chance to prove whether it has substantial merit. Since July, 1963, in several murder cases, the jury has fixed the penalty of death in only one."

In his final comment of the interview, Mr. Koota chose to recall his law school years. "Some of the most memorable intellectual and gratifying days were spent by me at Brooklyn Law School," he said. "I regard my experience there as contributing immeasurably to the position which I now hold."

POST-EXAM SPLASH

The S.B.A. will hold a picnic and beach party at Jones Beach on June 5, 1965. The festivities will begin at 5 P. M.

All Brooklyn Law School students, wives and dates are cordially invited to attend.

Trial Program Completed

Four guest judges and the District Attorney of Kings County heard the Senior Moot Court Trials conducted in the Brooklyn Supreme Court Building, last Saturday morning, May 8.

The Supreme Court Justices who presided at the trials, heard before a jury of college students and law school freshmen, were: Hyman Barshay, Mario Pittoni, Nicholas Pette, Criminal Court Judge David Malbin, and District Attorney Aaron E. Koota.

Both civil actions and criminal prosecutions were tried, with senior students of the law school acting as counsel.

Indictments were prepared and pleadings drafted by the seniors who were presented with a basic fact pattern and a list of witnesses. It was the job of each team of two seniors to select its witnesses and to provide them with a history and to make them living characters.

The students who participated as attorneys were: A. Asher, W. Colton, G. Goldstein, A. Goldzweig, W. Aronwald, B. Rappaport, H. Kaplan, L. Katz, L. Alperin, I. Gordon, M. Gruberg, H. Koshel, M. Hacker, A. Yankwitz, M. Bandler, W. Dinkes, C. Wolfson, C. Young, B. Kushel and M. Salenger.

From approximately 190 students who participated in the Moot Court Appellate Program, which was recently concluded with a general critique session, the following thirteen undergraduates were chosen to compete in the fall for a place on the Brooklyn Law School Moot Court Team: P. Bergman, R. Burns, N. Goldstein, Miss J. Heit, Miss H. Johnson, F. Korman, A. Lascher, G. Lotto, R. Ornstein, M. Rubinstein, H. Sobel, and S. Steinberg.

Student Ballad

The Ballad of Hamer v. Sidway
(124 N. Y. 538, 27 N.E. 256)

To the tune of "Streets of Laredo"

Bill Story allegedly promised five thousand

To his nephew if he would only refrain

From gambling and smoking and drinking hard liquor

And even from taking the Lord's name in vain.

The Lad, he lived clean, and he grew into manhood,
And when it came time for his uncle to pay,

He hemmed and he hawed and he set up a trust fund,

But left the boy nothing when he passed away.

And so to Judge PARKER the lad brought an action;
The uncle's executor said in defense,

"I move to dismiss, there's no consideration;

You can't have a contract without recompense."

(Continued on page 4)

O'Connor Delivers Law Day Address

by JERRY LESSNE

"The time for re-evaluating our whole system of criminal law is fully upon us. With professional ferment gathering strength and public impatience reaching new proportions, it is certainly no overstatement to say that the house of the law is soon to be renovated. And like Humpty Dumpty, no one is going to put it back together again, as it once was." With these opening remarks Queens County District Attorney Frank D. O'Connor, class of 1934, addressed the student body of Brooklyn Law School at the recent LAW DAY—USA ceremonies on April 30.

Although this year's national theme was "Uphold the Law—A Citizen's First Duty," Mr. O'Connor directed his remarks to the duty of the lawyer in upholding the law. Noting that the winds of change are blowing from various directions, he warned the audience that, before the old house of the law comes down, to make certain that the most valuable pieces are identified and secured. "Whatever viable spirit it had must be retained and nurtured, and the new synthesis of criminal law must be a balanced one, reflective of all the interests and objectives of our society."

Mr. O'Connor expressed approval of the recent trend of the United States Supreme Court in exalting the rights of the accused, in a very clear attempt to "equalize" the adversary system of the criminal law.

