

# The Justinian

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## The Justinian

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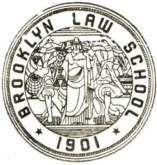
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# The Justinian

Member of American Law Student Association



VOL. XXVI, NO. 4

BROOKLYN LAW SCHOOL, BROOKLYN, NEW YORK

MAY 13, 1966

## Select Six BLS Students To Aid Rights Campaign

by MARTIN ADELMAN

Six students attending Brooklyn Law School have been accepted by the summer internship program under the auspices of the Law Students Civil Rights Research Council. Four of the selected, Anne Garfinkle, Richard Westin, Maxa Scutzbank, second year students, and Steven Sandler, a first year student, will serve with the Christians and Jews United for Social Action, a civil rights-community action project in the Brownsville section of Brooklyn. All four of these students have volunteered considerable time in Brownsville over the last four months.

The summer work will require the interns to use their skills in researching legal problems in the fields of housing, consumer fraud and the problems which the indigent have with local, state and federal administrative agencies. Their duties will not be limited to legal research. They will also help formulate and effect new programs to continue the extension of legal aid to the indigent and will be joined by law students from Fordham, Rutgers and Columbia Law Schools in this task.

Mrs. Carol Lefcourt, a second year student, and Mark Grossman, a first year student, have been accepted as interns in the Appalachia program which has been founded by the Office of Economic Opportunity (OEO). They will spend approximately ten weeks in one of 44 selected communities in that region helping to organize, with OEO attorneys, programs for legal aid and legal education of the poor. All of the interns will receive salaries ranging from \$35 to \$60 per week, depending on need and where they will be located. Council will place approximately 120 law students from more than 40 law schools across the country in programs in the north and south as well as on Indian Reservations in the far west.

The BLS Human Rights Research Council has had over 30 students engaged in legal research on a voluntary basis for various legal aid groups across the country during the past semester.

Hal Mayerson, President of the BLS Council, in summarizing the Council's first year said, "In some ways we have had successes beyond our grandest dreams, but we have just scratched the surface. The job of next year's officers will be to extend and amplify on what we have begun." The programs he outlined included a broad-ranging speakers' program to bring attorneys and scholars from other fields to discuss the lawyers' role in the problems which are raised in the areas of civil rights, civil liberties, poverty and international affairs. We also hope that the Council will sponsor an extensive seminar program for its members."

## Scheer Elected SBA President

Alan I. Scheer, room 401, day, was elected President of the Student Bar Association at a meeting of the SBA, held Tuesday evening. (Continued on page 2)

## Judge Bernard Botein Commencement Speaker

Honorable Bernard Botein, '24, Presiding Justice, Supreme Court, Appellate Division, 1st Department will be the guest speaker and receive a Honorary Doctor of Laws Degree at BLS commencement exercises to be held June 14, 1966 at the Hotel St. George.

## Court Visit Joins Theory and Practice

by JEFFREY NOVIK

Professor William S. Herrmann, Jr., in cooperation with Honorable James V. Mangano, Administrative Director of the Supreme Court, Kings County, arranged for the students in his domestic relations class to combine theory with procedure, by visiting a term of the Supreme Court dealing with matrimonial actions, last March 29.

Prior to witnessing a series of uncontested actions for annulment and separation, in Special Term, Part V, before Justice Victor L. Anfuso, the students were wel-

(Continued on page 2)

## Beldock Stresses Attorneys' Duty To Project Respect For The Law

by HAROLD LEVY

"A Law Day celebration in a law school is an incongruous and unnecessary thing. It is certainly superfluous to remind law students of the concept of the law and the respect that we all must have for it."

This was the theme of the Law Day address by Hon. George J. Beldock, '24, Presiding Justice of the Appellate Division, Supreme Court, 2d Department, at the Law School on Friday, April 29.

Richard Leshnower, chairman of the Law Day Committee, opened the observance by reminding his audience of the theme of this very special day: "Respect the law; it respects you." Mr. Leshnower explained the devolution of Law Day into a national observance, intended to be a "reflection of what the law has accomplished."

Mr. Leshnower then introduced Dean Prince, who referred to the guest speaker as "in every sense a distinguished judge." Justice Beldock, who is vice-president of the Law School's Board of Trustees, served as interim District Attorney of Kings County in 1946. He was appointed and later elected to the Supreme Court in 1947. Appointed to the Appellate Division, 2d Department, in 1952, he has been Presiding Justice since 1962.

His unorthodox views on the questionable value of lecturing to aspiring lawyers on the importance of respect for the law were greeted with much favor by the listeners, who perhaps expected a somewhat stereotyped version of "the law is a wonderful institution" articulation, and were pleasantly surprised by the speaker's candor.

