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THE JUSTINIAN

BROOKLYN LAW SCHOOL

VOL. XXVII, No. 3

MARCH 27, 1967

BROOKLYN, NEW YORK



Justice, Southern style... Blood bank seeks donors March 28

by MARTIN B. ADELMAN and BARRY BOODMAN

"I do not have an education worth speaking of, as I do not know much about the ways of the law, but I do not believe I received a fair trial."

—Lee Hollings

In the spring of 1963, in Talladega County, Alabama, the body of Cynthia Lou Dison, seven years of age, was found in two feet of water near a slum known as the Furnace Quarters. The Medical Examiner determined that the little girl's murder followed a sexual assault.

The next morning 21 year old Lee Hollings, who had a seventh grade education and a dull-normal intellect confessed to the police. After describing the sexual assault he admitted the murder: "I don't know why—I just reached out and caught her by the back of the neck and pushed her down in the water with her head face down. She was kicking and I held her that way until she quit kicking, and I left her lying that way."

His court-appointed lawyer pleaded Lee Hollings not guilty by reason of insanity and requested a mental examination. Three local general practitioners reported, after a cursory examination, that the defendant was competent to be tried.

In the face of these doctors' findings the issue of insanity was never again raised at the trial. The prosecution relied solely on the confession while the defense consisted of the testimony of character witnesses. The defendant was found guilty of murder in the first degree and sentenced to die by electrocution at Kilby Prison.

The court-appointed attorney unsuccessfully appealed. *Escobedo v. Illinois* had been handed down soon after Hollings' conviction, and the appeal was based on a hoped-for

retroactive application of *Escobedo*. However the Supreme Court had decided *Miranda v. Arizona* during the pendency of Hollings' appeal, and limited the new confession standard as being applicable to future trials.

Hollings wrote a letter a few weeks before his scheduled execution to a noted New York civil rights attorney. This letter was passed from lawyer to lawyer, each replying that he was too overburdened to enter the case. Less than a week before the scheduled execution the letter came to attorney Donald A. Jelinek of the Lawyers Constitutional Defense Committee in Selma, Alabama. Mr. Jelinek took the case.

The conviction of a Negro, in a Southern court almost automatically presents grounds for appeal—exclusion of members of his race from the jury. A coram nobis petition, based on jury exclusion, was entered on Hollings behalf and his execution was stayed.

On the date of the coram nobis hearing Hollings' lawyers could not appear. The judge questioned Hollings about his knowledge of the contents of the petition. He then dismissed the petition based on the failure of the attorneys to appear and Hollings' ignorance of the nature of the error alleged. Hollings' execution was rescheduled.

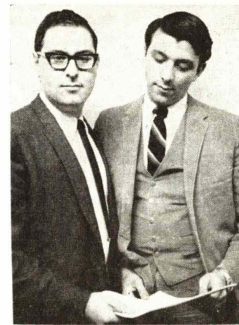
During this time a second petition for a writ of error was filed based on the inadequate mental examination given the defendant.

After an unsuccessful attempt to (Continued on page 2)

The Brooklyn Law School annual blood Drive will be held on Tuesday, March 28, 1967 in the 2nd floor lounge between the hours of 11 a.m. to 6 p.m.

The procedure takes about 15 minutes; refreshments will be served; donors are requested to avoid fatty foods in the hours prior to contributing blood.

One pint given this year ensures that you and your immediate family may draw as many as six pints. A three-time donor may count on receiving six pints a year—for life—for himself and his family. Even if you have not donated blood before, you can make this your first year and be guaranteed enough blood for lifetime emergencies.



Blood Bank Chairman Barry Silber and Co-chairman Robert Invidiata.

A student unable to make a contribution on that day may appear and be classified as a good faith donor. Good faith donors will be given a list of hospitals at which they may make their contributions during the semester and have the credit transferred to the Brooklyn Law School account.

Those who plan to contribute on March 14 but can do so only before 11 a.m. may contact Barry Silber, student Chairman, in advance, through the Student Bar Association. Mr. Silber should also be contacted concerning any Blood Bank questions.

Professor Morris D. Forkosch is the faculty advisor to the Blood Bank Committee.

Judge Van Voorhis Trial and appellate law day speaker Moot Court is underway

by KENNETH LOWENTHAL

Hon. John Van Voorhis, Associate Judge of the Court of Appeals, State of New York, will be the guest speaker at Brooklyn Law School Law Day ceremonies, it was announced by Miss Constance Mandina and Louis R. Rosenthal, Co-Chairmen of the Law Day Committee.

The observance will be held on Friday, April 28, 1967 at 11:30 a.m. in the BLS auditorium. A reception for students, faculty and alumni will follow the ceremonies.

Homecoming April 19

The Alumni Association will hold its Annual Homecoming on Wednesday, April 19, 1967. The program will be highlighted by a short talk by two of the School's distinguished graduates commencing at 4:30 p.m.

Supreme Court Justice M. Henry Martuscello, '30, will discuss the selection of a jury in a civil case and Brooklyn Bar Association President William W. Kleinman, will speak on the selection of a jury in a criminal trial.

A reception will follow in the Faculty Lounge.

Juris Doctor v. Bachelor of Laws

by HOWARD M. KOENIG

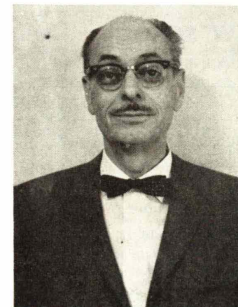
The controversy over whether the J.D. (Juris Doctor) or the LL.B. (Bachelor of Laws) should be the first professional degree in law is now raging in approximately 55% of the nation's approved law schools. The reason that only 55% of the schools face this problem (Continued on page 5)

The Faculty Moot Court Committee, headed by Prof. Milton G. Gershenson and Prof. Samuel Bader, has announced that the 1967 Moot Court Program is underway. As in the past years, there are two parts to the program: An Appellate Part, and a Trial Moot Court Division.