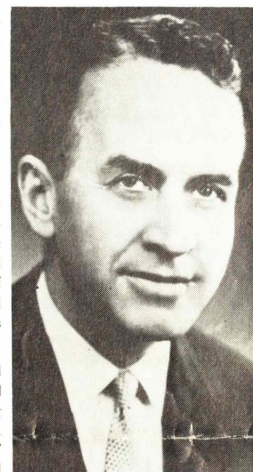
However, he felt disturbed over the fact that many people see a grave necessity to "whittle away" at the powers of police and prosecutors to investigate crime. Pointing out that crime costs our nation 27 billion dollars per year (second only to defense), and is increasing at the rate of four times the population expansion, the District Attorney viewed this recent protective trend as more ironic than logical.

District Attorney O'Connor's unique approach to the problem of reconciling the interest of the state with that of the individual defendant is to recognize that the basic fact of guilt or innocence is theoretically the mutual concern of both prosecutor and defense counsel. In this context, he strongly urged the adoption of a public defender system in New York, which would cooperate with the District Attorney in investigating the facts of a crime.

Notwithstanding that the news media are clamoring for nothing less than the blood of retribution, the speaker suggested "forgiving as part and parcel of rehabilitation, whether of criminals or anyone else who has in effect what all of us have—the defects of being human." In keeping with these twentieth century objectives, he cited the modern development of regarding drug addicts exclusively as patients, rather than criminals; the revision of our homicide statutes by the Model Penal Code; the possible extension of the coverage of the youthful offender law from nineteen to twenty-one; and finally, the proposed abolition of capital punishment.

The keynote of the address was that in this new synthesis of the law, rehabilitation which flows from forgiveness and retribution can not be accomplished without proof of guilt. It is precisely for this reason that proof must not be hedged about with overly technical restrictions by our courts. The District Attorney also pointed out that when guilty people successfully escape conviction by means of hyper-technicalities, they also escape an opportunity for rehabilitation. The ultimate effect is that society is being deprived of the deterring and beneficial effect of the criminal law.

Concluding with a vehement plea, District Attorney O'Connor, recognizing the preoccupation of most attorneys with the more lucrative practice of the civil law, strongly urged all law students to take a more active interest in the criminal law—already an orphan to most of the legal profession. "In this spirit let us restudy the old law in the light of a new age. Let us re-shape it to fit all the demands, and not just some of the conveniences of the time. For without sound weapons of investigation, there is no truth, no proof, no guilt, no forgiveness, no rehabilitation, no improvement, no happiness and no reality worthy of preservation and inheritance."



Frank D. O'Connor

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Punishment or Revenge

by STEPHEN KRESSEL

The capture of Adolf Eichmann generated renewed speculation about the nature of punishment. Eichmann became a focal point of this controversy because theoretically his fate depended upon resolving two things which he symbolized. He represented at the same time pervading commonness and monstrous criminality, that is, he was both flesh and utter folly. It was therefore not surprising that the proposals for dealing with him ranged from remorseless tortures to total forgiveness. But what was most disturbing about Eichmann was the realization that though he acted and looked ordinary, beneath his vacuous, clerk-like demeanor there reposed conscious culpability for enormous evil. The anxiety that the Eichmann trial sowed (particularly among Gentiles) underscores an essential consideration of the penal process—that villains are expected to appear villainous. Moreover, the more bestial and inhuman a felon seems the more readily society can disassociate itself from him and mete out punishment.

Satanizing the criminal, that is, casting him as a mere brute rather than a guilty person, has its obvious temptations. In the brute we never see anything of ourselves mirrored. Punishment and revenge become synonymous. Further, because punishment of the brute is devoid of logic, punishment need not fit the crime. Conversely, in recognizing that a large group or even a nation can be guilty of a crime, there is an equal danger in broadening individual guilt so that it becomes the guilt of all. In doing so, the individual miscreant is absolved of all meaningful responsibility for his actions. For example, it is understood that deprivation and degradation will breed crime. Society can very well be blamed for slums and prejudice. However, where there are other alternatives than crime open for hapless individuals, dilution of criminal responsibility is purchased at terrific cost. One of the glories of our law is that each man is accountable for his own actions. Men are deemed to choose the line of their lives and not to be like seaweed thrashed about and tossed in the billows. But if guilt is now collective, what is virtue's reward?