The jurist stressed the idea that we, as professional people, must be realistic in our approach to society, and must realize that the hopes and aspirations of the framers of our Constitution, for liberty and freedom for all men, have not yet been fulfilled. Symbolic representations, such as proclamations and special days are fine to some degree, he stated, but throughout the nation we must trans-



Justice Beldock pauses for a photo during the Law Day reception with Marvin Zalman, SBA President; Louis R. Rosenthal, Justinian Editor-in-Chief and Richard J. Leshnower, Law Day Chairman.

form theory into practice, and ideal into reality. Justice Beldock said that the biggest obstacle to such a goal was the gap in communications between the members of the legal profession and the lay public. The mass media, he said, must also play a large part in projecting the significance of the law, and respect for it, to the masses in the United States.

Justice Beldock also praised Dean Prince, the faculty, and the students, noting the excellent results of the Law School's graduates on the Bar Examinations every year. He concluded by expressing the wish that one day one of his audience might have the honor, as an attorney, judge, or legislator, of returning to the Law School and addressing an avid group of young men and women at some future Law Day observance.

## Complete Trial & Appellate Moot Court

by MICHAEL J. WALTER

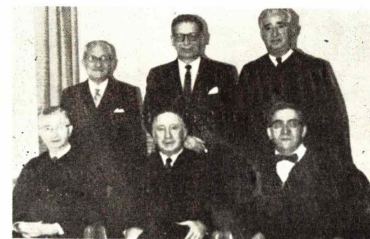
Paul Bergman, Arthur Chotin and Stephen Harmon will comprise the team representing Brooklyn Law School at the 1966 National Moot Court Competition in the fall. The three were chosen from a field of eight as the Annual Appellate Moot Court Program came to a close with the final round arguments on Monday, April 25. The program was under the direction of the Faculty Moot Court Committee, Professor Milton G. Gershenson, chairman. The case argued was one which cut across many areas of the law including contracts, conflicts and trusts.

One fault, which detracted from but did not mar the over-all success of the program was expressed in a criticism levelled by a participating judge, Professor Robert Hahl. He maintains that a rule should be effected requiring students who undertake the competition to complete it.

The five finalists who will not compete in September but who nevertheless were commended by the faculty for their efforts are: Daniel Bergstein, Daniel Bonchek, Richard Falick, Ronald Gallatin and Miss Helen Johnson.

The Trial Moot Court Program ended on May 7 with the presentation of six cases, four criminal and two civil, by twelve student "law firms" in courtrooms of the Kings County Supreme Court. The judges for this year's event were: Supreme Court Justices Mario Pittoni, Hyman Barshay, '22, M. Henry Martuscello, '30, Nicholas Pette, '12, David Malbin, '21 (acting) and Kings County District Attorney Aaron E. Koota, '27. The juries were composed of college students and BLS freshmen.

Professor Samuel Bader, speaking on behalf of the faculty committee, praised the participants for a job well



BEFORE THE TRIALS BEGAN: Supreme Court Justices Mario Pittoni, Hyman Barshay, M. Henry Martuscello (seated, left to right), and District Attorney Aaron E. Koota, Dean Jerome Prince and Justice David Malbin (standing, left to right), meet before the start of Moot Court trials at the Supreme Court.

done. Professor Bader stresses the importance of this realistic program which gives the student a taste of trial practice such as only may be obtained in a courtroom under "battle conditions."

The participating student attorneys were: Bernard B. Cohen, Joseph Lasky, Jerome Ebenstein, Edward Miller, Samuel Sitkoff, Howard H. Weisswasser, Robert M. Ornstein, Robert Pitter, Sterling Johnson, Jr., Martin Schnee, Frederick Cohn, Jerry Friedland, Stephen Finkelstein, Neal Forman, Jeffrey Berman, Perry F. Goldlust, Michael Pergament, Jeffrey B. Trattner, Saul Kobrick, Edward Lipton, Irwin Davidson, Henry R. Sobel and Barry Shinberg.



AT THE SUPREME COURT: Honorable James V. Mangano, Justice Victor L. Anfuso and Professor William S. Herrmann, Jr. (seated left to right) are joined by Mr. Max Hendler and Mr. Charles Solodkin (left to right).

# THE JUSTINIAN

PUBLISHED QUARTERLY DURING THE SCHOOL  
YEAR UNDER THE AUSPICES OF THE STUDENT

BAR ASSOCIATION OF

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## THOSE WHO SHOULD NOT SERVE

Few persons, with the exception of law professors, are as qualified as judges and legislators to draft amendments to the State Constitution. But judges and legislators, who are permitted to be delegates to the 1967 Constitutional Convention without relinquishing their respective offices, should not so serve.