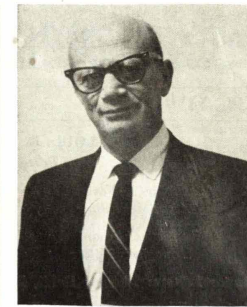
The purpose of the program, according to Prof. Gershenson, is to afford the law school student practical experience in courtroom advocacy on the trial and appellate level, along with the necessary preparation preceding his appearance before the court. The participating students will be required to research the applicable law on the assigned problem, and to present their cause before the mock court.

question will take the form of "submission of a controversy on an agreed statement of facts before the Appellate Division." The arguments will be presented before a three man bench including two members of the faculty and one high ranking advanced student.

Those presenting the best arguments in each meet will be asked to engage in further prize competition with winners of other meets. In addition to intra-mural aspects of the program, three finalists will be selected to represent the Law School in the National Inter-Law School Competition that is sponsored by the Young Lawyers' Committee of the Association of the Bar of the City of New York, and held in the fall of each year.



Prof. Gershenson



Prof. Bader

The Appellate Part is designed for all non-seniors and it will be necessary for those engaged in appellate work to prepare a brief, but no knowledge of the Civil Practice Law and Rules is required. No actual case will be used. The

The trial Moot Court Program, headed by Prof. Bader, is designed for the student in his last year of law study. All those who are taking or have taken the course in Evidence are eligible. The (Continued on page 3)

Alumni fete O'Connor



AT THE ALUMNI LUNCHEON, DEC. 10, 1966: Frank O'Connor receives Outstanding Alumnus Award.

Left to right: Col. William W. Kleinman '24, Justice Henry L. Ughetta, Mr. O'Connor, Dean Jerome Prince and Alumni Association President Philip Hoffer.

Abortion at Albany

The very legislators opposed to the liberalization of the New York State abortion law are, themselves, guilty of abortion in that they have aborted the legislative process. No one is naive enough to believe, however, that such has not happened before. A handful of men in key positions block legislation, which they find unpalatable, from ever getting a full hearing. Their reasons, whether they be economic, religious or moral, are of no matter.

If the proposed legislation had not concerned itself with an issue of such great magnitude, it would have met an unheralded death in some committee room. But this bill was publicized and was the subject of much debate, none of which occurred on the floor of the legislature. Though heralded, the demise, nevertheless, occurred in committee.

The quality of debate on both sides, was, to say the least, inflammatory. Debators argued about personalities and groups rather than exploring the vast area of social, economic and moral issues such leg-

islation engulfs. Supporters were characterized as eventual proponents of Hitler's master race scheme. Opponents were charged with being owned and controlled by the church. Infuriation, rather than discussion, prevailed. The outcome was assured.

Whether New York amends its abortion laws or not is of little consequence when compared with the behavior of the legislature on this matter. New ideas and legislation must not be permitted to fall victim to a select few members of a committee whose task it is to act constructively on legislation after hearing and investigation and to report such legislation to the entire body with its recommendations.

This is not to say that a legislator is not to use any argument, whether moral, legal, religious or scientific, at his command when arguing for or against a measure. However, he should not use them to justify a contemptuous lack of regard for the will of the entire legislative body.

Book at the Bar

by EMILY NOVITZ

MIRACLE AT PHILADELPHIA: The Story of the Constitutional Convention, Catherine Drinker Bowen. 346 pages. Atlantic-Little, Brown. \$7.50.

Miracle at Philadelphia presents no new material, and Mrs. Bowen disclaims original interpretations. Therein lies the excellence of the book. In comparing the number of published histories with the number of readable histories, it appears simpler to unearth esoterica, or provide new interpretations, than it is to tell a story.

Whether fiction or history, the lesser task is to theorize, to criticize, to question; the greater task to tell what happened.

Miracle at Philadelphia does tell what happened—is what happened—in that summer of 1787.

The book is a narrative of those men—George Washington, James Madison, Elbridge Gerry, Alexander Hamilton—who gathered to conceive and produce the form of the United States of America; these men called their product a miracle.

The delegates (whose average age was only 36) paint their own portraits. "Most members of the Philadelphia Convention were old hands, politicians to the bone. That some of them happened also to be men of vision, educated in law and the science of government, did not distract them from the matters impending." Mrs. Bowen's style emphasizes the mood or the thinking. For example, the use of italics, "A government national, supreme?"

Considering the human rights codified at the Convention, it seems incongruous to ride along in Benjamin Franklin's sedan chair carried by four prisoners; and yet we do. We pass the beggars, the society people, stop at a bookshop and note who was reading what.

Day after day, the delegates spoke and compromised on the questions of whether slaves should be considered persons or property; who should pay the states' representatives; how would the Senate and Congress be elected, and for what term of office.

Debate droned for four months. As the hot summer closed, the delegates revealed to the world what had been accomplished beyond locked doors. Nostalgic, they departed from hospitable Philadelphia, with the human document which would forever invite men's interpretations, but would itself be changed only 25 times in 15 dozen years.

Small claims injustice

Section 321 (A) of the New York State Civil Practice Law and Rules requires that a corporation appearing before a court, regardless of the nature of the claim, be represented by an attorney. This law applies in every case, whether it involves a claim as small as \$5 before a Justice Court or one as large as \$5 million before the State Supreme Court. Created to protect the interests of the absentee shareholder not participating directly in the management of the corporation, this section is just, in cases involving corporations with many shareholders, corporations large enough to have counsel on retainer, or public corporations.

However, it has serious ramifications for the close corporation which is likely to be involved in small claims, which might be not, for example, before the Small Claims Part of the Civil Court. Here, this section acts as a type

of "legalized blackmail," forcing the small corporation into the untenable position of having to spend more money to hire an attorney to obtain meager satisfaction in court than to settle out of court and accept the often unnecessary loss of the amount of the claim.

Thus, the small local business run as a corporation is defenseless if a customer should tear his jacket upon entering, for if he decides to allege negligence on the part of the owners and threatens to take the matter before Small Claims Court (where he, as an individual, is encouraged to represent himself), it matters very little if the owners are not actually guilty. Hiring an attorney to go before the court and have the complaint dismissed is often more costly than simply paying the amount of the claim.