In the United States the penal process is said to have at its end multiple goals. Beyond retribution, punishment is represented as a warning to would-be offenders. Further, it is supposed to immunize society against repeated criminal acts. Finally, punishment ideally applied, according to theory, should heal and rehabilitate the criminal. Yet abiding doubts cast shadows on our penal theory and one of the areas we are most perturbed about is capital punishment.

Many voices have recommended the abolition of the death penalty. It is said, for example, that it is unequally applied, that those least able to afford qualified counsel are most likely to be executed, and that race, age, sex, and social position inevitably are stronger considerations than guilt in rendering his penalty. It is said also that it is immoral to take a guilty life and that the existence of a death penalty does not inhibit homicide. What is curious about all the above arguments is that there is at least one exception where death is still suggested. For example, in the current proposals to end electrocution in New York State, there is an added mandate of death for a convicted murderer who has murdered again. If it is really immoral to slay the killer, is it moral to slay twice-a-killer?

The strength of the penal process lies in the proper administration of criminal justice. The unspeakable and vile practices that have sullied our law warn us that we are not free from the weight of error. Our understanding is not so perfect nor are our judgments so clear that racks and scourges and whips, gouges and gas chambers, the shrieks and sobs of broken children can not still bear witness against us. Punishment is often necessary but there is no pleasure in it. It defiles captor and the captive.

Observation and Experience

Today, because our society relies so much upon the activities that occur in the court room, thought should be given to a program that will educate newly admitted members of the Bar to the complexities of trial technique. A graduate, just out of law school, is usually not equipped to actually try a case in a court of law, since most law schools do not provide extensive training in trial technique beyond Moot Court programs. It is true that the graduate is grounded in the theoretical legal problems that a particular case may present and in the applicable substantive and procedural law. It is also true that he probably is well versed in the law of evidence which forms an integral thread throughout the course of a trial. But it is one thing to know the law in the abstract and another to apply it in a court room; for the environment surrounding a trial is quite different from the quiet of a law office or study.

A trial forces an attorney to meet his opponent in open combat, where quick thinking and instantaneous response is the order of the day. It is only through a long and arduous period of observation and experience that one becomes skilled in such techniques as the art of conducting a direct or cross examination, of making proper objections to evidence that is being introduced, of making motions, and of persuading a judge or jury to decide in one's favor. But in the meantime, the clients of the inexperienced practitioner will be forced to bear the pecuniary burden and criminal punishments that an otherwise avoidable error in a trial can bring.

At present, there exists in New York a voluntary educational program under the auspices of the New York State Association of Trial Lawyers to educate attorneys in trial techniques. This program is conducted on a seminar and lecture basis. While much can be said for this project, it is not wholly satisfactory in that it is voluntary and does not encompass observation coupled with practice.

Thus, it is of major importance that a far more comprehensive program be instituted to provide the neophytic attorney with the fundamentals of court room techniques so that the theoretical knowledge he possesses and the practical knowledge he does not possess may be fused. Such a program should be compulsory for those who desire to practice as trial lawyers.

Recently, Justice Louis B. Heller, of the Supreme Court Kings County, submitted an article to the New York Law Journal in which he outlined such a program. Justice Heller proposes that a mandatory observation period be instituted for those wishing to practice as trial lawyers. This observation period would total 300 hours, of which 200 hours would be devoted to civil trials and 100 hours to criminal trials. The observer would spend allotted time observing various portions of a trial and especially the technique of chosen trial lawyers. Attendance would be recorded and credited to the required number of hours. Those who desire to restrict their practice to the civil area would be required to register for the 200 hour observation period, while those who wish to practice in the criminal field will only be required to enroll for the 100-hour observation period. Persons interested in both criminal and civil law must register for the full 300 hours.

Justice Heller's proposal has much merit. It offers a sound program to educate the neophytic practitioner in the essentials of trial technique. It will enable the newly admitted attorney to enter the judicial arena equipped with the fundamental skills of an advocate. However, there is no substitute for actual practice in the trial court. Thus, a program in which the newly admitted attorney, under the strict guidance of specially chosen trial lawyers, can be given an opportunity to observe and to assist in the trial proceeding itself will be of invaluable benefit. It may be possible, with the opportunity for supervised trial practice, that the number of hours to be spent in pure observation can be reduced. Such a program has been adopted at Georgetown University, and is used in practice in the District of Columbia.