By the nature of their respected positions, they would dominate the convention and the best interests of the residents of New York may be thwarted by the most fair minded and dutiful member of the judicial or legislative branch when amendments concerning these two offices are considered. Would a legislator-delegate vote for a unicameral legislative system? How would a jurist-delegate vote on the question of a changed retirement age for judges? After the convention, a jurist may be called upon to interpret an amendment he voted against. Where would he look for legislative intent?

Other unfavorable factors that a judge must consider are: In order to be a delegate he will have to run in a political election while performing judicial duties. He will have to give up at least three months of his time, precious time, while court calendars remain years behind.

The State Constitution expressly permits judges and legislators to hold office while running for and performing as a delegate to a constitutional convention. Although the Constitution permits it, it is not necessarily right.

## PUTTING OURSELVES DOWN

One profile of a BLS student: Dungarees, sneakers, tee-shirt or turtle-neck, no tie, no jacket; weather permitting, a ski parka.

Brooklyn Law School does not enforce regulations on attire but unless there is a change, such enforcement would not be an improper imposition. At N.Y.U., men must wear jackets and ties to class. At Fordham, a prominently displayed sign warns: "Male students must wear jackets in

the library at all times."

One distinguished BLS faculty member is less concerned about the state of attire itself than the lack of professional attitude which it indicates. BLS does not require appropriate dress, but one wonders how many students would appear in a court of law — or before the Character Committee — dressed as they are today. . . .

—Emily Novitz

## Law Review Editorial Staff Announced

The appointment of Richard M. Hoffman as Editor-in-Chief of Law Review has been announced. The following persons have also been appointed to the editorial staff: Robert M. Heier, Associate Editor; Alan A. Lascher, Research Editor; Robert Koppelman and Stephen F. Harmon, Decisions Editors; Ira Leitzes, Notes Editor and Barton P. Blumberg, Book Review Editor.

## Scheer Elected SBA President

(Continued from page 1)

May 10. Prior to his election, Mr. Scheer had been 2d Vice-president and American Law School Association Representative.

Also elected at the meeting were: Henry Hackel, 1st Vice-president;

Edward Gordon, 2d Vice-President; Peter Feilbogen, Treasurer; Herman Kotler, Recording Secretary; Bob Arcuri, Corresponding Secretary; Louis R. Rosenthal, Student Aid Chairman, Day; Randy Jackson, Student Aid Chairman, evening.

## Deposit 148 Pts. In Blood Bank

by PHIL SPERBER  
and LARRY SHERMAN

The collection of 148 pints of blood was made possible on March 14 by the Blood Bank Committee. Richard L. Rubin, chairman, noted that all good faith donors may donate at any of the hospitals listed on posters which are on the bulletin boards in each class room. They will have until July 1, 1966 to donate for credit. Further information may be obtained at the SBA office.

The committee, consisting of Richard L. Rubin, chairman, Barry Silber, Stephen Lusthaus, assistant chairmen; Gary Leven, William Peirez, Robert Stern, and Professor Morris D. Forkosh, faculty advisor, thank all donors.

## FRATERNITY BRIEFS

by MICHAEL MELLA

**Beta Lambda Sigma:** Beta Lambda Sigma held its annual dinner-dance on Saturday evening, April 23. Assemblyman Leonard Yoswein addressed the gathering of alumni and fraters.

**Iota Theta:** The following newly-elected officers of Iota Theta Law Fraternity were inducted at the Fraternity's annual spring weekend held at the Granit Hotel, April 1, 2, 3: Louis R. Rosenthal, Praetor; Lewis Reff, 1st Vice-Praetor; Jeffrey Gallet, 2nd Vice-Praetor; William Peirez and George Greene, Secretaries; John Jokl and David Singer, Treasurers; Gary Leven and Robert Dinnerstein, Sergeants-at-Arms; Stanley Michelman, Graduate Praetor; Howard H. Weisswasser, Graduate Vice-Praetor.

**Phi Delta Phi:** Newly elected officers of Phi Delta Phi, Evars Inn are: Michael J. Mella, Magister; Benjamin Caine, Exchequer; Donald Perry, Clerk; Angelo Baldi, Historian.

## SBA President

## Like Truman: He Sort Of Fell Into It

by EMILY NOVITZ

Marvin Zalman has been described by fellow-students as "The Establishment." At Cornell, where he majored in history, he was not interested in campus politics. Mr. Zalman did, however, head two Democratic wards in Republican Tompkins County. Entering Brooklyn Law School, he attempted to establish a Young Democrats Club, but observing that his classmates were less than enthusiastic, he confined his week-day politics to the Student Bar Association. After serving as a freshman officer, Marvin Zalman became Treasurer of the Student Bar of which he is now President. His comment on becoming President: "I felt like Harry Truman; I sort of fell into it."

