

# The Justinian

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## The Justinian

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# THE JUSTINIAN

## BROOKLYN LAW SCHOOL

VOL. XXVIII, No. 3

March 27, 1968

BROOKLYN, NEW YORK



### "Black Power" A new type of Federalism

by Bernard Kobroff

On Friday, February 9, the Law Students Civil Rights Research Council presented their first speaker of the spring term, Miss Joan Franklin, lawyer for the N.A.A.C.P., her topic was "Black Power."

The speech by Miss Franklin consisted of some observations of "American Society" and drew from them some logical conclusions. Following this was a question and answer period that lasted for almost three hours.

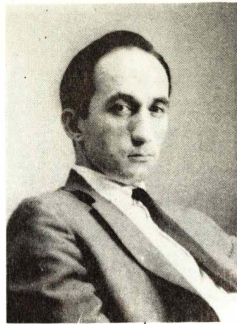
Miss Franklin began by stating the obvious, namely that America today is a racist society. She offered as part proof of this indictment, the apparent observation that everywhere in this country, be it the South, North, West, or East, the Negro is as a group on the bottom, the clear effect of a system that discriminates. She also sought to point out by a few examples how almost unconscious most people seem to be of the racist nature of America, especially those who are often considered liberal. One of these statements was the one by the Department of Health official that there might be a health crisis in New York during the sanitation strike because the rats *would leave Harlem* and enter surrounding neighborhoods. . . .

Black Power according to Miss Franklin is the black reaction to the racist American system. It is an attempt by black people to get control over their own lives, because the whites make the laws, administer the laws, and enforce the laws for their own benefit. The fact that "tokenism" is now coming into vogue didn't seem to satisfy Miss Franklin.

The questions that she posed were: how much control will the black people be allowed to have; and how soon will they get it? The Blacks must have control over their own lives to survive, and Miss Franklin felt that the only way this society would finally relinquish it would be through the threat, and, if need be, acts of violence. One could not help but get the impression that time was running out to reach a peaceful solution to the problem, as white America seemed more determined than ever to keep the black man from changing the system which has kept them down.

Miss Franklin viewed the black man's ultimate goal as equality with whites. She offered as a solution a new type of "Federalism," namely a separate legal system for black people, formu-

(Continued on page 6)



Prof. Farrell

### Moot Maestro changes tune for mooters

by Ken Levy

They call it moot court, but if the newly appointed moot-maestro, Prof. Richard T. Farrell, has his way, the results of this year's competition will be far from moot—at least for the mooters.

The most saliently non-academic result of this year's court will be the prizes. First and second year students will compete separately and three prizes will be awarded in each category.

According to Prof. Farrell, prizes for best team, best brief by a team, and best oral presentation by a team may come in the form of books or cash. However, as of this time, no prizes have been formally set.

With the first round of arguments already in progress, Prof. Farrell's belief, that the major organizational change in the competition would attract a larger number of participants, has been justified.

This year, third year law students are running the court from day to day.

The theory being, that the students will be able to generate more interest in other students than the Faculty could.

"Our ultimate goal is to make the moot court a routine activity of the law school," Prof Farrell said.

He indicated that moot court would be a good place for first year students to get some training in legal research. He said that he and members of the Student Bar Association would be available to answer any questions on the subject.

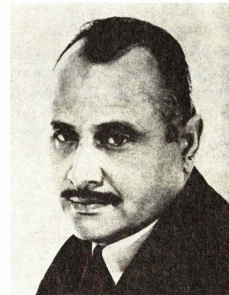
The competition will also give students a chance to deal with some of the problems inherent in legal writing.

"We're going to conduct this in as business-like a manner as

(Continued on page 3)

## Borough President Sutton 1968 Law Day Speaker

by Roger Adler

Manhattan Borough President,  
Percy Sutton.

Law Day will be observed on April 26. Established by President Eisenhower, the ostensible purpose of such a day is to call attention to the premise that America is a nation of laws and not of men. Brooklyn Law School will observe Law Day by holding a special assembly at which Manhattan Borough President Percy Sutton will speak, and Dean Gilbride will announce the prizes for the moot court competition. Refreshments will be served.