Whichever program is better suited to the needs of the newly admitted lawyer, the simple fact remains that something more than the present voluntary program is needed. A beginning must be made toward an effective compulsory post-graduate teaching program, and that beginning should be now.

R. G.

STUDENT PROFILE

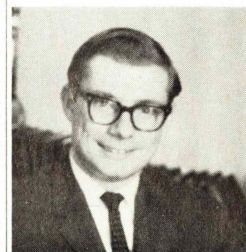
by LESLIE MOLLIVER

Brian Goldstein entered Brooklyn Law School in September 1962, after completing his undergraduate studies at Brooklyn College, where he majored in Political Science.

His initial educational interest was directed toward the dental profession. In his third year of college, however, he decided to study law.

Since his admission to Brooklyn Law School, Brian has engaged in numerous activities. During his second and third years he worked as a student librarian and as a student-aid in the Bursar's office. In his second year of study, he was appointed Features Editor of *The Justinian* and subsequently became Co-Editor in Chief.

"*The Justinian*," says Mr. Goldstein, "is an ideal means by which interested students can express their ideas on subjects of current interest to the legal profession. Past contributors to the paper will bear witness to the sense of gratification which one derives from the publication of one's literary effort."



Brian Goldstein

Brian has taken part in the Brooklyn Law School Honor Program where he prepared a series of selected citations and excerpts from the opinions of the late Mr. Justice Frankfurter. This conscientious project will be used as an aid to contributors in a book which is being written in honor of the late Supreme Court Justice. The volume is being edited by Prof. Morris D. Forkosh.

Mr. Goldstein's interests extend beyond the academic, for he recognizes his civic responsibility as well. He is an assistant scoutmaster for a Brooklyn Boy Scout troop and during recent summers he was director of pioneering and outdoor camping at a boys camp in Massachusetts. During his spare time, Brian finds relaxation in playing folk guitar and singing.

After graduation, Brian will enter the New York University School of Law for graduate study leading to an LL.M. in corporate law.

When asked what advice he has to offer his fellow students, Brian responded, "The key to success is devotion to one's studies and active participation in the many extra-curricular activities which are offered at our school. For only by contribution can one gain professional recognition and a sense of personal satisfaction."

If it were possible to characterize Brian with one word it would be integrity, for he is both a devoted student and a responsible citizen. He will undoubtedly contribute significantly to his profession and to his community.

Capital Punishment

by STANLEY A. ORENSTEIN

Today, the New York State Legislature is confronted with the perennial issue—is capital punishment a vestige of our antiquated heritage or a useful weapon in the war against anti-social behavior?

This article will briefly consider the present status of the death penalty in New York and the arguments for and against abolition.

New York has limited the imposition of the death penalty to three crimes: kidnapping (Penal Law § 1250), first degree murder (Penal Law § 1045) and treason (Penal Law § 2382). The imposition of death in the cases of murder first and kidnapping was made optional with the jury by the 1963 amendments to the Penal Law. Death, however, remains mandatory for the crime of treason. The New York Temporary Commission on Revision of the Penal Law and Code of Criminal Procedure has recently recommended the abolition of capital punishment, but not without several dissenting voices who desire further consideration of the issue.

The New York Legislature has now before it several bills which seek to abolish the death penalty. Yet, such measures have often before been recommended and failed. Professor Hugo Bedau attributes the failure of the reform movement to the very fact that the reforms themselves, "have mitigated the rigidity and brutality of this form of punishment to the point where the average citizen no longer regards it as an affront to his moral sensibilities."

The following is a summary of the major arguments both for and against the abolition of capital punishment—the deterrent, retributive and rehabilitative arguments.

The proponents of capital punishment insist that logic will support their argument in that a man who is aware of the existence of severe penalties will be more inclined to restrain himself from critically injuring another because of fear of the awful consequences which await him. Furthermore, there is no definite proof that the death penalty is not a deterrent, for no statistics are available (or indeed possible to obtain) which show the number of individuals who are not on death row because of the deterrent effect of the death penalty. Additionally, that the death penalty is seldom used argues for its retention, not abolition.