President Zalman describes SBA as primarily a service organization and a liaison between the student body and the administration.

"One of my prime functions," continues the graduating senior, "is that instead of going to Dean Gilbride with their problems, the students come to me."

Marv is not altogether satisfied with the functioning of the Student Bar Association which he

says is "caught up in a constant search for an effective, efficient way of operating." The basic problem is communication. When the Student Bar has planned programs, the news often fails to reach the students because of lack of typists, lack of bulletin board space, lack of time for announcements.

Student loans, the blood bank, the pending health insurance plan, are all SBA programs with which Marv is rather pleased. He is also eager to have a film series, but in discussing the March screening of "Gideon's Trumpet," Mr. Zalman pointed out that he personally had to operate the projector because of the difficulty of getting student cooperation.

Would it be possible to plan frequent talks by legal authorities and scholars? Marv pointed out when Dean Roscoe Pound visited the school in 1962 many auditorium seats were empty, an embarrassment to the sponsors.

Marv each term reads about 15 books, "mostly history and novels." Of the effect his Student Bar activities and his many personal interests would have on the job market, the prospective trial



Members of the Editorial staff of the Justinian surround Editor-in-Chief Louis R. Rosenthal (seated center), after completing the final edition of the Justinian for the academic year. Seated alongside Mr. Rosenthal are Associate Editors, Emily Novitz and Harold L. Levy. Standing are Ben Caine, Donald Miller, Angelo Baldi, and Marvin Rosenberg, Assistant Editors, and Jeffrey Gallet, Managing Editor. Missing from the photo is Assistant Editor Joel Winograd.

## Theory With Practice

(Continued from page 1)

came by Mr. Mangano and appraised of the technical and procedural aspects of Special Term, Part V by the Clerk of the Part, Max Hendler. Mr. Hendler, '30 is Associate Editor of McKinney's Matrimonial Practice Volumes and an author in the field of domestic relations.

Justice Anuso commented to the visitors on the seriousness of the proceedings they were about to witness and stressed the attorney's duty of loyalty to his client and duty to the Court as an officer of the Court.

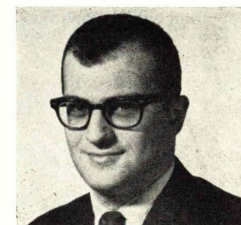
When the motion calendar was disposed of, Mr. Hendler reviewed the proceedings and answered questions.

Professor Herrmann expressed a special thanks to Mr. Mangano, Mr. Hendler and Mr. Charles Solodkin, Director of the Court Tour Program for making the visit possible and worthwhile.

## Ode To A Flunkout

by RICHARD I. MESH

You arrive at BLS with great expectations  
Away from the draft board and other frustrations  
Sack out all day and talk to your buddy  
Complain the lounge is no place to study  
Unbeknownst to you and to great surprise  
Unc' Sam is watching with all-seeing eyes  
You sit at the Rose and wonder and pray  
How will your Fs ever turn into As  
At last you find you're a goof-off at heart  
And you might well be first one to depart  
You come home for good as low as can be  
A letter is waiting from Wash. D.C.  
In midst of battle with things far from best  
You wonder why you didn't try harder at BLS



Marvin Zalman

attorney said, "the first thing an employer looks at is probably your grades, but in the long run I think it's what the whole person offers."

Tucked away in a corner of the Student Bar Association office is a suggestion book which has been passed on from one SBA president to another; most of the pages are blank, but the outgoing President revealed to The Justinian one of the inserts he is planning. Next year's President may find a proposal for official "seminars" designed to let students express their complaints, gripes, and "generally let off steam."

## THREE PROFESSORS: 127 YEARS WITH BLS

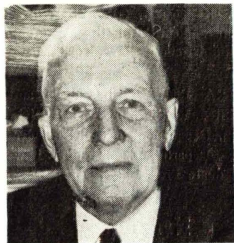
by LOUIS R. ROSENTHAL

Today, the names Roy Fielding Wrigley, Donald Farrington Sealy and Robert Reuben Sugarman bring to mind certain courses in the present law school curriculum: Professor Wrigley, property and sales; Professor Sealy, torts and trusts; Professor Sugarman, agency, partnership and evidence clinics. However, these three men, not one of whom had intended to make a full time career of teaching law, have taught at Brooklyn Law School a combined total of 127 years without there being

an area of law in which at least one of them has not instructed, have more in common than the fact that they are recognized legal educators, authors and distinguished members of the Brooklyn Law School faculty.

