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THE JUSTINIAN

BROOKLYN LAW SCHOOL

VOL. XXVIII, No. 1

OCTOBER 25, 1967

BROOKLYN, NEW YORK



Judge Moore elected Trustee President to succeed the late Justice Ughetta

by Kenneth Lowenthal

Hon. Leonard P. Moore, Judge of the U.S. Court of Appeals, was elected President of the Board of Trustees of Brooklyn Law School at a meeting held by the Board on October 11th. Judge Moore has served in the capacity of Vice President of the Board since 1955. He succeeds the late Appellate Division Justice Henry L. Ughetta as President of the Law School's Board of Trustees.



JUDGE LEONARD P. MOORE

Judge Moore has had a long and distinguished career in the legal profession. He was formerly a partner, from 1934 to 1953, in the law firm of Chadbourne, Parke, Whiteside & Wolff, New York City, and has served as United States Attorney for the Eastern District of New York. He is a Trustee and Vice President of the Practising Law Institute, New York City, and a member of the American College of Trial Lawyers and the American Law Institute. He has participated extensively in community activities, and is currently the Vice Chairman of the Brooklyn Bureau of Social Service and Children's Aid Society, Director of the Brooklyn Institute of Arts and Sciences, and a Regent of the Long Island College Hospital.

The death of Henry L. Ughetta, Justice of the Supreme Court, Appellate Division, Second Department and Chairman of the Board of Trustees of Brooklyn Law School has left a vacuum at the Law School which may never be filled.

The School has lost a true friend and the judiciary has lost one of its outstanding figures. Justice Ughetta who ascended to the Presidency of the



THE LATE JUSTICE HENRY L. UGHETTA

Board of Trustees in 1955 had been a guiding force behind the development of the plans for the new law school building. At his death, last month, Judge Ughetta was also Chairman of the State Constitutional Convention's Committee on the Judiciary and Chairman of the New York State Joint Legislative Committee on Court Reorganization.

Henry L. Ughetta, a native of Brooklyn, was said to have been the first person of Italian extraction to sit on the State Supreme bench in the Second Judicial District, a post he won as one of five justices who were elected on a nonpartisan slate in 1942. He served until Jan. 7, 1955, when Gov. W. Averell Harriman designated him an Associate Justice of the Appellate Division. He

(Continued on page 4)

Work progressing on new school building

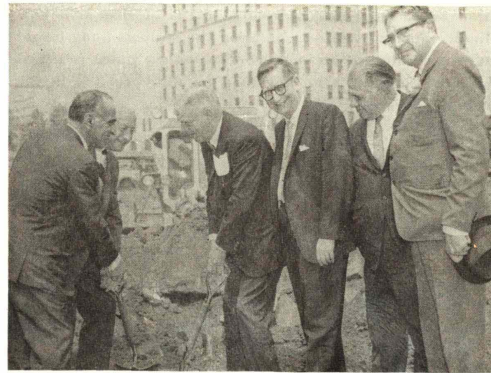
by Marc Robbins

Work has been progressing on schedule on the new Brooklyn Law School building with the foundation already completed. However, a steel strike has occurred forcing a temporary halt in the construction. Without steel, construction of the building cannot continue and if the weather becomes unbearable before the structures is closed, delay will be incurred. If however, the steel strike is settled within a reasonable time, and if the weatherman cooperates, there still will be a good chance to have the law school ready for occupancy by its target date of September 1968.

Ground breaking ceremonies for Brooklyn Law School's new multimillion dollar building at Joraleman Street and Boreum Place took place on June 16, 1967. Among the dignitaries attending were the late Justice Henry L. Ughetta (President of the Board of Trustees), Dean Jerome Prince, Assistant Dean Gerald Gilbride, Judge

John Van Voorhis of the State Court of Appeals, and Assembly Speaker Anthony J. Travia.

Although the new fully air-conditioned ten story building will be more spacious than the present site and thus permit an increase in enrollment, it is for the improvement of facilities and not the enlargement of the student body that this building has been conceived. The improvements will be seen in many areas, such as library twice the size of the present one, a reading room with lounge chairs and a seminar room for every three classrooms. More office space will be available for student organizations, such as the Student Bar Association and *The Justinian*. A student lounge and cafeteria will also be provided. In addition, there will be a faculty lounge and library twice the size of the present one. Finally, all full time faculty members will occupy private offices.



GROUND BREAKING CEREMONIES: (l-r) Assembly Speaker Anthony J. Travia, Borough President Abe Stark, the late Justice Henry L. Ughetta, Dean Jerome Prince, Abraham M. Lindenbaum, Judge John Van Voorhis.

Largest Graduating Class since '39 Two Honorariums Conferred

by Ken Levy

The conferral of two honorary Doctor of Laws degrees highlighted this year's commencement exercises as Brooklyn Law School graduated its largest class since 1939.

While 372 bachelor's candidates looked on, the honorary degrees were awarded to Brooklyn Democrat Anthony J. Travia, Speaker of the Assembly and Judge John Van Voorhis of the Court of Appeals.

The late Hon. Henry L. Ughetta, who had been a Justice of the Supreme Court, Appellate Division,

Second Department and President of the Board of Trustees of the Law School, conferred the degrees.

Dean Jerome Prince presented the candidates for Bachelor of Laws degrees while 32 candidates for the degree of Master of Laws were presented by Prof. Donald Farrington Sealy, Director of the Graduate School.

A total of 39 June graduates and 33 February graduates were present for the June exercises. The largest class before this numbered 416.

(Continued on page 5)

Fall '67 entering class meets Major curriculum revisions

by Steve Burstein

The course schedule for the 1967 entering class has been revised this year as part of a major revision of the Brooklyn Law School curriculum. Students who began their studies this September are now taking a new two-credit course, Property I, which had not been offered to first-term students in the past. In addition, the Methods of Legal Research course, normally a first-term course, has been revised and will be given in the Spring term.