As one waits pensively for the long hot summer to begin, it is fitting that Mr. Sutton will be the main speaker. A post-World War II graduate of Brooklyn Law School, Mr. Sutton has managed to emerge as one Negro who has played the White man's game by the White man's rules, while gain-

ing and keeping the respect of both Negroes and Whites. Prior to his election as Borough President of Manhattan in 1966, Mr. Sutton served as President of the New

York branch of the N A A C P. His law firm (Sutton and Sutton) was counsel to, and trial counsel for, more than two hundred defendants in the 1963-1964 Civil Rights protests. Mr. Sutton has been arrested as a Freedom Rider in Jackson, Mississippi, and again on Route No. 40 (Maryland) while attempting to desegregate lunch counters.

In a time when leadership has degenerated to rabble rousing and hate mongering, moderates such as Mr. Sutton are hard pressed to maintain their effectiveness. It will be an opportunity for Brooklyn Law School to hear from a man who has tried to work within the legal system during these trying times. The only attendance monitor will be your conscience, and your sense of commitment.

## Wall Street Firms increase salary to \$15,000

The "WALL STREET" firm of Cravath, Swaine and Moore has recently announced that it is offering positions to graduating law students at a starting salary of \$15,000 per year. This announcement will undoubtedly place great pressure on major law firms throughout the country to re-evaluate their salary structure.

At first glance this increase appears startlingly large, however, careful calculations indicate that the raise may not be so great as it seems. It should be pointed out that persons accepting the \$15,000 jobs with the firm will face

a wage freeze for 2½ years, the abolishment of bonuses and that after this 2½ year period all wage increase will be based on merit alone.

This salary increase is a clear attempt to attract employees from a currently dwindling pool of law graduates which is due to the current draft situation and a surprising lack of interest in working for a "Wall Street" firm. This dwindling supply of interested law graduates may prove a boon to the graduates of the non-Ivy League law schools who previously have been denied access to these positions.

There can be no doubt that this drastic increase will help the major firms overcome the two major stumbling blocks that their hiring program has had to face; the high cost of living that exists in New York City, and the long and ever demanding working conditions that exist in the "Wall Street" firms.

While there is little doubt that the smaller firms will not promptly follow suit, this major salary increase will continue an inflationary trend which other major law firms and government agencies will not be able to ignore and thus prove a boon to recent law graduates.

## Bernard Bloom receives first Henry Ughetta Memorial Award

Dean Jerome Prince presented the first Henry L. Ughetta memorial award to Bernard Bloom, who was secretary to the late Justice Ughetta. This award was presented on December 13, 1967, at the Iota Theta Law Fraternity induction dinner. In his acceptance remarks, Mr. Bloom recalled the great pride which Justice Ughetta had in Brooklyn Law School and in the Justice's dream which is becoming a reality in the construction of a new home for the law school. The award will be presented each year to an outstanding member of the legal profession who best shows the qualities and ideals exemplified by the late Justice Ughetta.



Dean Prince presenting Bernard Bloom the Henry Ughetta Memorial Award.



# THE JUSTINIAN

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

**BROOKLYN LAW SCHOOL**

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## "Who Needs It Doctrine"

We note that there is one faculty member at this Law School who is interested in promoting student participation in an activity that is connected with the School, but is not directly or remotely related to the study of law. We refer to Prof. Morris D. Forkosch and his tireless and sincere efforts in behalf of the Blood Bank.

We do not wish to detract from the advisors to Moot Court, Law Review and *Justinian*. However, the Blood Bank is such an activity that if there were no faculty member to take charge of it, direct the student chairmen, and to see to the transition of volunteers from one year to another, it would fall under the Administration's lamented, but not late, "who needs it doctrine."

It is more than likely that if Prof. Forkosch were unable to take a personal interest in the Blood Bank, the project would be chucked.

It is for the reason that it is a unique occurrence for an activity such as the Blood Bank to thrive at Brooklyn Law School, that we single it out along with its faculty advisor rather than singling it out for its mere humanitarian value.