Similar injustice results from the application of this section in the

case of the small corporation wishing to prosecute a small claim.

As the individual is encouraged to represent himself in court, so should the corporation be allowed to choose one of its officers to represent it in cases involving small claims. A new law is urgently needed to bring equity to the small corporation and to the small businessmen who operate under the corporate system.

JHG

"F" & "D" advantage

by EMILY NOVITZ

"F" and "D" students have a distinct advantage at Brooklyn Law School; they are the only ones who can find out what they've done wrong on exams.

We are told that it is not "policy" to permit the perusal of "satisfactory" final papers. Though there are practical problems involved in uncovering examination papers, they are outweighed by student needs.

On a midterm, the student who earns less than a "C" has an opportunity to meet with the professor, who will go over the paper and give him some insight into what is wanted. That student, assuming a similar degree of substantive knowledge, will be better equipped to take the final, than his "C" or "B" classmate.

Why shouldn't the "satisfactory" student be permitted the opportunity to raise his next grade by knowing, for example, if his weakness is in essays or short answer questions?

Knowing the basis of one's grade is apparently not a right, but a privilege. Granting the privilege to the "unsatisfactory" student indicates a policy of raising him to standards of mediocrity . . . where he can then be left on his own.

There must be some value in going over the exams, or it would not be done at all. If it works to raise the failure, it could work to turn adequacy into excellence.

Justice, Southern style . . .

(Continued from page 1)

vacate the dismissal of Hollings' first petition, his attorneys appealed the issue to the Supreme Court of Alabama. Simply stated they argued that a man cannot be executed for the failure of his lawyers to appear in court. However the body of Alabama law encompassed no such principle. Thus the argument was stated in terms of Hollings' right to counsel. This was a tricky and tenuous ground because a coram nobis relating to a criminal trial is hybrid in nature and combines elements of both a civil and criminal cause. But it was believed that the court's interrogation of the unaided Hollings and its conclusion of no merit based on this colloquy was beyond the dictates of due process; the need for counsel was, here, more an element of the Fourteenth Amendment than the Sixth Amendment.

The Court had, in the eyes of Hollings' attorneys, used several grounds each insufficient to justify a dismissal of the coram nobis writ and said, in effect, that their combined weight was reason for dismissal. Hollings' attorneys answered that this "summation of the parts doctrine" has never been allowed, neither generally, nor where petitioner has shown good cause and the probability of success and especially not in capital cases.

The second petition based on the mental examination raised some fundamental constitutional arguments. While it was contended that the examination was deficient in numerous respects, the first obstacle was that the judge was, in the view of prior Alabama decisions, vested with absolute discretion in this area. To answer it was argued that this concept was violative of due process and equal protection as guaranteed by the Fourteenth Amendment.

Fundamentally the second petition was based on the insufficiency of

the examination given to Hollings. It was rendered by three local general practitioners and it was five minutes in duration. Further these doctors only certified the defendant's competency to stand trial, without discussing the question of the defendant's mental state at the time of the commission of the crime. This was a basic question, going to the heart of Hollings' criminal liability.

The basic arguments on the above points were three-fold. First it was contended that procedural due process required that a state give an accused an opportunity to raise and prove his insanity. Secondly it was stated that such a denial amounted to an unfair trial. Lastly it was also contended that this procedure was a denial of the right to effective counsel.

Attached to the petition was the report of a competent psychiatrist who examined Hollings on death row. This doctor stated that, in his opinion, Hollings was insane at the time of the commission of the crime, at the time of the trial and at the time of the examination.

Presently the second petitions and the appeal of the dismissal of the first petition pending in the courts of Alabama.

Editor's note: Lee Hollings' attorney, Donald A. Jelinek, has been forced to stop practicing law in Alabama under threat of imprisonment because he is not a member of the Alabama bar. An attorney from the American Civil Liberties Union in Alabama is proceeding with the appeal.

The authors, Martin B. Adelman and Barry Goodman, are members of Brooklyn Law School's Human Rights Research Council and have each made many trips to Alabama to aid the Lawyers Constitutional Defense Committee. Their most recent trip was last January.

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

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Testing techniques or

The Importance of Possessing a Quick Recall of Specific Facts-OR-A Game Called "Choose & Lose."

by PHREADRYK JEI WROUGHTH

A Brooklyn Law School exam is unique among exams which are given at law schools throughout the continental United States. Unlike any other school's final exam, a BLS final causes the student to probe deep within his psyche in order to fathom out the appropriate, and oft times correct, answer to a particular question. Each course offers a new and exciting challenge to the prospective examinee. Every final presents unusual and frustrating situations. And finally, all questions are geared to those students who have that uncanny grasp of the obvious. The following are but a small sampling of some questions which were recently smuggled out of a typical exam. See if you can spot the issue which is presented in its most esoteric form.

1. Who said: "Travel Easy, on the Long Island Railroad?"
 - a. Nelson Rockefeller
 - b. Mrs. Palsgraf
 - c. Benjamin Cardozo
 - d. Henry Barnes
2. Who is the current record owner of "Blackacre?"
 - a. Stokely Carmichael
 - b. Lurleen Wallace
 - c. Ian Smith
 - d. "Y"
3. The first person to see if a libel judgment has been entered against you is:
 - a. Your "Bagwomen"
 - b. Adam Clayton Powell
 - c. Columbia Record Company
 - d. John Henry Falk
4. Professor Sealy's latest book is titled:
 - a. In God We Trust
 - b. 216 NY 2nd 301
 - c. Lawrence of Arabia
 - d. Students I Have Tort
5. Last year, nine out of every ten BLS graduate attorneys made:
 - a. \$15,000.00
 - b. excuses
 - c. some sense
 - d. mistakes
6. A book which describes a student's recitation for Professor Forkosch is titled:
 - a. Games People Play
 - b. Keep The Faith, Baby
 - c. In Cold Blood
 - d. Unsafe at Any Speed
7. A left his coat on a rack in the restaurant. B casually walked off with A's wife. Does A have a cause of action against B for:
 - a. Wrongful possession
 - b. Conversion
 - c. Specific performance
 - d. Indemnification
8. The person most likely to succeed from BLS is:
 - a. Wade
 - b. Sen. Rodriguez
 - c. The Midget
 - d. T's executrix
9. A had a favorite waiter at the Royal restaurant named Sheldon. In his will, A set up a trust whereby his estate would give an annual tip to said waiter at Christmas time. Does this will violate:
 - a. The Rule Against Perpetual Gratuities
 - b. The Rule In Shelly's Case
 - c. Federal Rule 48 in the UCLA
 - d. The Rule Against CIA Endowment
10. Which one of the following should a student NOT do on the day that it snows.
 - a. Show up for classes before 10:00 AM
 - b. Call MA5-2200
 - c. Get up
 - d. Call Radio Station WOR