Assistant Dean Gerard A. Gil-

bride informed *The Justinian* that these changes reflect a major curriculum revision which has been instituted as a result of a faculty re-evaluation of the prescribed courses at BLS. The following changes have occurred in the curriculum:

Property I (6 credits) and Property II (4 credits) have been replaced by three courses; Property I (2 credits), Property II (4 credits) and Property III (4 credits);

Contracts II (2 credits) has

been replaced by Suretyship (1 credit);

The Constitutional Law course and the Criminal Law course, previously two credits each, have both been enlarged to three credits;

The Brief Writing and Argumentation course (1 credit) and the Methods of Legal Research course (1 credit) have now been combined in the revised Methods Of Legal Research course (1 credit).

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THE JUSTINIAN

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Compulsory Moot Court a step forward

Brooklyn Law School in recent years has taken steps to increase the level of its already high educational standards in an effort to better prepare its students in their chosen profession. Just recently, the school's academic program has undergone a radical change to keep in step with the higher standards being set by the legal profession itself.

The Justinian believes that the Brooklyn Law School should now consider the question of whether to introduce a compulsory moot court program. This paper cannot help but believe that in order for this school to stay on a par with the other leading law schools and more important to advance its standing as a school of law, such a program is mandatory. Two thirds of the nation's law schools require at least one round of appellate moot court participation while no such requirement exists at Brooklyn Law School. Such a requirement upon the student body would assure each student an early contact with a more practical and active aspect of the law than he now receives in his academic courses.

The arguments that are normally raised against such a compulsory program are, that the school may not be equipped to carry on such an extensive program as a compulsory requirement would demand, and that such a requirement would tend to lower the quality of the program.

However, the establishment of an active moot court board and a increase in the scope of student and faculty participation would suffice to cope with the demands of such an expanded program.

We believe that such a program is a goal to which this school should strive as it serves the law student and the law community as a whole.

A Novel Policy

The library in this School contains many semi-texts, legal-philosophic and legal-historical works as well as outright novels. However, they may as well not be there because little opportunity is afforded to the student to use these books because of library policy forbidding the removal of any document from the library sanctum—even for a second.

This policy has validity when applied to texts or reports. However, when applied to other works, this policy defeats the very effort, purpose and expense of acquiring such volumes. These works should be permitted to be borrowed for one week.

We hope that the Student Bar Association will move to modify this novel policy.

New Asst. Professor

From Combat in Pacific to Equity

by Donald Hecht

To some, the study of law is a goal conceived in earliest childhood; to others, it is the result of a careful evaluation of available professions; and still to others, it is a result of an application of theretofore unrealized potential. The last category seems to apply to Brooklyn Law School's new Assistant Professor, Fabian G. Palomino.

During World War II Prof. Palomino saw combat in the Pacific in the capacity of a radio operator on a B-29. Upon discharge, at the end of the war, he applied his recently acquired skills in a position with the Merchant Marine. Prof. Palomino stayed in the Merchant Marine for a period of approximately four years and then at the suggestion of a friend went to inquire as to the possibility of being admitted in St. John's University. The day Prof. Palomino picked to make his inquiry just happened to be registration day at the School of Commerce. After briefly studying the curricula offered, Prof. Palomino came to the decision that pre-law was the only course of study that appealed to him.

From his undergraduate work, Prof. Palomino went on to study law at St. John's University Law School where he was the Associate Editor of the *Law Review*. Upon graduation in 1954, he went into private practice for approximately one year. It was during this period that he was first formally exposed to the trial work that became such an important part of his later career. From

1955 to 1958, Prof. Palomino was the Law Clerk to Adrian P. Burke, Associate Justice of the New York Court of Appeals. In 1958 he became the Assistant Counsel to Governor Harriman. In this capacity, he advised the Governor on the day to day legal problems that the Chief Executive would encounter. During the legislative session, he reviewed completed legislation and advised the Governor on approving or vetoing pending legislation. From 1958 to 1962, Prof. Palomino was Assistant Corporation Counsel for the City of New York. During the legislative session he and his staff were assigned to Albany for the purpose of analyzing current legislation and its possible effects on the City. When the legislature was in recess, Prof. Palomino was actively engaged in trying suits and arguing

appeals in cases for the City. From 1962 to 1965, he was the Legislative Representative for the Housing and Redevelopment Board. As Legislative Representative, he drafted legislation and wrote opinions on the Board's jurisdiction. He also acted as trial counsel for the Board. In 1965, Professor Palomino served as Associate Counsel to the President *pro temp* of the New York State Senate. In this position he supervised a staff of fifty lawyers. From 1965 to the present, Professor Palomino has served as the Chief Assistant Counsel to the Joint Legislative Committee on the Administration of Justice. During the past summer, Prof. Palomino served as the personal counsel to the late Justice Henry L. Ughetta in his capacity as Chairman of the Judiciary Committee of the Constitutional Convention. Last year, Prof. Palomino taught the course in Municipal Corporations in the Brooklyn Law School graduate division. At present, he is teaching Equity in the day program.

Prof. Palomino has great faith in the case method of teaching law, but he feels that a great deal of knowledge and exposure is being lost by the student not considering the total value of the case as it is presented in the text. He contends that the student is too concerned with gleanings an isolated holding of the case to the detriment of other equally important materials contained therein.



Prof. Palomino

Board of Regents Approves J. D. Degree

by J. D. Solomon

Brooklyn Law School graduates will soon be granted the Degree of Juris Doctor. Under a proposal recently approved by the New York State Board of Regents, Brooklyn Law School and the 9 other New York Law Schools will be able to grant the J.D. degree instead of the current Bachelor of Laws now given.

According to Assistant Dean Gerard Gilbride, the Deans of all of New York's law schools met last June with the Board of Regents to discuss this proposal. Dean Gilbride indicated that the change has the full support of the faculty and the administration, both here and at the other law schools, and it is now under consideration by the Board of Trustees of Brooklyn Law School.

The support of the faculty and the administration was brought to light after a petition was circulated last spring by three seniors with the full backing and support of the S.B.A. The petitions were sent to the Board of Regents and the meeting with the Deans followed.