The abolitionists argue that the theory that the death penalty deters because it inflicts fear in the would-be malefactor is fallacious for most crimes for which the death penalty is imposed are crimes of passion or those committed by the medically insane. Furthermore, the criminal mind is not so rational that it can objectively analyze the likelihood of success against that of failure and its consequences. And furthermore, since so few individuals are actually executed and since the punishment is meted out not in the public square but in the privacy of the prison, it is unlikely that the minds of would-be malefactors (most of whom are not professional criminals in capital cases) are influenced at all. And additionally, statistics reveal that the abolition states generally have lower per capita homicide rates than the death penalty states.

The proponents of capital punishment argue that society is morally justified in taking the life of the criminal who has so deviated from society's norms as to warrant only the severest of penalties. That capital punishment seems inhumane is no more so than the willful commission of murder or other heinous crimes upon the innocent. The community's need of justice warrants the infliction of the death penalty, and since private revenge is disruptive of the social order and does not provide the accused with the opportunity for due process protection it is proper that the judicial process attend to this need. It is the function of the law that it reflect the feelings and demands of the community. And for those who decry the miscarriages of justice that have been occasioned by the death penalty let them realize that the fault lies not with the punishment but with the criminal system itself—the failings of the jury system, the inadequacy of available defense counsel, and the undue prolongation of trials.

The abolitionists argue that the theory of retribution is unsuited for a society that is predicated on a system of law which is formulated upon reason and logic, that the taking of life degrades mankind no more so when the life is that of an innocent than when it is that of a criminal. The infliction of death is final and unalterable and prevents the correction of any miscarriage of justice. In addition, the use of the death penalty discriminates against the lower socioeconomic strata of society as well as the minority groups. Men of wealth rarely receive the maximum penalty.

The proponents of retention argue that were we to substitute the life sentence for the death penalty we would be confronted with an increased problem of lack of discipline in our penal institutions. That the deviants who would otherwise be done away with would be unmanageable, that our penological facilities are inadequate to attend to the individual problems of these aberrants. Furthermore, lifers rarely serve entire terms so that to parole these individuals would be to let them loose to again prey upon society while to confine them for life without the opportunity of parole would create severe disciplinary problems. And if one speaks of humaneness, it would certainly seem more civilized to impose the death sentence on those deserving of it than to permanently confine a human being, without any hope of reprieve, in an environment where he can only regress. A swift painless death is decidedly more humane than a slow death from physical and spiritual degeneration.

The abolitionists argue firstly that if any defect in our penological system exists, then our resources should be devoted to its correction and not used as a rationale for needless execution. Furthermore, statistics reveal that those individuals whose death sentences have been commuted and those who have been paroled are less likely to recidivate than those who are imprisoned for the lesser crimes committed against property. It has been demonstrated that murderers are the best behaved prisoners despite popular belief to the con-

trary. Additionally, the state of our criminal law is such that persons who are medically insane and should be treated not as criminals but as persons with severe illnesses, are executed because they do not fit the antiquated and scientifically unsound definition of legal insanity.

As with any series of arguments one is inclined to adopt those which are most acceptable to one's particular intellectual and moral predilection. Therefore, the writer leaves the conclusion to the reader.

But what must come to all is a greater concern with the issues involved, as well as a more determined pursuit toward discovering the answer most beneficial to society and individual alike. The topic of capital punishment, as well as that of the entire subject matter of penology, is not merely of theoretical interest but is of vital concern to a civilization which predicates itself on a system of law and the sanctity of the individual spirit.

If we are to continue to ignore the criminal problems which confront our culture, or to seek solutions through our emotions rather than minds, then each of us is guilty of criminal neglect, and our generation too will stand condemned before the tribunal of posterity.

Spring Law Review

A memorial to the late Mr. Justice Frankfurter, written by Professor Samuel J. Konefsky, will be featured in the forthcoming issue of the Law Review. Professor Konefsky, of the Political Science Department of Brooklyn College, is currently Honorary Research Associate in Government at Harvard.

The leading articles, all contributed by members of the Law School faculty include: *Revocation of Wills and Related Subjects*, by Professor Samuel Hoffman. The article is one of a series of similar studies prepared by Professor Hoffman as a consultant to the New York State Temporary State Commission on Estates with a view to revision of the Decedent Estate Law. The article, in two installments, will conclude in the Fall issue of the Law Review.