Sugarman and Maloney: Two at Forty

Prof. Robert R. Sugarman, '26 and Prof. Richard J. Maloney, '27 mark their 40th anniversaries, this semester, as members of the Brooklyn Law School faculty. Prof. Sugarman joined the faculty in March, 1927 and Prof. Maloney was appointed in June of the same year.

The two professors, third and fourth in seniority, are preceded on the faculty by Prof. Roy F. Wrigley who became a member in 1920 and Donald F. Sealy who joined in 1924.



Prof. Sugarman



Prof. Maloney

Treating a fungi

by BARRY BOODMAN

(verse I:)
Bombs that drop
on dwelling house top
Scorching the skin
of children within
Bodies and hearts
severed in parts
"Care not", say I,
treating a fungi.

(verse II:)
Empty dark face
that never saw grace
chained to the land
its color's the brand
Seeing their young
beaten and hung
Bothers me not
I'm curing my rot.

(verse III:)
Stomach that swells
with nothing but smells
Nothing to eat
and nothing for heat
But usual token
a new promise broken
With great discomcern
I look to my worm.

(verse IV:)
The office elect
is bid for neglect
Save one simple pride
the stealing inside.
To voter the shaft
incumbent the graft
Lost in a flash
before my new rash.

(verse V:)
This and much more
awaits at my door.
Yelling at me;
"social deformity".
Chanting so cruelly
their problems my duty.
But prior my oath
to pesky new growth.

(verse VI:)
Screaming for hours
in nuclear showers
Took simply a minute
to wipe out what's in it
End civil disorder
and problems at border
And this disappointment
I've run out of ointment.

MAKE YOUR
RESERVATIONS
SBA
DINNER-DANCE
LIVE BAND
SATURDAY
EVENING
APRIL 22, 1967

Young city official finds legal education invaluable

by ROBERT MADDEN

"I really don't know why I wanted to go to law school," said Norman K. Sannick, '65, in a recent interview with the Justinian. However, Mr. Sannick who is Executive Assistant to Commissioner of Buildings Charles Moerdler finds his legal education an invaluable aide in the performance of his official duties. These duties include the Directorship of the Department of Buildings' Emergency Repair Program.

Before his appointment to his present position last November, the 26 year old former Political Science major at City College served as Assistant Counsel in the same department. At that time, part of his duties were to suggest and analyze legislation concerning the Department of Buildings.

A powerfully built man, Mr. Sannick, when not on official business, can best be described as one of the funniest men in Mayor Lindsay's administration. A member of the Mayor's football team, Mr. Sannick first began his relationship with the Mayor when he worked in his 1960 congressional campaign. Immediately on his graduation from BLS, Mr. Sannick took a full time position in Mr. Lindsay's successful mayoralty campaign. He was often seen, during the campaign, guiding Mr. Lindsay in and out of street crowds. Last Christmas he played (at the Mayor's request) Santa Claus at Gracie Mansion.

The new program which Mr. Sannick heads is designed to provide necessary and immediate repairs in tenanted buildings where the landlord cannot be reached in time. A myriad of legal problems has arisen because of this program. As this reporter was talking to the Director, a contractor hired by the department called to say the land-



Norman Sannick and his boss Commissioner Charles Moerdler.

lord had turned up while the repairs were underway and ordered the contractor off the premises. What was the contractor to do? The department had the right to have the job completed by its contractor, but as Mr. Sannick held, not at the expense of a fist fight.

Mr. Sannick finds that almost all his duties involve interpretations of the law; primarily the multiple dwelling statutes and laws pertaining to landlord and tenant relationships. He believes more emphasis should be placed on these areas at law school. As he summed up, "We don't deal with perpetuities here . . ." But he was quick to add that he didn't mean learning the rule wasn't necessary for other types of practice.

Mr. Sannick also added that a clerkship while attending law school is an invaluable experience for a student. With that, the young City official commented, "Look at me, not out of law school two years and already giving advice to law students." Well, why not.

Moot Court . . .

(Continued from page 1)

program consists of the preparation and actual trial on Saturday, April 29, 1967 in the Supreme Court Building of both civil and criminal cases before Justices of the Supreme Court of the State of New York, and juries consisting of students from nearby colleges. Student court reporters are present. The proceedings are conducted according to standard court procedures. Pleadings, bills of particulars and motions, as needed in a civil matter, are prepared by the students and indictments in a criminal case are drafted by the student counsel. The budding advocates also present oral argument to the court based upon their trial briefs that have been previously prepared. The volunteer witnesses, who are usually freshmen at the Law School, are examined by the participants in the same manner that actual witnesses in a court would be. Court clerks are portrayed by undergraduate students. These workshops should not be overlooked by the student, and according to Prof. Bader, should be considered an integral part of the law school curriculum and experience and should be prepared with the same enthusiasm and careful attention that any course would receive.

Faculty briefs

Dean Prince and Assistant Dean Gilbride attended the American Bar Association (section on legal education) Conference in Houston, Texas.

Prof. Gershenson has again been appointed counsel for an indigent appeal by the Appellate Division Second Department.

Prof. Klein discussed appellate advocacy and Prof. Thornton spoke on the CPLR at the Brooklyn Bar Association.

Dean Prince Chairs Council

Dean Jerome Prince is the Chairman of the Brooklyn Citizens' Council on the Constitutional Convention. The Dean is also Chairman of the Board of Trustees of the Brooklyn Supreme Court Library and Chief Counsel to the New York State Joint Legislative Committee on Court Reorganization.