This proposal had the overwhelming support of 8 of the 9 other New York Law Schools. The administration of Columbia Law School had expressed their dissent on the ground that the change would cause confusion between the

J.D. degree and the graduate degree, S.J.D. among non-lawyers.

The change to the new degree has already reached the point where about 50% of the law schools in the United States have adopted it. Dean Gilbride pointed out, however, that in most states the change

merely involved altering the school's charter stating what degree is to be given. In New York such changes must be approved by the Board of Regents.

The new degree is already being granted in such leading law
(Continued on page 3)

BLS gets Placement office

by Andre Ferenzo

Brooklyn Law School students can now take advantage of a full time placement office, located in room 406.

Under the direction of Prof. John A. Ronayne and Mrs. Natalie Cheeseman, a full time placement secretary, the office is open daily from 9-5 to aid in the acquisition of legal positions. Prof. Ronayne will also be available, when not teaching, to consult and advise students regarding job opportunities.

The placement office has prepared up to date lists of available positions in the large "Wall Street" type law offices, and is doing the same for the medium sized firms and corporations. These lists contain addresses, telephone numbers, descriptions of the type of practice, number of partners and associates and names of Brooklyn Law School graduates who are partners.

In addition, the placement office has available, sample resume forms and instruction sheets and is planning to establish a speaker's program with representatives of New York law firms addressing the student body.

The placement office is available to undergraduates seeking part time and full time employment, graduating seniors interested in post graduate positions and alumni wanting to change employment.

Interested parties must fill out registration cards indicating the of position and office they are interested in.

Prof. Ronayne advises students interested in job opportunities to also examine the 4th floor bulletin board for information about legal positions and government job opportunities.



FRESHMAN TEA: Left to right, Kenneth Lowenthal, Editor-in-Chief, *Justinian*; Bob Bonanno, SBA President; Asst. Dean Gerard A. Gilbride.

Class reflections:

What price a doughnut?

by Louis Pepper

On the afternoon of Wednesday, the 27th day of September, Brooklyn Law School played host to its new first year class at a Student-Faculty Tea.

It appeared that roughly two-thirds of the first year class availed themselves of this opportunity to meet the faculty and leaders of the various student activities groups. This was indeed, odd, since all of the first year sections were scheduled for classes which terminated immediately preceding the commencement of the tea. From those in attendance for the first few minutes of the tea, a first year student could easily have been led to believe that the BLS faculty consisted of less than one dozen instructors.

Since it is the Student Bar Association which "coordinates student activities and supervises class functions," one must not neglect to comment upon the role of this organization at the tea. While the atmosphere of the tea was apparently intended to be informal, it would not have been "stuffy" for a short reception line to have been formed. This line could have consisted of the faculty in attendance, the SBA officers, the editors of *The Justinian* and *Law Review*, and representatives of the other student organizations. Thus the first year student would have had a unique opportunity to acquaint himself with the entire operational structure of the law school, as well as having the privilege, if not the excuse, based upon the introduction provided by the reception line, to direct inquiries to the appropriate official.

It was indeed humorous to observe the overwhelming consternation of a member of the faculty who had come to the tea to be his most personable self and who committed the error of attempting to obtain a doughnut to eat with his coffee. By some strange occurrence, scarcely five minutes after the official opening of the tea, not a single doughnut remained.

There is, indeed, a method to this seemingly loquacious diatribe.

That the students at BLS have innumerable complaints is already apparent to me. The second and third year students, for the most

part, no longer have the opportunity which now presents itself to the first year class. We all look forward to the opening of the new law school building. Yet, the mere construction of a new home for the school will not efface some magical transformation of its inadequacies. The placement service is alleged to be inefficient and ineffectual; it is for this Class of 1970 to create an effectual system. It is alleged that the Law School does not enjoy the national reputation and prestige which is heaped upon certain of the nation's law schools. This is the result of inadequate public relations. It is for the first year student to devote himself in some way to the service of the School, if indeed he wants the satisfaction and benefits of being a graduate of a "prestige" school.

A law school must have an inner cohesiveness of spirit if it is to be great. If indeed this school produces first rate members of the legal profession, the failure to achieve public recognition can be attributed only to the failures of its students to embrace that spirit of greatness.

That we are seeking to become members of an honored profession, imposes upon us certain obligations. The measure of our collective contribution to that profession has already commenced to be determined. Our legal capacities may be reflected in our grades, but our accomplishments as gentlemen, as scholars, as social architects, as mere members of the human community, are reflected in our willingness to contribute to a mutual reservoir of productive sacrifices.

I do not delude myself into believing that we, as graduates of BLS, shall ever enjoy the prestige of a Harvard Law degree. I ask only that we seek to make the utmost contribution of which we are capable, to the growth and progress of our Law School, so that in the later years of our practice as members of the legal profession, we shall be able to reflect upon our stay in the Law School as having been the most important element in our development as leaders in the civilized world—whether that world be a rural community or a sprawling nation.

U.S. Justice Douglas OK's Hiking Clubs

United States Supreme Court Justice Douglas has granted permission for the use of his name in the formation of the William O. Douglas Hiking Club.

Student Bar President Bob Bonanno will shortly present the plans for the formation of the hiking clubs to the SBA Council of Brooklyn Law School and then to the National SBA Council.

These plans envision the organizing of such clubs in all of the 135 national law schools with its national headquarters located at Brooklyn Law School operating under a charter incorporated under the New York Corporation Law.

J.D. Degree

(Continued from page 2)

schools as the Universities of Chicago, Michigan, Missouri, Kansas and Oklahoma. In addition numerous other schools are considering the change. Dean Gilbride also noted, that contrary to rumors, no New York Law School has been giving the degree.

Several arguments have been advanced in favor of the change. They are both social and economic.

The leading argument in favor of the change is that the Bachelor of Laws degree is outmoded. The L.L.B. degree was first introduced when the requirements for admission to a law school were no more than a high school diploma. It was the first degree beyond high school and was named a bachelors degree. However, to be admitted to a law school today, generally requires a bachelors degree from a college. It is therefore claimed that it makes little sense to grant a second bachelors degree for three years of graduate work.