Each of these three men served in the armed forces during World War I. Each of these three men has seen the Law School develop and flourish, dwindle and despair during World War II and grow and flourish once again to a new high standard. Each of

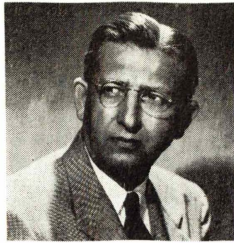
these three men served under Deans Richardson and Carswell and now serve in the administration of Dean Prince. Each of these three men has taught in the Brooklyn Eagle Building and Richardson Hall and now witness plans for the Law School to occupy a new home soon to be constructed. Professors Wrigley, Sealy and Sugarman: three men who bear witness to three eras in the history of Brooklyn Law School.



Roy Fielding Wrigley



Donald Farrington Sealy



Robert Reuben Sugarman

Born in Albion, Indiana, Roy Fielding Wrigley followed in his father's footsteps, when upon his graduation from the University of Wisconsin in 1914, he decided to become a lawyer. He earned his law degree at Harvard Law School in 1917. After serving approximately two and a half years in the Army, first as Infantry Lieutenant and then as a Captain in the Adjutant General's Office, young Wrigley came to New York to pursue a career as an attorney. His teaching career started quite by accident.

One of his colleagues suggested that Wrigley should take Dean Richardson's course in evidence and Professor Carmody's course in pleading and practice at Brooklyn Law School before taking the New York Bar examination, which he did. As he was leaving the classroom one evening, Dean Richardson called Wrigley to the desk and asked whether he had ever done any teaching. His reply was: "No, except in the Infantry School of Arms of the 84th Division at Camp Zachary Taylor." The Dean said he had noticed that when Wrigley recited, the rest of the class paid close attention. He then stated: "Come to see me next Fall. I think I would like to have you do some teaching for me." Wrigley did so, and that was the beginning of a teaching career which has lasted, so far, for 46 years.

When Professor Wrigley began teaching in 1920, there were no casebooks as we know them today. All cases that were assigned and discussed in class had to be prepared in the library. Soon to remedy this situation, Professor Wrigley, together with Professor Humble, published, in 1927, *Selected Cases on Contracts*, one of the earliest casebooks to be used in the Law School.

Professor Wrigley has also published *Cases and Materials on the Law of Property, Part I and Part II*, now in the second edition, 1949, (both supplemented and in use today), and a pamphlet, *Supplementary Cases and Materials on the Law of Sales*, 1965.

While teaching at the Law School, Professor Wrigley has been and still is actively engaged in private practice.

While acting as Research Counsel for the Temporary State Commission on Estates, he prepared, among other studies, one entitled "Small Estates—Settlement Without Administration," on the basis of which he drafted Article 8B of the Surrogate's Court Act which was enacted by the Legislature.

Although he is reputed to have been an All American Guard and champion wrestler during his college days at Yale, Professor Donald Farrington Sealy never attended Yale and while he did graduate from

Columbia University in 1918, he attended that school during its ban on football. He did, however, play basketball and handball during his undergraduate days and later took part in BLS faculty-student basketball games.

Upon his graduation from Columbia, young Sealy entered the Navy and served until armistice when he returned to Columbia for an M.A. in English. After earning that degree and working for a Brooklyn attorney, he attended Brooklyn Law School, but then decided to transfer to Columbia Law School which gave him full credit for his courses at BLS.

Admitted to the New York Bar in 1923, he joined the Brooklyn Law School faculty in 1924. At first, Professor Sealy had no thoughts of a full time teaching career and maintained a private practice until 1938 when he assumed a full teaching assignment. In 1946, Professor Sealy became Director of Brooklyn Law School's graduate division, a post which he holds today while actively maintaining his professional duties in the undergraduate division.

During his distinguished career, Professor Sealy has authored: *Selected Cases on Damages* (with Wilbur Humble), 1928; *Selected Cases on Bailment and Carriers Including Innkeepers*, 1927; *Outline of Persons and Domestic Relations*, 1929; *Cases on Trusts*, 1931; *Cases on the Law of Persons and Domestic Relations*, 1934, 2d Ed. 1936; *The Law of Torts*, 1939.

Chief Mish-E-Nah-Mo as he is known to the Grand Council of Full Blooded Indians, or Professor Robert Reuben Sugarman as he is known at Brooklyn Law School, joined the faculty in 1927 after earning from BLS, an LL.B., cum laude, in 1926 and a J.D., summa cum laude in 1927. Service in the Army interrupted his undergraduate studies at City College where he earned an A.B. degree in 1920.