It is a sorry state and a sorry confession that a school such as ours has no coordinator of student activity—no student activity—no yearbook—no contact between the alumni and the students—and we suspect only haphazard contact between the Administration and the alumni.

We cannot congratulate ourselves that we have, finally, after an existence of 67 years, a full-time placement service—the effort is feeble.

It would be to the benefit of the student body and the School to discard the "who needs it doctrine" and promote closer ties between the students and the faculty and Administration. The more time a student spends on activities connected with the School, the closer ties will be and he will be less likely to forget his School when he joins the ranks of alumni.

LAW DAY

APRIL 26

ALL STUDENTS  
ATTEND

## Dean Gilbride

### I decided to accept a one year appointment

by Donald Hecht

Those were the words used by Assistant Dean Gerard A. Gilbride in telling me of his first association with Brooklyn Law School. Fortunately for BLS, its faculty and student body, Dean Gilbride's association with the school exceeded his anticipation, and to this date, that one year has become 19 fruitful and rewarding years.

Dean Gilbride graduated from Fordham University in 1941 with an A.B. degree. Upon graduation he started law school at Fordham but after a few months he took a leave of absence to enlist in what was then the Army Air Corps. He served during the war as a weather observer and upon discharge resumed his studies at Fordham Law School. Being enrolled in the evening division Dean Gilbride spent his daylight hours teaching in Brooklyn Prep. At one particular point he was teaching Latin, English, and social studies, and studying law at the same time. To this day he wonders how he accomplished that feat without becoming helplessly confused. From his teaching position he went on to work for a title company, a job a little more in line with his studies. In his senior year at law school he became the Managing Clerk in the Admiralty firm of Haight, Deming, Poor & Havens. Upon graduation and admission to the Bar in October 1948, Dean Gilbride worked for Hill, Rivkins & Middleton, a law firm dealing in insurance, subrogation, and admiralty. From 1949 to 1950 he became associated with his brother, also an attorney, in a general practice in Brooklyn. It was during this period that he accepted his "one year" appointment at Brooklyn Law School.

Dean Gilbride's first teaching assignment in BLS was Contracts I. Since then he has taught Property I & II, Insurance and Equity. When asked which subject was his favorite, the dean replied, teaching Contracts, because it enables him to work with entering students and lay a firm logical foundation for their further studies.

Dean Gilbride continued as an instructor until 1952 when he became an Associate Professor. He became a full Professor in 1955. From 1953-55 he was an Assistant to the Dean, and in 1958 he assumed his present position as Assistant Dean.

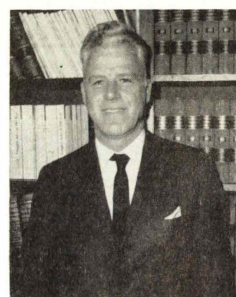
### 165 Pints; Record blood collection

The record collection of a 165 pints of blood was made possible on March 5 by the hard work of the Blood Bank Committee which was headed by the officers of the S.B.A.

All good faith donors should check with the S.B.A. for the list of hospitals where they may donate.

The Blood Bank Committee and its faculty advisor, Prof. Morris D. Forkosch wish to thank all the donors who gave this record amount of blood.

Dean Gilbride is a member of the Brooklyn, N.Y., and American Bar Associations; a former director of the Fordham Alumni Association; a member of the Legal Education Committee of the Brooklyn Bar Association; a member of the New York State Committee on Professional Eth-



Dean Gerard A. Gilbride

ics; a former hearing officer for the Department of Justice; and is presently serving as the Chairman of the Legal Ethics Committee of the Brooklyn Bar Association.

Dean Gilbride has been the director of the BLS Honors Program since its inception. The Honor Program was created for the benefit of students whose scholastic average places them in the upper portion of their class. Students eligible for this program are permitted the opportunity to engage in some form of original research that ordinarily would not be included in the law school curriculum. The Dean announced that this semester's project would be an analysis, survey, and compilation of the existing Federal and State laws concerned with aid to brain injured, handicapped, and retarded children. The ultimate goal of this project will be a published guide available to the parents of these children, appraising them of their legal rights pursuant to existing Federal and State law. This "guide," although written in lay terms, will be sufficiently documented to be representing the parents of an afflicted child. Although there have been various isolated studies on aspects of this problem area, to date, there has been no comprehensive undertaking encompassing the entire field.