A second argument presented, is that in the other professions, such as medicine and dentistry, graduates are not granted a second bachelors degree but are awarded a doctorate degree in their chosen fields. They claim that the doctorate degree better represents their graduate work.

On the economic side, advocates of the change point out that the new degree may provide better employment opportunities. It has been pointed out that the government, both Federal and that of many states, look upon the J.D. degree as a doctorate degree equated with a Ph.D. degree and salaries are proportionately higher than for those holding the L.L.B. degree. Dean Gilbride pointed out that people in the educational system have been denied raises because they don't have doctoral degrees.

It is also argued that those engaged in the field of International Law are downgraded by their foreign adversaries who hold the doctorate.

A final point made in support of the change is that the degree is likely to change the status of the lawyer in the eyes of the general public and better his image. While our colleagues in other states are being granted the doctorate degree, it was argued that they would hold an unfair advantage in job opportunities and prestige, unless New York Law Schools were permitted to grant the J.D. degree.

Faculty Briefs

Assistant Dean Gilbride has been re-elected chairman of Brooklyn Bar Association Ethics Committee. Dean Gilbride is also a member of the New York State Bar Association's Ethics Committee. He also represented Brooklyn Law School at the Sesqui Centennial at Harvard.

Dean Prince and Col. Kleinman attended the American Bar Association convention in Hawaii.

Prof. Glasser has recently finished the commentaries for the E.P.T.L. for McKimney.

SBA Formulates P. R. Committee

by Myron Schonfeld

Student apathy, the traditional barrier to effective extracurricular programs, has been particularly acute at Brooklyn Law School. To awaken interest in school affairs, the Student Bar Association plans to institute a Public Relations Committee, composed of five students whose job will be to keep the student body informed of and enthusiastic over S.B.A. activities and plans.

Among these plans, are those of direct benefit to the students, such as the Blood Bank and the Student Loan Fund, which provides interest free loans to those students in financial need. The S.B.A. sponsored Health and Major Medical Insurance Plan, which proved to be highly successful last year will be continued. Applications will be mailed to the students shortly.

The programs indirectly benefiting the students have been in the past, plagued with a lack of student interest and participation. The film and lecture series, invaluable for their dramatization of the legal methods and concepts studied in the classroom have been poorly attended, to the embarrassment of the speakers and the sponsors. Informal seminars, affording an opportunity for students and faculty to become better acquainted, have been discontinued because of student apathy. Social functions have similarly failed to attract student participation. Dances, ski trips, and hotel weekends have been planned and offered only to be met with little if any student response.

It is hoped that the work of the Public Relations Committee will succeed in rallying the support and active participation of the students and permitting the proper implementation of these programs, and those new ones which the S.B.A. hopes to institute. S.B.A. president Bob Bonanno was encouraged by the unprecedented success of the annual Freshman Tea, due mainly he feels, to the extensive publicity which preceded it and hopes it is the beginning of a rejuvenated school interest.

•
Support
the
Activities
of the
SBA
•

Prof. Thornton, Dean Prince and Professor Gershenson attended the Judges Conference at Crotonville.

Prof. Gershenson has published a 3-part article in the Law Journal. The article based on the new Domestic Relations Law was concerned with the problem of Retroactivity of the two-year waiting period for divorce.

Ballads of A Law Student

TO THE TUNE OF
"MY FAVORITE THINGS"

Conflicts and clinics and sales
and securities,
Ad law and labor law and the
rule against perpetuities,
Sitting enraptured til the bell
ding a lings,
These are a few of my favorite
things!

Scaly and Habi and Robert Reuben
Sugarman,
Teach us of Prosser and Corbin
and Richardson,
They teach us of things that
we'll rarely use,
After the class all we say is
"we're confused"

When you're called on,
You know nothing
And you feel so sad,
But simply remember,
Its better than work,
And then you won't feel so bad!

• • •
TO THE TUNE OF
"L'CHAIM"

To A for life, L'Chaim
Remainder to B and his wife
To be used as a house
For B and his spouse,
Or reversion to me.

To C in fee, L'Chaim,
Forever to have and to hold,
But this real property,
Will go on to D,
If it should ever be sold.

To F in trust, L'Chaim
To be held for my grand-nephew G,
Then to his son,
Unless that bum,
Marries before 23/

To H for years L'Chaim
Remainder for life to T
Then to my aunt,
Unless this grant,
Is a perpetuity,

To A and B, L'Chaim,
I leave all my earthly effects,
But if they should die,
Before 25
I give it all over to X.

To X by deed, L'Chaim
Expecting the easement of light
Which was ok by he,
Because as you see,
He'll only be there at night.

To BLS, L'Chaim
I leave all my real properties,
To be used as you wish,
But don't touch the fish,
And leave all the standing trees.

Law Review institutes new policies

by Kenneth Lapatine

In the past eighteen months the *Brooklyn Law Review* has made substantial changes in both its internal structure and publishing policy. In order to meet the demands of a tighter publishing schedule, necessitated by the expansion of the publication to three issues a year, the *Review* has increased its staff so as to enlist the finest student talent in the school. It is now the policy of the *Law Review* to extend invitations to students at any time after their completion of twenty eight credits and before their completion of fifty two credits towards the LL.B. degree. This differs radically from the policy in the past which only permitted a student to qualify for membership upon the completion of twenty eight credits. Under the new system the student whose grades improve in his third term is no longer foreclosed from qualifying for membership on the staff of the *Review*.

The *Review* has also eliminated the procedure by which those students who met the proper scholastic index automatically admitted onto the staff. This has been replaced with a one year candidacy program during which the candidate must demonstrate a superior ability in researching, analyzing and commenting upon specific legal problems in order to qualify for full membership on the *Review*. It is hoped that in this way the *Law Review*

will be able to ensure a higher quality of student work.

Probably the most important innovation in the last year was the invitation of a process whereby lead articles and comments are continually being solicited from outside sources. This has enabled the *Review* to secure commitments for the submission of articles well in advance of the projected publication dates. This procedure will give the *Review* a much greater flexibility in its choice of publishable material.