Professor Sugarman, a member of the Committee on Character and Fitness of the Appellate Division, 2d Department, has served as Chancellor of the Philomonic Council, the legal honor society of Brooklyn Law School, since his election to that post in 1935. He was instrumental in 1930, in forming the moot court program in conjunction with the evidence clinics course and also in 1930, founded the City College Club of Brooklyn Law School which for many years, particularly during the depression, offered scholarships to worthy students in financial need.

Professor Sugarman, who maintains a private practice, is the author of *The Law of Partnership*, and *Cases in the Law of Agency and Partnership*, recently revised, 4th Ed.

studied law during the depression 1930s when the school had four two hour sessions. Professor Sealy contrasts the philosophy of a young man with legal training on working for the government during that difficult financial period and today. As he recalls, the idea of working for the government, then, was a last ditch desperate move. A marked contrast with today's ideas. Professor Sealy also recalls that many persons in the real estate business,

finding themselves without clients during the depression, turned to the legal profession.

During World War II, the student body of the Law School faded to almost zero and the now famous, almost legendary story of Professor Sugarman's dwindling class will illustrate the situation during the war years. It seems that one of Professor Sugarman's classes, not too large in number to begin with, had been steadily dwindling, because of the

## "And the Lord raised up judges . . ."

(Old Testament, JUDGES, Chap. II, S. 16)

by BERNARD B. COHEN

What qualifications should a judge possess? Statutorily, other than the requirement that he be an attorney in good standing and admitted to practice for a minimum of ten years, they are none. Who should select judges and judicial candidates? Who should advise the Mayor as to which attorneys should be appointed?

Some believe that it is an inescapable fact, which must be reckoned with before discussing or attempting to solve the problem, that a judge is selected by politicians in the labyrinth of the political arena. Is selection however, 99 times out of 100, a political decision?

The Mayor does not need anyone's approval of his judge-designate. But public pressure and the general awareness of the voters may cause him to disregard a political party leader's request for the appointment of a mediocre attorney to the bench. Mayor Lindsay's desired solution to the problem, is a non-partisan board to which he appoints seven persons, including its chairman, and the Presiding Justices of the First and Second Departments of the Appellate Divisions each appoint four persons. The board, known as the "Mayor's Committee on the Judiciary," is not, despite the criticisms levelled against it, a myth. The Committee maintains a suite of offices at 36 West 44th Street, New York City. The Committee's purpose is to accept a list of names from the Mayor of possible judicial designees, and then to submit to the Mayor not more than five names as recommended for appointment chosen from among the list of names submitted by him. The Mayor then selects one name from those recommended to him by the committee, submits it to the Bar Associations for screening and approval, and thereafter makes the appointment; more often than not, the appointed designee is the Mayor's original choice. This is not a solution, it is merely an allegation thereof. The inexplicable problem of *from where shall the designee be chosen* remains unsolved.<sup>2</sup> Professor Joseph McLaughlin, the Executive Secretary to the Mayor's Committee on the Judiciary, has said: "... There is a need for a Committee on the Judiciary." The present 15 members of the Committee are leaders of the Bar, whose recommendations the Mayor has pledged to follow. "... Persons in politics," says Professor McLaughlin, "should not be barred from serving as judges, nor should politics automatically be a criteria for appointment; rather, only those competent should be appointed."

There is another inescapable fact in this analysis, and that is: there is nothing inherently evil or war effort, to the point that there was only one student left in it. Well a student is still a student and the Professor stood at the lectern and began his class. Toward the middle of the lecture, the time came for a recitation on the student's part. One can almost picture and hear the scene: Professor Sugarman firing a colorful and descriptive fact pattern shock full of extracts of thesaurus, Sugarmanisms and double negatives. The student's reply? Un-

wrong in designating judicial candidates or selecting judges recommended by political organizations. The appointment or designation as a candidate follows years of service to a party, fealty to an idea and long and hard work for a constituency. The bench is often the capping of a career of public service. And therein lies the crux of the dispute; the designee need not have been an active practitioner of the law, he might be totally unfamiliar with the daily judicial process. He may have been a legislator, administrator, political leader or even a businessman. He may be unprepared and unqualified to don the robe of office; or may be eminently qualified.

The alternative offered by the Bar Association of New York City presents similar if not greater questions of partisanship.<sup>3</sup> From where shall the Association of the Bar select its designees? Will the Bar Association publish notice of vacancies in the *Law Journal* and have every aspirant file a resume and then screen each and every potential adjudicator?<sup>4</sup> Will not the Bar Association's select inner group suddenly flex the power in the new found muscles and have their meeting rooms become the new "clubs" and they the powers to be reckoned with? To believe otherwise is to ascribe superhuman qualities to such men; and if they do possess such powers let them actively partake in the affairs of the public by pursuing careers in public service where such talents can do the most good.