As Assistant Dean, Dean Gilbride's position, in one aspect, is

that of Dean of Men. As such, he handles student's administrative problems at the first level, and is active in scheduling and programming. Dean Gilbride is also the Secretary of the faculty and the Secretary of the Board of Trustees of BLS.

Dean Gilbride resides with his wife and eleven children in the Bay Ridge section of Brooklyn where he is very active in Church and civic affairs. In addition to being a Little League coach, he is very proud of his part in establishing a local youth program and being one of the founders of a Youth center in his neighborhood.

In reflecting on the history, progress, and future of Brooklyn Law School and its students, the Dean compared the post-war student of the late forties with the student of today. Despite the older age and serious intent of the post-war students, he feels that the students of today are more competent, more highly qualified, and more culturally and socially aware. The Dean stated, "I think the students of today have a greater sense of responsibility, and are much more highly motivated towards public service and service to the community."

In commenting on the progress the school has made in the recent past, Dean Gilbride was proud to point to the rapidly expanding Placement Office and the changes in the curriculum. Aside from the obvious dropping of some courses and the addition of others, he stated that the school has adopted a partial elective system whereby an entering student will be able to choose eight semester hours of electives in addition to his required courses.

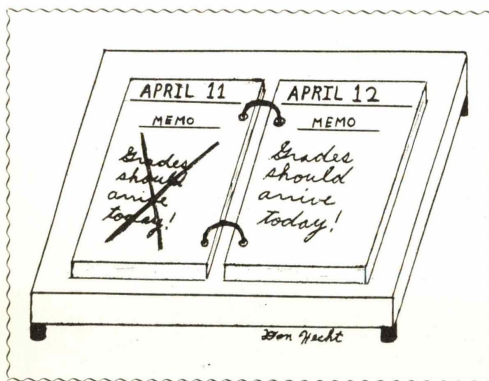
Dean Gilbride states that the new building will be the most modern facility of its type in the United States. The purpose of the new building is not to increase the size of the student body but to provide new and improved facilities for the existing students and faculty. Among other things, the new building will boast a library twice the size of the presently existing one, improved lounges, and a moot court room worthy of the school.

In concluding, Dean Gilbride feels that the new building will provide a stimulating atmosphere for the study of law and the educational facilities to achieve greater academic achievements in the future.



BLS student donor





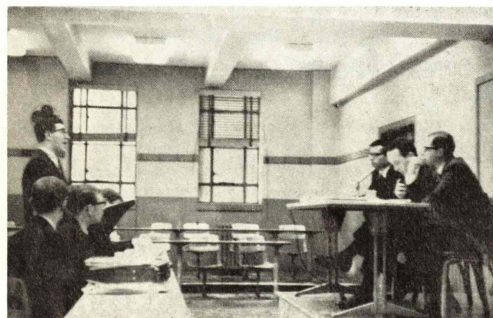
## Mooter's learn new tune

(Continued from page 1)  
possible with rules of practice designed specifically for moot court competition." Prof. Farrell reported. "We're attempting to create as much a feeling of reality as is possible in an academic setting."

The debating will be open to all first and second year students who wish to participate. Elimination of the two-man teams

The problem cases will be based upon fact patterns drawn from actual cases. This will prevent the competition from becoming an "egg hunt" which students spend their time looking for one right answer.

Each student who participates will be guaranteed a chance to argue a case at least once before the elimination process begins.



Moot Court program under way; Prof. Hahl serving as head judge.

will begin in March with three rounds of arguing. Semi-finals will be held in April. The program's culmination will come just before graduation with prizes awarded at Law Day ceremonies.

Moot court debating is based upon the law surrounding the appellate process. Students often find suggested, outside readings interesting and helpful.

As for the judges, substantial participation is expected from members of the bar aside from members of the law school faculty.

Another sidelight to the competition is the fact that mooters for the school's National moot court team will be selected from those participating in this activity.

# People v. Victor Charlie

by Stuart A. Shaw

"In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial"...