In the past, the primary function of the student work on the *Law Review* has been to inform the practitioner of the many developments in the case law. However, it is now believed that this function has been adequately fulfilled by a plethora of legal publications which are now readily available to the profession. Therefore, the Recent Decisions in the *Review* will no longer be used as a forum for simply reporting a case, but rather will be directed towards a more intensive analysis of a particular area of the law. It is felt that the students analytical research and critical comment will be of greater value to both the student and the practitioner, and that this form of Recent Decision will better serve the legal community.

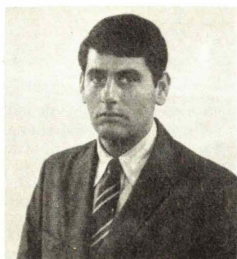
The *Law Review* will once again dedicate its third issue to a Sym-

posium analysis of a recently enacted statute. In order to complete the analysis of the law of estates began last year with the publication of the Estates, Powers and Trustees Law Symposium, this year's contribution will study the Surrogate's Court Procedure Act. These two issues together will provide a thorough analysis of the substantive and procedural aspects of these highly important developments in the law of estates.

The first issue of the *Brooklyn Law Review* will contain lead articles on "Death and the Closed Corporation" by Prof. Judith Younger; "The Development of Air Rights" by Sol A. Lieberman; "Bankruptcy Act—Section 249 of Chapter X—Disallowance of Compensation to Fiduciary for Trading in Stock of Debtor During Corporate Reorganization—Uncompromised Rigidity," by Gabriele John Troiano, and "Corporate Dividend Accounting Under the New York Business Corporations Law" by Martin R. Hauptman. This issue will also contain Comments on "The Freedom of Information Act. Is it a Clear Public Records Law?" by Charles P. Bennett; "Statutory Limitations On Contracts For Services of Government Agencies" by Gary B. Bisson, and "Injunction Against Professional Athletes Breaching Their Contracts" by James T. Brennan.

The planning of a more efficient *Law Review* is primarily the results of the intensive efforts of last years Editors-in-Chief, Richard Hoffman and Robert M. Heier. The effectuation of their policy changes can be credited to the present staff and Editorial Board of the *Law Review*. The members of the Editorial Board for the 1967-1968 issue are: Kenneth A. Lapatine, Editor-in-Chief; Steven A. Berger, Associate Editor; Steven C. Reback, Research Editor; Robert M. Fuster, Research Editor; Sidney D. Bluming, Articles Editor; Doy P. Liberman, Articles Editor; Martin L. Shmuckler, Notes Editor; Arthur D. Chotin, Book Review Editor.

valuable to the future of the legal profession."



Andrew Cramer

ABA Approves LSD

by Andrew Cramer

At its recent annual convention in Honolulu, the American Bar Association formally amended its Constitution and By-Laws to permit law students to join the ABA before they graduate from law school, before they take the bar examination, and before they are admitted to practice.

This was done by the creation of the Law Student Division to replace the American Law Student Association which had been sponsored by the ABA since 1949 as an independent "satellite" organization. The LSD, operating within the ABA's organizational structure, will expand upon the work done by the discontinued ALSA.

The ABA took this historic step to bring law students officially into its ranks for two practical reasons: (1) because it was convinced that by doing so it could aid law students in their professional development while exposing them to the best thinking in the practicing bar; and (2) because it was looking for a convenient way for law graduates to commence their bar association memberships, thus adding needed strength to the organized bar at this critical juncture in our national society.

Law students have much to gain by their new affiliation. They will be represented in the House of Delegates of the ABA, the highest council of the legal profession, and will take part in organized bar activities both on a national and local level.

The ABA will also benefit! As was stated by ABA President Earl F. Morris, "Law student members will bring fresh vision, new ideas and a dedication that will be in-

Two Brooklyn Law School students attended the Honolulu Convention: Alan Miller, representing Brooklyn Law School, and Andrew Cramer, who as a National Vice President represented the states of New York and Connecticut.

The student delegates from law schools throughout the United States attended many of the ABA activities and participated in student-sponsored programs aimed at directly benefiting the individual law students. For example, students exchanged ideas on topics such as student bar activities, scholarship and loan funds school publications and Law programs.

The National Legal Aid and Defender Association sponsored a daylong conference on Legal Services for the poor, the theme of which was the proposed "Model Rule" whereby 3rd year law students, under the supervision of attorneys, would represent indigent clients, in both civil and criminal proceedings. This conference cul-

minated in an old fashioned Hawaiian Luau held at a picturesque ancient shrine on the windward coast of the island. Vice President Humphrey was the guest of honor, who together with the students partook of such exotic delicacies as raw fish with brown salt, raw prawn, ceremonial immu (pig cooked in chacoal under 4 feet of earth) and poi (a native staple of fermented taro root paste). The survivors of the dinner were then

entertained at a show including island personalities and hula dancers.

Although the students' time was fairly well occupied with the busy schedule of meetings, some time was found (by the more adept planners) for such activities as surfing, catamaran sailing, outrigger canoeing, island touring "Wahini" watching and the "local bar" —which may have included the consumption of a potent indigenous

beverage called a Mat Tai—containing 3 kinds of rum, crushed almond syrup, orange curacao, fruit juices, a stick of pineapple, and, if made properly, an orchid, to be eaten, one might suppose, as a reward for the successful completion of the drink.

Although the representatives were sorry to leave the beautiful "Aloha State" they eagerly looked forward to the next national convention which will be held in Philadelphia.

Book at the Bar

by Emily Novitz

Justice In The Back Room. By Selwyn Raab. 261 pages. World. \$6.95.

The general run of newsman is not known for his in-depth understanding of the law. Selwyn Raab, however, understands. He sees clearly the implications of interrogation and confessions both prior to and since *Miranda v. Arizona*.

Mr. Raab, a reporter, covered and uncovered the interrogation and consequent false confessions of George Whitmore, charged with several crimes including the murders of Janice Wylie and Emily Hoffer. He describes Whitmore's confession as "a confession that would one day be converted into a remarkable piece of courtroom evidence against the police."