The perfect judicial candidate or designee should have a working knowledge of the law required by actively practicing law in such a manner as to have familiarized himself with the intricate judicial process, an understanding and appreciation of the bench from both its sides, and as a separate but most essential requisite, must have, that indefinable but evident when in existence, judicial temperament. He must further be, like Caesar's wife, above the suspicion which attaches to every man living not by bread alone. Such candidates or designees could and do come from political organizations. The Bar Association must accept the glaringly obvious fact that not all clubhouse associated attorneys are mediocre.

The ultimate objective, to remove judges as far as possible from political control, not affiliation, must be and is kept in sight. However, no attempt should be made to make an instantaneous and complete overhaul of the present process of appointing judges. The steps to be taken to effectuate the change must be short and

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prepared, sir! So ended the class.

As to the difference in the character of the student body over the last 40 years, Professor Sealy finds it to be "the same and very different." He points out that very few of the students during the 1920's and 1930's were married and almost all of them worked full time while attending school. He also believes that yesterday's and today's students

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## Profile:

## Bob Pitler: "My Friends Call Me Robert"

by EMILY NOVITZ

Success in law school is not all that matters to Robert M. Pitler; he's only second in the class of '66. Furthermore, it is not true that he's been a straight A student—Bob Pitler ("My friends call me Robert") has gotten six Bs.

Mr. Pitler, who is Editor-in-Chief of the Law Review, suspects that his image is of one who constantly studies. The graduating senior denies that he does, although he spends an average of ten hours a day in school.

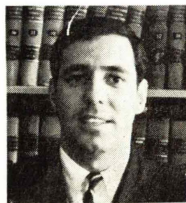
The high-ranking student, who majored in accounting and political science at CCNY says "social life has no real purpose for me and ended with college." But he does make time for non-academic interests and pursues them with the exacting thoroughness he manifests in the study of law. Mr. Pitler reads four newspapers every day (The New York Law Journal was not mentioned), is a great sports and theatre enthusiast. His theatre tastes are extremely critical, but those dramas he likes — particularly Edward Albee works — he sees no less than three times.

"What Brooklyn Law School needs," says the future University of Michigan graduate fellow, "is to take a look at itself, re-evaluate the education it's giving, and make sure it's a proper one." In appraising BLS, Mr. Pitler said,

"You can't change a school by moving into a new building. The biggest shame would be to go to the new building without a re-evaluation of the admissions standards and the direction in which we are going. And there can be no real re-evaluation without considering student opinion."

Student opinion was generously forthcoming as Mr. Pitler was interviewed in his sixth floor office. "People passing the bar isn't a valid reason for existing," stated the crew-cut senior, discussing the impressive 90% of last year's graduates who passed the bar first time around. "We are here for a broad legal education."

Given an opportunity to express his dreams for the school, the Review editor openly yearned for a university affiliation, which would be more conducive to seminars and electives rather than the concentration on required courses. Mr. Pitler would greatly expand the study of Constitutional Law; in fact, he envisions an entire course on the First Amendment. Mr. Pitler thinks that Moot Court should be a mandatory one-year course replacing Legal Research and Brief Writing. He'd like to see the Law Review published a minimum of three or four times rather than twice yearly and would have one issue devoted to a particular area of the law.



Robert Pitler

Mr. Pitler would like to see the BLS placement service enlarged. He thinks one obvious reason BLS graduates are not usually hired by the major law firms is that their recruiters are not invited to Pearl Street. "The students are capable of doing work for the best law firms but they rarely attempt to get those jobs; if they try and fail, then the school had better examine itself." One gets the impression from Mr. Pitler that any Wall Street law firm would be pleased to hire him.

Robert Pitler candidly states that he puts himself first at all times, and in all situations. A person with tightly controlled emotions, Mr. Pitler analyzes his every act in terms of what it will do for him and has often been criticized for this. "It's one value judgment after another," says Robert M. Pitler. "I recognize that which other people see in me, but would do nothing to change. I am satisfied."

## Three Professors

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both share the same eagerness to learn the law.

The 127 years of countless class hours that these three men have so far given to the legal profession can never be accurately assessed in a material vein, nor should they be only materially measured. Who can say how many of BLS graduates that are the now famous and successful attorneys, distinguished law professors and public servants of the law and shapers of society including administrators, legislators and judges, didn't cut their legal teeth under the guidance of these men? Professors Wigley, Sealy and Sugarman continue on in this role.