People v. Victor Charlie, 17 Viet. 325, 205 S.E.A.2d 88 (2967)

—This is an appeal from a judgment of Gen. Nguyen Ngoc Loan prosecuted by the honorable descendants of one Victor Charlie. The appellant seeks to draw into question the constitutionality of recent techniques instituted to facilitate the prosecution of criminal activities as well as to prevent undue calendar congestion and encourage the speedy disposition of criminal cases.

The appellant's decedent was found wandering the streets of Saigon dressed as a civilian (emphasis provided) during certain vicious and unprovoked attacks upon the Republic of South Vietnam. He was in possession of a pistol at the time of his capture. He was immediately arraigned before Brig. Gen. Loan who gave the required warnings. See, *People v. Nguyen Phu Miranda*, 12 Viet. 136, 198 S.E.A.2d 1005 (1966). Despite these clear

caveats the decedent, obviously repentant, knowingly waived his rights and gave a full and clear explanation. Gen. Loan, finding the explanation unconvincing (due delirium having been had thereon), pronounced judgment and forthwith issued execution thereon (with his pistol). It is this determination which is drawn into question.

It is objected that, due to the presence of a pistol in the hands of Gen. Loan, that confession fell short of the requisite standards of voluntariness previously set down by this Court. However we cannot say that any cognizable coercion was present in the absence of proof that the appellant's decedent was aware both of the presence of the pistol and of the fact that it was loaded. (See the good discussion of this problem in *Ky v. Thieu*, 14 Viet. 100, 200 S.E.A.2d 12 (1966)).

Since a confession is in the nature of direct proof, rather than circumstantial proof, Gen. Loan was not obligated to ascertain appellant's decedent's guilt to a moral certainty. *Prince v. Ngoc*,

1 Viet. 886, 174 S.E.A.2d 558 (1961).

The constitution guarantees the right to a speedy and public trial. Viet. Const. Amend. VI. Certainly no one will contend that the appellant's decedent did not receive a speedy trial. (The parties have stipulated that only 32 seconds elapsed between arraignment and final judgment). Nor may it be maintained that it was not public. (Note the presence of an international news photographer and resulting pictures in the N.Y. Times 2/2/68).

Calendar congestion and the right to a speedy trial are inextricably bound together in antagonistic juxtaposition. We cannot say that Gen. Loan's technique for dispensing with one and facilitating the other surpassed allowable boundaries.

Our Constitution requires a speedy and public trial. With so many brave and noble Americans giving their lives to preserve and protect Vietnamese security and democracy, it would be heinous, no matter how pressing the circumstances, to sacrifice Constitutional rights on the altar of mere expediency.

We see no substantial error and accordingly the petition for *Habeas corpus* is denied.

All concur.

## A letter to the school administration

Sir:

Although I sincerely feel that this letter will have absolutely no effect upon correcting the complaints I set forth, nevertheless I write it because it deserves to be stated.

It seems apparent to this writer that both the administration and the faculty of this school have dealt with the student body in the past weeks in a manner of, at best, studied indifference, and at its worst with excessive cruelty.

From the moment the schedule was planned last summer, the administration, with a supreme disdain for student needs, neglected to put in a study period between the end of classes and the beginning of finals. Compounding and complementing this want of understanding was the lack of an inter-session. The student therefore was left with no time to fully prepare the next term's assignments (which needless to say were mailed out during the final exam period), and any hope of rest or relaxation had to be forgotten.

Upon returning from a weekend of preparing cases, I personally, had to wait a total of 37 days from my last final (47 from my first) before I received my grades. In simple language that means one third of the spring term had elapsed before a student even knew if he was still matriculated.

However, during this more than five week period the student is still expected to go quietly about his business as if grades are just something not worth talking about—as surely the administration won't give out any information concerning them. They simply require him to pay a term's tuition, spend almost a hundred dollars on books, and prepare and study for finals that he may never take.