The Parole Law Instruction in Capital Cases, by Mr. Ronald B. Sklar, is a study, "to determine what instruction would be appropriate under the Model Penal Code provision and New York Statute to assure presentation to the jury of the subject of parole in a manner fairest to the person on trial and secondly to consider the wisdom of submitting the issue to the penalty jury under any instruction."

Caveat Vendor: Interest as Imputed by the Revenue Act of 1964 by Mr. Robert L. Frouie discusses a new provision of the Revenue Act designed to eliminate previously existing loopholes and privileges in the tax law.

Books reviewed are, *Secured Transactions, The Right to Privacy, The Machinery of Justice in England*, and *Perspectives of Law, Essays for Austin Wakemans Scott*.

SBA Elects — NEW OFFICERS



Standing (left to right): A. Scheer, S. North, R. Lessner, J. Winograd. Seated (left to right): M. Krakower, H. Staller, M. Zalman, D. Stoll.

The election of officers for the Student Bar Association was held on April 8, 1965. The newly elected officers are as follows:

Marvin Zalman, President, graduated from Cornell University in 1963. Last year he was the treasurer of the Student Bar Association. Mr. Zalman believes that the Student Bar Association must play a more active role in student affairs by providing social and educational services which will benefit the students of our law school.

Howard Staller, First Vice President, graduated from City College in 1964. He is his class president.

Alan Scheer, Second Vice President, graduated from New York University School of Commerce in 1964, where he was elected to *Areopagus*, National Pre-Law Honor Society.

Joel Winograd, Treasurer, graduated from Long Island University where he was vice president of the Law Society. Mr. Winograd is his class treasurer and he is a Semi-Finalist in Moot Court Competition.

Richard Leshmower, Recording Secretary, is a graduate of Queens College where he was vice president of the Political Science Club, and a member of the Bench and Bar Society. He is class secretary and a member of the Scholarship Committee.

Doris B. Stoll, Corresponding Secretary, graduated from Hunter College in 1964. She is a reporter for *The Justinian* and is her class secretary.

Michael Krakower, Student Day Loan Chairman, graduated from Brooklyn College.

Steven North, Parliamentarian, graduated from City College in 1963 where he was President of the Interfraternity Council as well as President of the Honorary Leadership Society. He was Chairman of the Law Day Committee.

COURT VISIT

The Spring visit to the Supreme Court, Kings County, was conducted early this semester by Professor Richard T. Farrell. On this occasion the students entering the Law School in February, 1965, were invited to participate and they found it an exceptionally rewarding experience. One of the trials attended involved a defendant accused of the possession of narcotics who, although not a lawyer, was acting as attorney *pro se*. Justice John R. Starkey was presiding and warmly welcomed the visitors.

While any person may freely attend a trial as a spectator, he does not enjoy the benefits of these guided tours which provide lecture material by way of background, special seating arrangements, and other advantages. The programs are carefully pre-arranged by the Law School and the Court. The accompanying picture shows a recent planning session. Court visits of this type could not be what they are without the co-operation given by Justice Di Giovanna who lends his authority, Mr. Mangano who provides the smooth administration, and the inimitable Mr. Solodkin who breathes life into the program.



(Left to right): Assistant Dean Gerard A. Gilbride; Professor John J. Meehan; Justice Anthony J. Di Giovanna, Chairman of the Board of Justices of the Supreme Court; Hon. James V. Mangano, Administrative Director of the Court; and Charles Solodkin, Esq., Director of the Court Tour and Seminar Program.

ALUMNI IN CURRENT NEWS

(Continued from page 1)

The learned judge cited the old English cases

And finally held that the contract was sound;
"A promise, or money, is certainly valid,
But acts or forbearances can hold one bound."

If one likes a drink, or a hand of stud poker,

(Which none may deny is his good legal right)
And if he abstains in return for a promise,

A contract arises, to which he's held tight."

If you make a promise, and if you're held to it,

Remember what happened to Story's estate;

So come down to Brooklyn, enroll in our Law School,
And learn some defenses before it's too late.

— Morton J. Siegel

1932

SAUL MOSKOFF was recently sworn in as a Judge of the Family Court. Judge Moskoff was a former Corporation Counsel of the City of New York.