Profile:

Stephen W. Schlissel

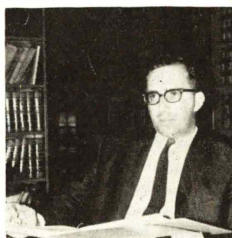
by MARVIN ROSENBERG

Although he looks young enough to pass for a student, Brooklyn Law School's new instructor, Stephen W. Schlissel, has packed enough experience into his legal career to make an older lawyer green with envy.

The son of Judge Abraham Schlissel of the Long Beach City Court, Mr. Schlissel is himself the proud father of a three-year-old daughter. Raised in an atmosphere of law, Mr. Schlissel earned his B.S. in economics from the University of Pennsylvania's Wharton School of Business where he majored in accounting. He graduated from Harvard Law School in 1962.

While at Harvard, Mr. Schlissel served as an assistant to Professor Charles Haar, helping him with the book "The Golden Age of American Law." This book reviews the period of 1800-1860 in American law. (Today, Prof. Haar, a real estate planning and land use expert, is Undersecretary of the cabinet-level Department of Housing and Urban Development.)

Upon graduation from Harvard, Mr. Schlissel became associated with a New York City law firm, where he remained until December, 1963. He left the firm to become a Deputy County Attorney of Nassau County under County Attorney Jack Weinstein. (Mr. Weinstein, who has been appointed to the Federal Court as a District Judge, was a Professor of Law at Columbia and a co-author of the well-known Weinstein, Korn, and Miller treatise on the CPLR.) The office of the County Attorney of Nassau is the equivalent of New York City's office of the Corporation Counsel and, while in that office, Mr. Schlissel was active in preparing briefs and arguing cases before a three-judge federal District Court, the Appellate Division, and the Court of Appeals. In December of 1965 Mr. Schlissel left the County Attorney's office to become Law Secretary for Nassau County Supreme Court Justice Bernard S. Meyer. While retaining his position with Judge Meyer, Mr. Schlissel accepted a position on the Brooklyn Law School faculty last January.



Stephen W. Schlissel

Brooklyn Law School is not Mr. Schlissel's first teaching experience. He has taught accounting and business law at Nassau Community College and real estate at Adelphi University. He has also been a guest lecturer at Hofstra University.

Mr. Schlissel enjoys teaching immensely but believes that formal legal training is of little value unless the individual student applies himself and has the desire to learn. He adds that students should come to class prepared so that they may use the assigned cases as a take-off point for further discussion. Appropriately, he is teaching Conflicts of Law this semester; a course he considers to be "a good theory course, the kind that lends itself to discussion."

Our new instructor feels a strong rapport with his students as is perhaps evidenced by his ability to remember their names. His advice to seniors: "Governmental experience for a new attorney is invaluable. It gives you the opportunity to work under outstanding attorneys and to perform responsible work. Such opportunity exists whether the work be for a federal, state, or local government. If such a position is not available, then I would recommend working for a small firm where there is an opportunity to do responsible and diversified work."

Professor Schlissel is available for conversation in the Faculty Library (5th floor) on Monday and Wednesday mornings before class. He enthusiastically invites your company, whether it be for a chat on law or for just plain schmoozing.

Jackson directs Civilian Complaint Review Board

Police Commissioner Howard R. Leary has announced the appointment of Bernard Jackson, '56, as Executive Director of the Civilian Complaint Review Board.

Prior to this appointment, Mr. Jackson, 40, had been serving as Assistant Director of the Civilian Complaint Review Board since August 30. He had been a policeman from 1952 to 1961. During his service with the Police Department, he was assigned for four years to the 25th Precinct and for five years to the Department's legal bureau.

Mr. Jackson left the Police Department in 1961 to become an assistant United States Attorney in the Southern District of New York. In 1965, he became a con-

sultant to Sargent Shriver in the Office of Economic Opportunity's office of inspections. In October 1965, he was named area coordinator for the OEO and at the time of his resignation, he was the OEO's acting district director.

Mr. Jackson, a graduate of City College and an Army veteran, is a former vice president of the Guardians, former president of the Bronx NAACP and a former member of the Patrolman's Benevolent Association. He is currently the chairman of the civil rights committee of the Bronx County Bar Association and vice president of the Harlem Lawyers Association.

He and his wife Hazel, a school teacher, live in the Bronx. They have two children.

Review Board: past and present

by HOWARD M. KOENIG and DON S. HECHT

The greatest single controversy presented to the New York City electorate, last November, was the question of the civilian review board. The charges and counter-charges of the opposing sides were news-worthy items across the country, followed with interest even beyond our national boundaries, warrant a look at the current system of review complaints against policemen.

Today the board, its composition, its very existence, may be the best kept secret in the city. As a result of these factors and the importance of a well-informed public in this area *The Justinian* recently interviewed the newly appointed Executive Director of the new Civilian Complaint Review Board, Mr. Bernard H. Jackson, '56. The following history of police review boards and the workings of the current board were supplied to the *Justinian* by Mr. Jackson.

The board we all know of is the civilian dominated police review board set up by Mayor Lindsay. However, what is not known to most New Yorkers there was a civilian complaint review board prior to this. Set up in the mid-1950's this board was composed of three Deputy Police Commissioners and reviewed complaints made by citizens and made recommendations to the Police Commissioner who had the final word on any action to be taken. On May 17, 1966, a civilian-dominated civilian complaint review board was created by the Mayor and this board lasted through the election of November 8. After the voters condemned that board, the current board was instituted. This new board is completely different than its predecessors. The board is composed of five members. Each one of the five is an attorney. Not

one of the five is a uniformed member of the Police Department, but all are employees of the department.

The board is headed by Louis Stuttmann, Chief Clerk of the Police Department. Assigned to the board are 45 members of the uniformed force of the Police Department. These gentlemen are advisors to the board. Each board member has nine advisors assigned to him. The nine are broken into panels of three. Panel members represent all ranks in the police department from patrolman on up.