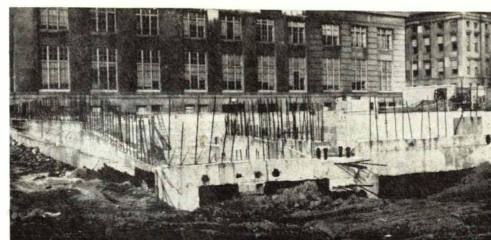
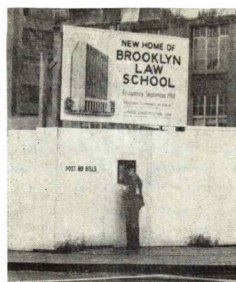
And as if this callousness didn't suffice, the administration and faculty generally did nothing to stop the flow of rumors or false information during this period. They made no attempt to inform the student body of when grades would be forthcoming or "how bad they were."

Then to increase the anxiety level of the students, the administration with brutalizing effect proceeded to send out the grades of both the freshman and senior classes in separate lots over an eight day period. I know many students who when they didn't get their grades when most of their class did, were incapable of doing anything but feeling sick, frightened, and disgusted. Meanwhile the faculty also with a supreme disregard of the pressures that were facing the student, i.e. study for classes or rest for boot camp, just rolled on as if nothing was amiss.

I would like to see this attitude on the administration's part corrected or at least explained. I would like to know what the Student Bar Association has done to correct these abuses to the professional dignity of the Brooklyn Law School student. I would simply like to see the students of this school treated with a bit more respect and understanding from the administration and faculty.

Bernard Kobroff

## Is progress really being made? —→



Prince  
For  
'68



## Death, Taxes, Final Exams

by Roger Adler

Just as one can count on death and taxes, so can the law student count on the existence of exams. For all the arguments given in favor of abolishing them or modifying into a pass-fail system, some device must be found which serves the function of motivation and evaluation. The question this writer is concerned with is not whether they should exist, but how they fit into the curriculum and how they are administered.

When we first came to Brooklyn Law School we were addressed by Dean Prince. In that initial speech, references were made to examinations and how wonderful Brooklyn Law School was for allowing us the privilege and benefit of midterm exams. The Dean further went on to paint a picture of brooding concern over the legal education of its incoming students. Dean Prince seems to be suffering from a credibility gap.

Midterm exams, the weight of which is never divulged beyond vague references, are of limited value in their present form. The time lag between taking the exams and receiving the results is more than a month. The reason it takes this long is that those who give the exams must also prepare their daily lectures. Yet no one gets to keep his midterm. Those who do go over the exams do so when the student does not have the returned exams in front of him. The going over process is often so hurriedly done, that it was done, but it was not. If the exams cannot be returned to the student for his use in preparation

for his finals exams how beneficial are they? Could not a copy of the correct answers be distributed after the exams to be used for review. In a field where the slightest altering of a fact can change a "true" to a "false," the fear of memorizing old exams becomes a false one.

Currently, Brooklyn Law School has a very tightly administered examination process. The goal of maintaining integrity is beyond reproach. The question then is whether the means employed are necessary to reach that end.

Proctors constantly walk around, peer over, and scrutinize the student to a degree which becomes annoying. I find it hard to respect a system which forces me to go to the bathroom under the auspices of an elevator operator.

The next problem area is the period between semesters. It is hopelessly short to provide the relaxation students who have been under strain deserve. If the intercession period were extended by one week, the exams would be marked sooner, as the professors would have more spare time without the pressure of classes to contend with. Furthermore, the students would return to school in a more relaxed and receptive state of mind. Surely there should be one recess without the pressure of exams or assignments. It is only a matter of scheduling.

For those who think that Brooklyn Law School is lax in having grades mailed out, it must be pointed out that the other five

(Continued on page 5)

## Brooklyn Law Review 36 years old

With the advent of 1968, the BROOKLYN LAW REVIEW has reached the thirty-sixth year of its publishing history. Among the more important advancements in the Review is the first Editorial Board to serve permanently for one academic year (Volume 34, 1967-68).

Heading the Editorial Board is Kenneth A. Lapatine, Editor-in-Chief, a graduate of Queens College with a B.A. (Political Science). The Editor-in-Chief, previously Associate Editor and Notes Editor, spent last summer as student assistant to the Regional Counsel's Office of the Internal Revenue Service. Upon graduation Mr. Lapatine will serve as law clerk for the Appellate Division, Third Department, in Albany, New York.