The Whitmore case was cited by the Supreme Court in the *Miranda* opinion; its what the court was talking about: psychological coercion, forcing a man to incriminate himself—indeed confessing to crimes he did not commit. Through Raab's reports of conversations with Whitmore and his family we can see why *Miranda* is really an equal protection, as well as privilege against self-incrimination, decision. Whitmore's family did not know how to obtain a lawyer.

Mr. Chief Justice Earl Warren used many pages to describe police tactics. George Whitmore reacted with one naive sentence. "You're speaking better to me than anyone else ever spoke to me in my life: How much time would I have to do?"

Then came the other half of the "Mutt and Jeff routine," reported physical and mental beatings.

The author does not ignore police criticism of *Miranda* and its mandates: a suspect will be made to understand that he does not have to say anything; anything he says can and will be used against him; he has the right to have an attorney present; if he cannot afford an attorney, one will be provided for him.

"Naturally, after decades of dependence on the confession, they (the police) can be expected to overstate the indispensability of such evidence."

Mr. Raab, too, is critical of the opinion. But his criticism reveals insight into the problems *Miranda* raises, and not only the questions it answers. The opinion was not held retroactive and therefore does not apply to Whitmore or others whose trials had commenced before June 13, 1966.

He also confronts the massive problems of waiver of the right to counsel. The Supreme Court did say counsel could be waived, and the very heavy burden of proving waiver would be on the police. But there is an elusive point which I feel Mr. Raab has identified. Even if the police acted in good faith, could there ever really be an intelligent waiver? And if there was, could it come before consulting an attorney? Mr. Raab has an answer which, even if not unique, is further evidence of his comprehension.

In the arrest of Whitmore we go through: a line-up of two men (one Negro, one white after the complainant had already identified the assailant as Negro); Whitmore's being forced to parrot "I'm going to rape you, Lady;" alleged beatings; the forced confession, the false confession; the false-forced confession being used as probable cause to hold for indictment; and the confessions being admitted in evidence.

The Wylie-Hoffer murder was "solved" not once but twice by confessions. In the case of Ricky Robles, victim-suspect number two, there was unabashed immunity granted to another suspect in still another murder for his cooperation in getting Robles; the generous placing of "bugs" based on "fabled police intuition;" and obtaining a confession from Robles while his attorney stepped out of the room.

Mr. Raab is saying, where there's a confession, there must be doubt.

Judge Ughetta's Death Mourned

(Continued from page 1)

was redesignated in 1957 for a five year term and again in 1962 by Governor Rockefeller.

Justice Ughetta, who held honorary degrees from Brooklyn Law School and St. John's University Law School, was admitted to the bar 1923 and practiced law privately for nearly 20 years.

He was chairman of the Draft Appeals Board in Brooklyn, was an elector for President Franklin D. Roosevelt and was treasurer for Mayor William O'Dwyer when Mr. O'Dwyer first campaigned unsuccessfully for the mayoralty in 1941.

When Mr. Harriman ran for Governor in 1954,

Justice Ughetta's name was suggested for Lt. Governor. His name was suggested for Mayor in 1953, but he said at the time, "I want to be a judge. The Court of Appeal is all I want."

Governor Thomas E. Dewey named Judge Ughetta to preside at a special term of the court to inquire into crime and corruption in Columbia County from 1952 to 1955. He made an unsuccessful run for the Court of Appeals in 1960.

He served as a member of the Corporation of Polytechnic Institute of Brooklyn and was a director and former president of the Brooklyn Society for the Prevention of Cruelty to Children.

Major curriculum changes Travia and Judge Van Voorhis Honored . . .

(Continued from page 1)

The changes in the courses reflect recent important developments in the law as well as academic considerations. For example, the increased number of credits for both the Constitutional Law and Criminal Law courses was prompted in large measure by the Supreme Court's new rulings dealing with the rights of accused persons. Since the *Gideon v. Wainwright* decision, a lawyer's chances of being called upon to represent an indigent person accused of crime, has been greatly increased and with the growth of public defender systems and anti-poverty legal offices, criminal law has become a larger and more respected field within the profession. The criminal law field is opening up, and even though only a small percentage of lawyers practice this specialty at present, they are becoming more numerous.

Perhaps equally as important as the new course changes is the fact that the new curriculum will permit students to choose a certain number of elective credits as part of the prescribed eighty credits needed for graduation. Previously a student could only take elective courses in addition to the prescribed eighty credits. Now students will be able to include their elective credits in the total needed for graduation. As a result, there will be fewer prescribed courses and more opportunity for the student to choose electives. The decision as to which courses will

be offered as electives has not yet been made, but Dean Gilbride estimated that the new electives will total about 8 credits, or ten per cent of the curriculum.

The determination of the new curriculum changes was made by the faculty, who review the curriculum periodically and offer recommendations when they believe that changes are warranted. "The faculty voted to make the course changes and to start a partial elective system," said the Dean. He believes that the elective system will be a valuable part of the curriculum, but he emphasizes that most courses will remain prescribed for the students. "In some schools," said Dean Gilbride, "the students can 'elect' themselves right out of basic courses". Most students, especially new students, do not know enough about the content of the courses they must select and they have only limited experience upon which to base their judgments as to which courses will be of the most value to them. For this reason, the faculty decided to institute a partial elective system.

Dean Gilbride has provided *The Justinian* with a tentative but unofficial schedule of the courses to be given to the new class in the spring. The courses which will probably be scheduled are: Property II, Constitutional Law, Methods of Legal Research, Business Organizations I and Suretyship.

(Continued from page 1)

Top honors went to Patrick R. Mulene, who received a Master of Laws degree Summa Cum Laude. Other students graduating with honors were Harvey Brecher, Frederick D. Hess, Cecil Hamilton Braithwaite, Irvin Fendel, Norman Silverman and Josephine McCaffey.