When a complaint is received by the board for review it is assigned to a member of the board and he and his panel review the complaint. The panels have only an advisory capacity and the final decision on any complaint is with the board member. The board member then makes his recommendation to the

Police Commissioner. The current board, as the older boards before it, only makes recommendations to the Police Commissioner.

The old board received 321 complaints in 1965. After the *Lindsay Board* was implemented the complaints went to an average of 100 per month. When the current board went into effect the complaints dropped rapidly in November and December. However, complaints rose sharply in January were again up to about 100 in the month of January.

Throughout the processing of a complaint the complainant is aware of what is happening. He is contacted during the investigation of any complaint and notified of its disposition. A procedure is currently being used whereby the officers and the person making the complaint are brought together with the hope of a conciliation.

Fraternity inducts three

Supreme Court Justice Louis B. Heller, Prof. Raymond Reiser and Assembly Majority Leader Moses M. Weinstein were inducted as honorary members of Iota Theta Law Fraternity at its 52nd Anniversary Dinner and Alumni reunion held at the Park Sheraton on Dec. 21, 1966.

Prof. Robert R. Sugarman presided at the dinner and Assistant Dean Gilbride presented the outstanding pledge awards to Alan Stopek and Harold E. Winkler.



Seated (l-r): Prof. Sugarman, District Attorney Aaron E. Koota, Assemblyman Weinstein, Prof. Reiser, Asst. D.A. Irving R. Rosenthal, Dean Gilbride. Standing (l-r): Louis R. Rosenthal, Praetor; Prof. Richard J. Maloney, Hon. Bernard M. Bloom, Prof. P.K. Yonge, Sen. Jeremiah Bloom, Supreme Court Justice Oliver D. Williams, Prof. Robert Hahl, Prof. Joseph Crea, Prof. William S. Herrmann, Jr., Prof. John C. Doyle.

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APRIL 22, 1967
MICHEL'S
RESTAURANT**

Future Law Review content revealed

by FREDERIC J. ROTH

One day last week, as this reporter was searching for the sixth floor library room, in order to complete an article and guidebook to same, I inadvertently discovered the central office of the Brooklyn Law School Underground; i.e. *The Brooklyn Law Review*, its members and contributors.

After several minutes of prolonged interrogation and cross examination, my credentials were accepted as authentic and I was permitted to become an unobtrusive observer of this occultish-type inner sanctuary. By remaining silent, and looking as erudite as I knew how to look, I was able to acquire a fairly accurate working knowledge of the contents of the next issue of *The Brooklyn Law Review*. Believing that such information was in no way classified or privileged information, I shall reveal all that I learned that day

in the forthcoming paragraphs.

The Winter issue of *The Law Review* will appear this year in the Spring month of April, with a new editorial staff and a number of articles which promise to be of great interest and importance. One of the lead articles for this edition was written by Hon. Henry L. Ughetta, Justice of the Supreme Court Appellate Division, 2d Department and President of the Brooklyn Law School Board of Trustees. Justice Ughetta's essay is an incisive and comprehensive critique of the many appellate briefs which have crossed his bench during his career as an Appellate Justice. The article will contain the Judge's personal criticisms, as well as his recommendations, for correcting the numerous faults which he has observed in too many briefs.

Also on *The Law Review* agenda

is an in depth study of the right of New York to pass laws affecting foreign corporations. Brooklyn Law School Instructor Donald Baraf makes his writing debut as a faculty member, with this specialized treatment of foreign corporations and the effect of the New York statutes thereon. In addition to Mr. Baraf, *The Law Review* will present an article by Mr. Irving M. Mehler. A graduate of St. Johns University, Mr. Mehler was awarded his J.S.D. at the University of Chicago. In this contribution, the theoretical aspect of freedom of contract is juxtaposed against the requirement for substantial performance, and a delightfully, thought-provoking lead article is the result. The questions posed and solutions suggested offer the reader a wide panorama of the complexity and intrigue which an

(Continued on page 5)

Mrs. Sealy named woman of the year

Mrs. Donald F. Sealy, wife of Prof. Sealy, has been named Citizen of the Year by the Scarsdale Chamber of Commerce. Mrs. Sealy, who is listed in *Who's Who in American Women in the United States and Canada*, was cited for her efforts on behalf of *Operation Bookshelf*. As co-founder and chairman, since 1954, of *Operation Bookshelf*, a free distribution service of donated books, Mrs. Sealy has guided its activities in its distribution of one half million pieces of literature to over 360 institutions in 46 states and 57 foreign countries. Beneficiaries of this service have been impoverished libraries in schools, missions, colleges, hospitals, penal institutions, youth and old age centers and seafaring ships.

Law Review content told

(Continued from page 4)

area such as this can present. Book reviews for the April issue of *The Law Review* include one by Prof. Milton Gershenson on a book dealing with matrimonial law. Other reviews will be rendered by Prof. Morris D. Forkosch and Henry Rothblatt, a Brooklyn Law School alumnus.

The members of the new editorial staff are as follows: Robert M. Heier, Editor-in-Chief; Alan A. Lascher, Associate Editor; Ira Leitell, Research Editor; Barton P. Blumberg, Decisions Editor; Kenneth Lapatine, Notes Editor; Stephen Berger, Book Review Editor; Sidney Blumberg and Carl M. Bornstein, Publications Editors.

Scheduled to appear sometime before next Labor Day is the brand new third edition of *The Brooklyn Law Review*. This entire volume will be dedicated to a symposium on the new Estates Powers and Trusts Law. *The Review* will contain notes and comments by the counsel to the committee and its chairmen. In view of the fact that so many Brooklyn Law faculty members were responsible for formulating and drafting the EPTL, this particular issue should prove to be extremely significant.

Upon departing from *The Law Review Office*, I learned that next year, there were plans for an article dealing with a symposium on the Surrogates Court Procedures Act. The details of this article will have to await another visit to the office of *The Review* by this reporter. I was politely asked to leave their chambers as the neophyte members of *The Law Review* editorial board began chanting strange sounding incantations and mumbling incoherent words of prayer.