The Review's Associate Editor is Steven A. Berger, a graduate of the University of Miami with a B.B.A. (Management). Mr. Berger, who has previously served as Decisions and Research Editor, will have the honor to be the law clerk for Judge John F. Scileppi, New York Court of Appeals, beginning in the Fall of 1968. After his two years with Judge Scileppi, he plans to practice law in New York City.

The Articles Editors are Roy P. Liberman and Sidney D. Blumling. Mr. Liberman, a graduate of the City College of New York with a B.A. (Political Science), has served previously as Notes Editor. He plans to continue his legal education, preferably in the field of criminal and constitutional law. Mr. Liberman spent last summer as law clerk for the New York firm of Livingston, Livingston & Harris.

Mr. Blumling, a graduate of Queens College with a B.A. (Accounting), has served as Articles Editor since his appointment to the Editorial Board in

late 1966. During the summer of 1967 he was a legal intern with the New York City Housing Authority. Mr. Blumling plans to practice law in New York.

Arthur D. Chotin, the Review's Notes Editor and formerly Book

Mr. Reback, a graduate of the City College of New York with a B.A. (English), has been Research Editor since his appointment to the Board in early 1967. He served last summer as legal intern in the office of the Hon.



Law Review Editorial Board: top l-r, John Wilson, Robert Fuster, Roy Liberman, Arthur Chotin; bottom l-r, Sidney Blumling, Steven Reback, Kenneth Lapatine, Steven Berger.

Review Editor, has served as second year member and third year Captain of the Law School's Moot Court team and during the summer of 1967 was both a student assistant with the United States Attorney, Southern District of New York, and law clerk for United States District Judge E. J. Dimock. Mr. Chotin, upon graduation, will be with the Civil Rights Division of the United States Department of Justice in the Honors Program. He was graduated from Brooklyn College with a B.A. (Political Science).

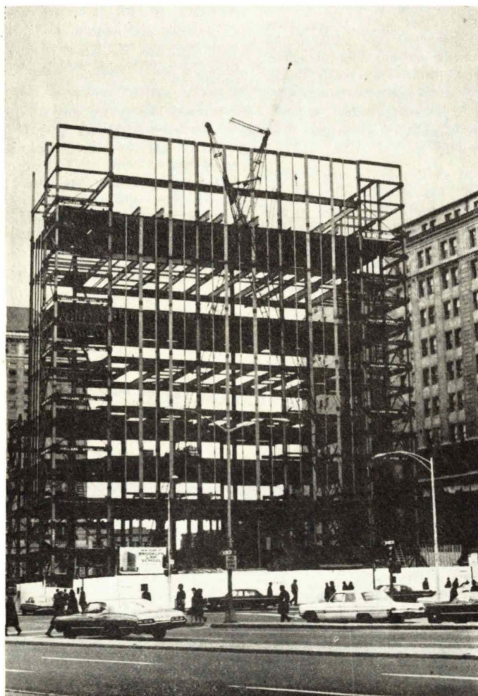
The Review's Research Editors are Robert M. Fuster and Steven C. Reback. Mr. Fuster, who was graduated from New York University, Washington Square College, with a B.A. (Biology), has previously served as Articles Editor. In the Fall of 1968 he will be law clerk for District Judge John R. Bartels, Eastern District of New York.

Frank S. Hogan, District Attorney, New York County. Mr. Reback plans to practice law with a New York firm.

The newest member of the Editorial Board is John M. Wilson II, a graduate of Wagner College with a B.S. (Business Administration). Mr. Wilson, the Book Review Editor, was a member of the Law School's Moot Court team. Upon being graduated in January, 1969, he hopes to obtain a position as law clerk or, in the alternative, practice law in upstate New York.

The Review's non-titled senior editors are Carl M. Bornstein (New York University, Washington Square College, B.A., Political Science), Edward J. Waldman (Wharton School of Business and Commerce, University of Pennsylvania, B.S. in Economics, Finance), and Samuel J. Wilson (Pennsylvania State University, B.S., Business Administration).