EDWARD SCHUBERT is an attorney with the Law Department of the City of New York.

1933

LUCIE S. JUROW has been awarded by the Brooklyn Law Review Alumni Association an

Honorary Law Review Membership Award. Mrs. Jurow is the Librarian of the Brooklyn Law School library.

1936

IRA H. SMITH is a member of the legal staff of Eastern Air Lines. He will receive his LL.M. from Brooklyn Law School in June.

1939

DANIEL H. BOBIS was recently elected President of the New Jersey Patent Law Association. He is patent counsel of the Worthington Corporation.

1941

JOSEPH B. FORMAN is a member of the legal department of General Electric Co., Inc.

1950

JOHN LIVINGSTON is in the Engineering Services Research Department of General Electric Co., Inc., in Oklahoma.

1958

PAUL HOFFMAN is a member of the legal department of General Electric Co., Inc.

1961

PAUL E. FITZMORRIS has become a member of the firm of Marshall and MacDevitt.

ADAM KANAREK is with the New York City Rent and Rehabilitation Department.

1962

MARTIN LIGHT was recently sworn in as an Assistant District Attorney in Kings County.

1963

CARL SAKS is with the New York City Rent and Rehabilitation Department.

1964

VICTOR M. BERGER is an attorney with the Federal Communications Commission, Office of Satellite Communications, in Washington, D. C.

ROY BROUDNY is an Assistant District Attorney in the Appeals Bureau of the Bronx District Attorneys Office.

JEROME B. EISENBERG is a member of the Law Department of the City of New York.

MICHAEL ROSEN is an Assistant United States Attorney, Eastern District of New York.

Homecoming Celebrated

The Brooklyn Law School Alumni Association held its sixth annual Homecoming Day celebration on April 7, 1965.

Dean Prince noted that the construction of the new Brooklyn Law School, to be located on the site of the old Supreme Court building, is to commence in the very near future.

At the conclusion of Dean Prince's address, guest speaker Hon. Hyman Barshay '22, Justice of the Supreme Court, Kings County, lectured on The Trial of a Homicide Case. As an illustration, Judge Barshay used the much celebrated case of *People v. Feldman*. Judge Barshay had

Necrology

Leslie J. Flower, LL.B., 1935, LL.M., 1936, was a specialist in domestic and international tax law.

Abraham G. Grayzel, LL.B., 1920, graduated from Brooklyn Law School cum laude. After a period of private practice, he became a member of the City Sheriff's legal staff and chief legal advisor to the New York County Division of the City Sheriff's Office.

Arthur D. Herrick, LL.B., 1929.

George Macy, LL.B., 1941.

Charles H. McCarty, LL.B., 1904.

Quentin Reynolds, LL.B., 1931, LL.D., 1942, famed author and war correspondent. Mr. Reynolds spent most of World War II in Europe as a war correspondent for *Colliers*. During the war he participated in several British Broadcasting Company propaganda broadcasts to Germany telling the Germans that the British would ultimately win the war with the United States at her side. Mr. Reynolds is famed as an author. He had written *The Wounded Don't Cry*, *Convoy*, *The Curtain Rises* and *Officially Dead*.

Minnie R. Schwartz, LL.B., 1922, was Legal Counsel, Enforcement Division, Treasury Department. She was a charter member and former president of the Brooklyn Women's Bar Association.

Paul R. Silverstein, LL.B., 1927, practiced real estate law. It is to be noted that the late Mr. Silverstein, in 1948, successfully contested for the first time in New York a restrictive covenant prohibiting selling property to Negroes.

Hon. Milton M. Wecht, LL.B., 1925, active in Iota Theta Graduate Association.

Bernard Weiss, LL.B., 1928, LL.M., 1930, was a tax accountant and attorney for the Internal Revenue Service before entering the private practice of law. He was active in the Loyal League Philanthropies, Inc., which promotes the welfare of children.

Edward Weiss, LL.B., 1935, was President of his own advertising firm.

been trial counsel for the defendant upon the third trial of this case.

Judge Barshay emphasized the necessity of careful preparation. Particular emphasis was placed upon

the importance of facts in a case of this nature, for this, combined with a well organized presentation, lends itself to a persuasive argument before the jury.

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