Controversy: Juris Doctor v. Bachelor of Laws

(Continued from page 1)

is that 45% of the 136 A.B.A. approved schools have made the choice and are granting the J.D. (These figures are changing rapidly. The figures above represent the December 1966 tally.) This is about four times the number of schools that awarded the J.D. in 1961.

The arguments for the adoption of the J.D. are many and are extremely persuasive. They are economic and social. They affect lawyers in international practice, general practice and government service. But basically it is no more than a matter of plain old-fashioned common sense. The origin of the LL.B. degree is well known to law students, lawyers and law schools. Around the turn of the century, when Brooklyn Law School was founded, the requirements for admission to the study of law was graduation from a high school and evidence of good moral character. The LL.B. was awarded as the first degree beyond the high school level and was properly, at that time, a bachelors degree. Since that time many changes have occurred to both the requirements for admission to law school and for the completion of

"Life is not just a job with a big name firm. However, the Brooklyn Law School graduate should not be precluded from obtaining such a job." So says Louis R. Rosenthal, Editor-in-Chief of *The Justinian*, whose views have shaped the editorial policy for the past two years. "Any handicap the Brooklyn Law School graduate has in finding a job is technical rather than intellectual."

Mr. Rosenthal stresses that the BLS student is in no way inferior to students from other law schools and is quite emphatic about the superiority of the BLS graduate as a practitioner and technician of the law. Citing the School's record of achievement on the New York State Bar Examination, he comments that "Either you know the law or you don't; you can apply the law or you can't no matter what school you come from."

When asked for the basis for his comments, Mr. Rosenthal points to the fact that we have one of the finest teaching staffs in the country; a curriculum which should enable a graduate to handle almost any legal problem and many worthwhile extra-curricular programs such as Moot Court and Legislative Workshop. Recognizing that many students do not partake, or even know about such activities, he merely comments that such indifference will show its harmful consequences when the student, turned graduate, seeks a job. "You can never measure the confidence and broadened perspective that comes from participation in Moot Court and other such activities that are there for the asking — one need only ask."

Mr. Rosenthal's own activities speak for this point. Since entering BLS he has participated in the Honors Program-Legislative Workshop, served as President of Iota Theta Law Fraternity as well as publisher of the Fraternity's yearbook-journal. He is presently Day

the degree program. Today admission is, in the vast majority of cases, dependent upon graduation from an approved college or university. Today, the requirements for the law degree involve three years of graduate study. Does it make the least bit of sense to award a second bachelor's degree?

Our colleges in the medical and dental professions are not awarded the degrees of Bachelor of Medicine or Bachelor of Dentistry. In fact, I doubt if you can find any academic area that, after the completion of three years of study beyond the bachelor's level, awards the student a second bachelor's degree. The J.D. degree is the proper professional degree in law, as the M.D. is the proper professional doctorate in medicine and the D.D.S. in dentistry.

Apart from the common sense aspect of the problem, is the economic aspect. The J.D. degree means better employment opportunities for graduates. Higher salaries are awarded to holders of the J.D. than to the holders of the LL.B. in many areas. The U.S. Air Force equates the LL.B. with a masters degree and the J.D. with the Ph.D. in determining pay and

Louis R. Rosenthal: "The best way to get to Wall street is not always the IRT."

by CLARK MARCUS

Chairman of the Student Loan Fund, Co-Chairman of Law Day and is completing his second year as Editor-in-Chief of *The Justinian*. He also has outside political and philanthropic activities — all which illustrate the fact that if Louis Rosenthal has found enough activities at BLS to make it appear as if he possesses a watch that runs on a 40 hour day, such activities do in fact exist.

Tempering these comments, which appear to be critical of the BLS student's lack of enthusiasm for anything but assigned work, Mr. Rosenthal asserts that there is a need for more administrative encouragement of such extra-curricular activities. Noting that an attempt for yearbook subscriptions received 16 replies out of a possible 340, he states that there is a clear need for the administration to take a hand, initially, in arousing school spirit. Now that all classes will be on a full day schedule, he hopes that more opportunity will arise for greater student participation.

In conjunction with these views, Mr. Rosenthal contends that Brooklyn Law School needs a stronger placement service and some public relations program. "The best way to get to Wall

Street (if that is where one wants to go) is not always the IRT." Of course, he points out, a person who graduates from law school should need no one to lead him by the hand to a job, but a strong placement office would provide a vital service to the law student in his last year. "It should be the sole job of the placement officer to seek contacts with law firms of all types and try to match the applicants abilities and desires with the needs of the law firms. Contrary to many beliefs, Harvard and Yale graduates don't merely rest on their degrees. They have strong placement offices and they use them."

Fully aware that some schools' reputations are built on the figment of some press man's imagination, Mr. Rosenthal believes that we have the goods, but very few persons outside our local legal community know about it because of our lack of technical facilities for making ourselves known. No one has to dream up our Bar achievement nor our Moot Court record. Students in our Honors Program have been actively engaged in drafting legislation for New York State, and Dean Prince, one of the most respected and learned men in the profession, and many other of our professors, have played vital roles in reshaping much of the statute law of New York. These are only some of the points, according to Mr. Rosenthal, that could become better known.

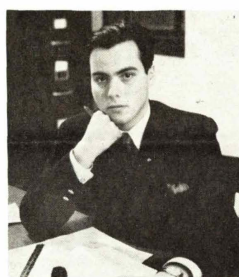
There is one change in the curriculum that Mr. Rosenthal would like to see initiated and that is to combine the Legal Research and Brief Writing courses into one course to be given two hours each semester of the freshman year. This course, would place heavy emphasis on written and oral expression as well as research techniques.

The awarding of the J.D. degree, is being actively considered by the Hastings College of Law of the University of California, Boalt Hall at Berkeley and U.C.L.A. The faculty at Hastings, on February 10, 1967, unanimously approved a proposal favoring the adoption of the J.D.

The awarding of the Juris Doctor will most assuredly have an affect on the stature of the legal profession and upon the stature of our graduates. For many it will enhance their income.