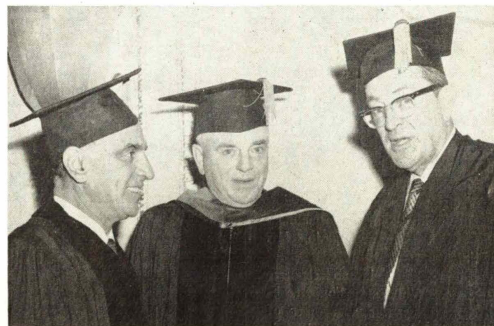
Both Mr. Brecher and Mr. Hess received Bachelor of Laws degrees Cum Laude. Mr. Braithwaite, Mr. Fendel, Mr. Silverman and Miss McCaffery each received Master of Laws degrees with the same distinctions.

The ceremonies in the Grand Ballroom of the Hotel St. George also featured the annual student prizes.

First Scholarship Prize for the highest scholastic average for the entire Law School course went to Frederick D. Hess. Mr. Hess was also the recipient of the Allen Brown Flouton Prize. The six to Eight Division of the Class of 1927 offers the prize to the number of the graduating class who has achieved the highest grade in the course in Pleading and Practice.

Harvey Brecher also won both the Second Scholarship Prize and the Henrietta and Stuard Hirschman Prize. The first was for achieving the second highest scholastic average while the Hirschman Prize was for the highest grade in the Real Property course.

The former Editor-in-Chief of the *Brooklyn Law Review*, Robert M. Heier, was awarded the Donald W. Matheson Memorial Prize. This prize, established in 1917 by the late Dean George W. Matheson in memory of his brother, Donald



1967 GRADUATION: Left to right, Assembly Speaker Anthony J. Travia, the late Justice Henry L. Ughetta, Judge John Van Voorhis.

W. Matheson of the class of 1914, is conferred upon the graduate who "in character, scholarship and achievement evinces the highest degree of legal capacity."

This year's Dean's Evidence Prize went to Robert Koppelman for the highest grade in the Evidence course.

Steven C. Baum was awarded the Surrogate E. Ivan Rubenstein Memorial Prize for achieving the highest grade in the course in Wills and Administration. The award is given by the friends of the late Surrogate Rubenstein.

A set of Consolidated Laws Service, The Lawyers Co-operative Publishing Company Prize, went to Steven F. Harmon. Mr. Harmon was selected by the faculty on the basis of "general excellence in scholarship."

For contributing most to the advancement of the *Law Review*, Richard M. Hoffman received the Williams Press Award, a complete set of the New York Official Reports (second series).

The West Publishing Company and Edward Thompson Company Prizes, consisting of sets of law books awarded on the basis of scholarship and extra curricular activities, were awarded to Richard C. Fields, Paul B. Bergman, Mark M. Richard and Roy J. Ott. Duplicate prizes are given for the Day and Evening Divisions.

For "contributing most to the betterment of student relations," Alan Scheer, retiring President of the Student Bar Association, and Louis R. Rosenthal, retiring Editor-in-Chief of *The Justinian*, received the Student Bar Association Prizes.

Legal Profession Increasing

The census of the legal profession reveals a seven per cent increase in lawyers in the United States from 1964 to 1967. The lawyer population in the country has reached a total of 316,856.

The figures indicate that the number of lawyers in government service has increased five per cent during this three year period while those in industry has increased seven per cent. It should be noted that the greatest increase was made by lawyers practicing as partners or associates, where a 13.5 per cent gain brought the total to 99,389. In the field of corporate law there was shown to be an increase of 11 per cent bringing their total to over 29,000. The field of private practice still remains the largest with a total surpassing 212,000.

On the question of which state

has the largest number of lawyers, New York still remains number one with a total of over 56,000. The other leading states include California, Illinois, Texas, Ohio, Pennsylvania, New Jersey, Florida and Massachusetts.

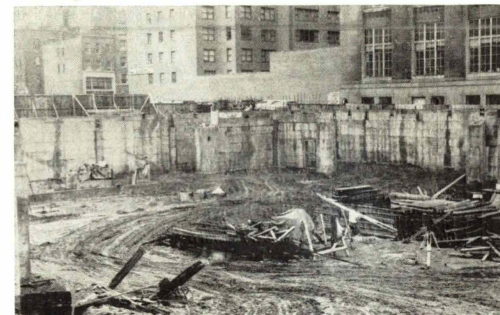
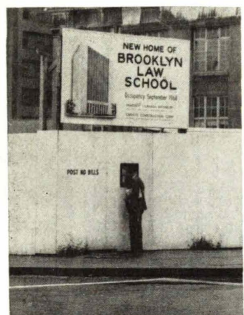
Following the example of New York State, New York City retains its position as the number one city with a total of 41,000, while Washington D.C. is a distant second with about 15,000. Other major cities include Chicago, Los Angeles, Boston, Philadelphia, and Detroit.

The census shows that the largest number of lawyers are less than 38 years old. The total in this age group surpasses 76,000, while those practicing over the age of sixty equals 52,000.

The
Justinian
is
Expanding

Alumni Luncheon

The Alumni Luncheon will honor Judge Groat of the Supreme Court of New York. The luncheon will be held Dec. 9, 1967 at the Waldorf Astoria.



CONSTRUCTION SITE OF NEW BUILDING: Progress being made.

4 Hours for 8 Hour Exams

by Aaron Carr

How many times has it been said, after final examinations, that, "... if I only had more time I could have written a better test paper...?"

Almost all Brooklyn Law School final examinations are three hours. Why can't they be longer—not the written tests but the time allotted to taking these tests?

The purpose of an examination is to determine how much information the student has absorbed during the previous term, rather than to investigate how fast the student can write down how much he has learned. For the most part, examinations are well thought out problems which ingeniously encompass the whole term's work. Students should be given the opportunity to answer these test questions in a manner deserving of them. In short, long planned questions deserve long planned answers. Furthermore, it should be considered that when a teacher writes a test problem he has no idea of the time needed for a written response. Thus some examinations may require more time than that which is allotted.