## ALUMNI IN THE NEWS

1931  
LYMAN A. GARBER is the author of a recently published book, "Of Men Not of Law."

1933  
JOHN J. SCOTT, general counsel of Socony Mobil Oil Company, is heading the petroleum division of The Legal Aid Society's 1966 appeal for Funds. He is a past editor of the Brooklyn Law Review.

1948  
IRVING J. APPLEBAUM has been appointed an Assistant District Attorney, Kings County.

1948  
BERNARD M. JAFFE has been elected secretary and house counsel of Sun Chemical Corporation.

1949  
THEODORE MANN is a co-founder of the Circle in the Square, which celebrates its 15th birthday this month.

1956  
DAVID N. DINKINS is an Assemblyman, 78th District, New York.

1959  
THERESA A. MARMO has joined the Bulova Watch Company as House counsel.

1963  
RICHARD M. NICOLL has joined the staff of the Legal Aid Society.

1964  
DARRELL MCGOWAN is now a Special Agent with the Internal Revenue Service.

1965  
GERALD S. KIRSCHBAUM has joined the Legal Aid Society, Criminal Division, in Nassau County.

1966  
SETH NATTER has accepted a position with the Patent Office in Washington.

1966  
VINCENT J. GRAYSON has been appointed to the Veterans Administration, New York.

1966  
IRA POSTEL has been appointed to the Anti-Trust Division, Department of Justice under the Department's Honor Law Graduate Program.

## Necrology

O'Brien, Herbert A., '12.  
Steinfeld, Jacob, '19.

Katzka, Emil, '22.

Ollife, Hon. Lewis, '26,  
Justice, New York State Supreme Court and former Assemblyman.

Deitch, Morris, '30.

## Civil Rights Conference Report

More than 20 BLS law students and alumni attended a conference at the Yale Law School on *Southern Law Enforcement and Civil Rights* sponsored by the Yale Law Students Civil Rights Committee held on April 1-3. The conference dealt in detail with the issue of whether there is a need for new civil rights legislation or whether better enforcement of what is now on the books is necessary. It was generally agreed that both are necessary.

The 200 lawyers and students who attended heard Yale Law School Dean, Louis Pollack, University of Pennsylvania Law School Professor Anthony Amsterdam and Congress of Racial Equality Chairman Floyd McKissick. It was pointed out that *Brown v. Board of Education* is the law, but *Plessy v. Ferguson* is the fact because less than 1% of the schools in the deep south have been integrated since 1954. Chuck Morgan, a lawyer with the American Civil Liberties Union in Atlanta, Georgia, while speaking of the need for legislation in the area of jury reform pointed out that Negroes are discriminated against not only in criminal prosecutions but "a white man's broken leg in a negligence action is worth more than a Negro's broken leg, even though there is no difference in the extent of the injury and their economic positions."

"And the Lord raised up judges . . ."

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sure, not whimsical and wishful.<sup>5</sup>

<sup>1</sup> Pound, Roscoe, *The Causes of Popular Dissatisfaction with the Administration of Justice*, 29 A.B.A. REP. 395, 412 (1906).

<sup>2</sup> Brownell, Hon. Herbert, *Too Many Judges are Political Hackers*, Saturday

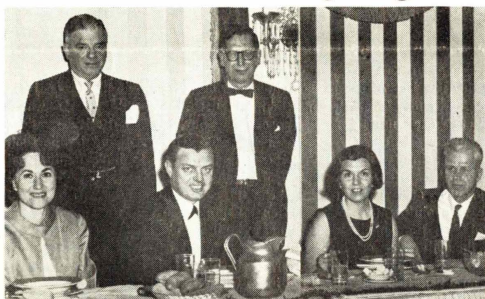
Evening Post, April 18, 1964.

<sup>3</sup> Report of Special Committee on Judicial Selection and Tenure, as approved at the stated meeting of the Association on October 15, 1963; The Association of the Bar of the City of New York.

<sup>4</sup> *Ibid.*, p. 10.

<sup>5</sup> 16 Univ. Detroit Law J. 180, 184 (1953).

## Evarts Inn Hears Judge Ughetta



Honorable Henry L. Ughetta, Justice of the Supreme Court, Appellate Division, 2d Department was the guest speaker at the Annual Dinner Dance of Phi Delta Phi Fraternity, Evarts Inn, held on March 26, 1966 at Michele's Restaurant, Brooklyn. Pictured left to right are: Mrs. Jerome Prince, Judge Ughetta, Charles Otey, Dean Prince, Mrs. Gerard Gilbride and Assistant Dean Gilbride.

## Here's How Kings County Lafayette Trust can help you meet educational expenses

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