It should be noted that the attainment of the Juris Doctor at most law schools was reached through a solid and determined student body with the much needed support and guidance of the faculty.

The establishment of a joint faculty-student committee at Brooklyn Law School is, for the purpose, very desirable. This committee should be formed as soon as possible and should present its recommendations to the Trustees of Brooklyn Law School, as a matter which merits their earnest consideration.



Louis R. Rosenthal

why minor law infractions cannot be ignored



Some people believe that minor infractions of the law are nothing to be concerned about, that only the big ones matter. This is dangerous reasoning. In America, human rights are protected by law, and are secure just so long as the law is upheld. Infractions, large or small, breed on disrespect. Without respect, the law loses its force, and the rights it protects are endangered. Human rights, once forfeited, are difficult to regain. This is one reason why we observe Law Day U.S.A. on May 1.



"NO MAN IS ABOVE THE LAW, AND NO MAN IS BELOW IT." THEODORE ROOSEVELT

LAW DAY
APRIL 29

Alumni in the news . . .

1930

HYMAN WANK has been appointed Deputy Director of the New York Regional Office of the Equal Employment Opportunity Commission of the United States. Mr. Wank formerly held the positions of Assistant Attorney General, State of New York; Law Assistant, Surrogate, Kings County; Public Administrator, Kings County; Chairman, Board of Assessors, City of New York; and Chief, Division of Litigation (Assistant General Counsel), Office of the General Counsel, U.S. Department of Commerce, Maritime Administration.

1953

ARNOLD T. TAUB who for the past three years has served as Senior Trial Attorney on the staff of the Legal Aid Society has joined the Queens District Attorney's staff as a trial assistant.

JOSEPH S. WILLIAMS, has been elected Vice President of Drew Chemical.

1954

RICHARD D. GRAHAM, Vice President-Assistant General Counsel, Howard Johnson Co., has been selected as one of 160 business executive and government officials from the United States and several foreign countries to participate in the 51st session of the Advanced Management Program (AMP) of the Harvard University Graduate School of Business Administration. The program is designed especially to prepare executives in, or approaching, top management positions to exercise full leadership responsibility.

1957

SIDNEY H. WILLIG, has been appointed to the staff of the law and pharmacy schools of Temple University as a full professor. A recognized authority on pharmaceutical law, he is a lawyer and a pharmacist. A member of the New York Bar, he has authored numerous articles on law relating to the health professions.

1959

JOHN P. McCahey who received his LL.M. in 1964 was promoted to the rank of Inspector of the Police Department, City of New York. Inspector McCahey has served in the Police Commissioner's Office as a Deputy Inspector. Previous assignments included the Police Commissioner's Confidential Investigating Unit.

1964

DAVID L. KAGEL was promoted to the post of Assistant Vice President, Marketing and Sales Department of Law Research Service, Incorporated.

JEFFREY L. STADLER has been engaged as Legal Assistant in the Supreme Court of Nassau County.

1965

BARRY J. FRANKEL is a second lieutenant in the Army.

BARRY ZONON, is with the New York City Corporation Counsel's Office.

JOEL D. TENENBAUM is with the firm of Isaacson, Robustelli and Fox.

1966

BERNARD B. COHEN, has been appointed Secretary to New

York County Civil Court Judge Irving Smith.

JEROME S. EBENSTEIN was accepted by the Federal Trade Commission in New York.

KENNETH R. BETZLER has been commissioned a Second Lieutenant in the United States Air Force upon graduation from Officer Training School (OTS) at Lackland AFB, Texas. Lieutenant Betzler was selected for OTS through competitive examinations.

STEPHEN B. KOSSAR has accepted a position as an attorney with the Federal Trade Commission in New York.

CHARLES P. AXELROD is now associated with the law firm of Heller V. Pierce.

STEPHEN CHESNOFF has been accepted by the Federal Power Commission in Washington.

ALBERT Z. BOGERT is a Second Lieutenant in the United States Air Force.

Dozen years ago . . .

A dozen years ago, the March, 1955 issue of *The Justinian* reported the elevation of Supreme Court Justice Henry L. Ughetta to the Appellate Division to succeed Justice Frank F. Adel, '03, who retired in 1954. *The Justinian* also reported that Prof. Mario Pittoni was once again conducting the Trial Club Program and that the faculty committee for the Moot Court consisted of Profs. Flouton, Gershenson, Hoffman, Pittoni and Miller.

Articles appearing in that issue called for reorganization of the New York State court system, reform of the sabbath laws and the instituting of an honors system at the Law School.

During that academic year, BLS men held two National Committee Chairmanships in the American Law Student Association. The Student Council held its Annual Spring Prom that month at the Hotel Towers. Would you believe that

130 students returned to the Law School on Friday evening, February 25, 1955 and paid 50c each to see four films concerning legal issues.

The alumni page noted the death of Kings County Surrogate E. Ivan Rubenstein, '17; the appointment of Daniel Gutman, '22, as counsel to Governor Harriman; the appointment of Aaron E. Koota, '27, as Chief of the Brooklyn D.A.'s Rackets' Bureau; the appointment of Joseph F. Gagliardi, '28, as District Attorney of Westchester County; the appointment of George Postel, '34, as a Magistrate; the appointment of Angela Parisi, '39, as Chairman of the New York State Workmen's Compensation Board and the selection of Bernard F. Ruggieri, '51 as Assistant Counsel to the Governor.

ALUMNI
ARE INVITED
TO ATTEND
LAW DAY
CEREMONIES
FRIDAY, APRIL 29, 1967
11:30 A.M.
BLS AUDITORIUM
Judge John Van Voorhis
Guest Speaker

Necrology

Hon. Frank F. Adel, '03, was a retired Justice of the Supreme Court, Appellate Division, 2d Department and former County Court Judge and Assemblyman in Queens.

Hon. Victor L. Anfuso, '27, Justice of the Supreme Court and a former Congressman.

Arthur F. Goldstein, '22.

E. Frank Liebrecht, '35, was a Senior Vice President of the M. W. Kellogg Company, a division of Pullman, Incorporated. He joined the company in 1940 as a general patent attorney and became a vice president six years later.

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