Argument against a longer time limit for examinations can only be

that if we have more time, the tests themselves will be made longer. Furthermore, another argument could be that examinations may only be graded on those questions that have been answered and not those left unanswered. The first argument is sound, but hopefully examinations would be composed in their usual manner and not as a variable to the examination period. The second argument cannot be answered because no one knows how an examination is graded, but even so, a longer examination period will ensure completed test papers.

According to Jerome Kagen's article, "Information Processing In The Child", it is a psychological fact that people respond to the same problems with various reaction times. Thus, all that is being advocated is that the student be given enough time, if he requires it, to match the skillfully, well planned questions with skillful well planned answers.

Such an idea is at least worthy of experimentation which may prove surprising both to the students taking the examination, and to the Professors, who have to grade them.

ATTENTION FRESHMAN

Moot Court Program
Starts Early November

National Moot Court, Team Captain, Arthur Chotin

by Aaron Carr

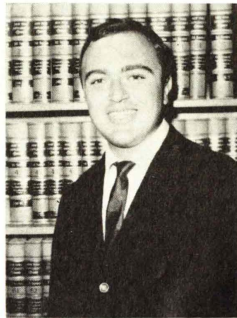
Brooklyn Law School will very shortly enter the Annual National Moot court competition, having three students representing her. This year the team captain is Arthur D. Chotin, backed up by John Wilson and Steve Tamber. In order to know the school's probability of success, it is important to investigate the qualifications of the team captain, Mr. Chotin.

Arthur Chotin is no stranger to debate. While attending Brooklyn College he was a member of the varsity debate team. In addition, Mr. Chotin was a participant in the national moot court competition in his second year at Brooklyn Law School.

Academically, the team captain has compiled a superb record. Arthur has been on the staff of the *Review* since 1966, and was just recently appointed Book Review Editor for the *Review*.

According to Mr. Chotin, participation in the Moot Court competition involves more than just presenting an oral argument based on a statement of fact. It involves research which begins before the first day of school and continues until the very day of the competition. Fortunately, Arthur has had a great deal of experience in the area of research, having researched and written two articles for the *Law Review*.

Mr. Chotin believes his experience as a competitor in Moot Court is invaluable and recommends that our school curriculum be amended to include an intramural moot court competition so as to give



Team Captain Arthur D. Chotin

every student the opportunity to gain some of the valuable experience which such competition has to offer. In addition Mr. Chotin points out that reciting before a teacher falls short of actually cases before a panel of judges and therefore students are not fully prepared to meet the realistic challenge of the legal profession.

As Arthur is captain of the team, Brooklyn Law School's probability of success is very great.

Alumni in the News

1911

JUDGE WEBSTER J. OLIVER retired from the United States Customs Court in New York City. For 25 years he was either the presiding or chief judge of the court.

1949

ROBERT J. MANGUM was sworn in as the new chairman of the State Commission for Human Rights.

1955

MARVIN JACOBS was promoted to Army major while assigned to the U. S. Army Air Defense Command.

1962

ARNOLD P. ETELSON was elected to the position of Police Justice of the Village of Spring Valley.

MICHAEL E. MERVIN is an attorney with the Federal Trade Commission, Bureau of Restraint of Trade, in Washington.

STANLEY W. NATHANSON has become associated with the firm of Silver, Saperstein, Barnett and Solomon.

1963

CHARLES H. SULLIVAN a Captain in the U. S. Air Force has been decorated with the Bronze Star Medal at Tan Son Nhut AB, Vietnam, for meritorious service while engaged in military operations against the Viet Cong forces.

1965

NORMAN K. SAMNICK is now the Deputy Commissioner of the Department of Buildings for the City of New York.

1966

DONALD GRAJALES is associated with the New York law firm of Henry B. Rothblatt.

STERLING JOHNSON has been appointed to the U. S. Attorney's office in the Southern District in New York.

MARTIN NOVACK has accepted a position as patent attorney with the General Telephone and Electronics Laboratories.

1967

HELEN JOHNSON has joined the staff of the office of the Bronx District Attorney.

MICHELE F. CROWN, KENNETH P. BERKOWITZ, ALAN M. WOLINSKY have joined the staff of the Federal Trade Commission in Washington.

Necrology

Capt. Jerome A. Lederman, '11. Henry Lehigh, '19. Hon. Albert M. Cohen, '21. Sigmund Rome, '21. Joseph Pinto, '23. Benedict Stambler, '26.

John J. Bennett '26. Mr. Bennett was the former Attorney General of New York State and was also the City Corporation Counsel and Chairman of the City Planning Comm. He was also a former candidate for governor.

Bernard M. Fineson, '28. Mr. Fineson was chief trial examiner for the New York State Labor Relations Board. He also served as president of the National Association for Retarded Children.

Karl J. Schumer, '29. Mr. Schumer served as the general counsel of New England Industries and Lehigh Valley Industries.

Arthur Sheinberg, '30. Eric J. Treulich, '35. Mr. Treulich was a Civil Court Judge and former majority leader of the City Council.

Kenneth B. Sprague, '41. Mr. Sprague was financial vice president of the American and Foreign Power Co.

Felix G. Retaino, '50.

Notes of the Fraternities . . .

Iota Theta Law Fraternity held its annual smoker at Joe's Restaurant, 44 Court Street, Brooklyn, N.Y. on October 20, 1967 at 8:00 P.M. All students who were interested in meeting some of the members and alumni of the fraternity were cordially invited to attend.

Open House: The Iota Theta fraternity room is now open to all students interested in finding out about the fraternity. They are

located in the main lobby of the school. All students are invited.

Evarts Inn of Phi Delta Phi held its Fall Smoker on the afternoon and evening of Thursday, October 19th in the second floor Lounge of Brooklyn Law School. In addition, Open House is being held its Fall Smoker on the after-noon North Mezzanine of Brooklyn Law School, during the pledge enrollment period. All students

were cordially invited to attend the Smoker and visit the Inn during Open House.

Evarts, one of the nearly 100 Inns of the International Legal Fraternity of Phi Delta Phi, was chartered in 1907 and has been active in student affairs at Brooklyn Law School ever since.

The Inn maintains its own study rooms and library.

PETER DORET,
Pledge Chairman

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