## You can bet on it?



## An ill wind blows from the Bar T

by Henry Jorisch

Late last week the President was seen entering an elevator in the White House wearing an eyeshade, with medals swaying from his chest, and garters on his shirtsleeves, but before television reporters could corner him to find out the reasons for his attire, he was whisked away to a secret room in the third sub-basement. That night newsmen reported only that the President, known in his early congressional days as a wheeler-dealer, might be planning to reshuffle the strategy of the draft. The news was vague, frightening many students who were considering different ways of removing one or another of their vital bodily organs.

In different parts of the Capitol, the Vice-President, as his wife later disclosed, entered his bathroom with a supply of canned goods, preparing for the long encirclement of his home by pickets; the Secretary of State flew to Monticello, N.Y., sporting a false beard and sun-glasses, waiting for some word from the President; Richard Nixon called a press conference to discuss the disin-

tegrated state of the White House rose garden.

Only several days earlier budget cutbacks — government spending in education, foreign service employment and electricity—were announced, but with the huge outflow of gold stores at Fort Knox, a much greater problem was on the President's mind: students leaving for long-term vacations in Canada were taking many American dollars with them, reversing the effects of spending cutbacks. Student affluence had long plagued the minds of top economic specialists in Washington.

It was with these problems on his mind, and with a heavy heart, that the President called on J. William Gaddy for ideas to solve the impending financial crisis in this country. That was the reason for the secret meeting.

Now the news is clear, and unhampered by top-secret red tape. Only now can the members of the cabinet come out of hiding without fear of the consequences. It is clear that a new draft system, encouraged by Gaddy at that

meeting, accepted by the President, will have untold effect on the problems of America. There will be less crime in the streets, less dissent from students, and an untold increase in the morale of American soldiers in Vietnam. The new decision is very simple. Every student who has decided to leave this country to escape the draft will be deferred; every student who has decided to shoot off his big toe will be deferred!

At a conference called last night by the President's press secretary, it was announced that college seniors and graduate students leaving the country would be aided in their plans with government loans and grants. Instead of being prosecuted, they would be called on to infiltrate into the businesses of their new resident countries, get jobs in labor and management, and as citizens of the US, pay taxes back here. The long-term effects on the American economy would be stupendous.

Gaddy, who spoke at the conference, explained that the gold flow would be stemmed, and that

(Continued on page 6)



## Book at the Bar

**THE LAWYERS.** By Martin Mayer. 548 pages. Harper and Row. 1967 \$8.95.

by Michael T. Wolin

The author of this book, a reporter and editor, has written a fascinating and informative account of the contemporary world of the lawyer. It is of special value to the law student, since it provides him with an opportunity to transcend his world of ivory tower education and see what the real world of the lawyer is like.

We are given a broad and insightful look at the origins and evolution of the law, and the quality and scope of legal education. A perceptive analysis is made of the functions of the court systems and the judges who oversee them. We participate in the daily activities of the Wall Street law firm, and the various worlds of the private practitioner. We see, as well, the world of the criminal lawyer, government lawyer, and the growing number of tax and patent specialists. The author has also captured the essence of the revolutionary changes in criminal law procedure, not merely in their theoretical sense, but in their impact on the accused as he comes into contact with police and court structures.

As in any study that attempts to describe and understand the functioning of a mass of individuals, statistics are plentiful. For example, the book reveals that the legal profession today is composed of a little over 300,000 lawyers—one of every 250 in the labor force. Three-quarters of them are engaged in private practice. Of the remaining quarter, two-fifths are employed by private interests, whereas the government employs the rest. The median income of lawyers as of 1966 was approximately \$13,000. This figure includes, of course, a vast disparity between law firms earning millions

to individual practitioners earning a few thousand. In general, these statistics reflect a diversity of opportunity and an upward movement of the profession. However, the composition of the profession reveals some discouraging realities. Only one lawyer in forty is a woman. There are few Negroes—less than one percent, while they represent ten percent of the population.

The author's analysis of law schools provides an opportunity for the law student to compare his experiences with Mr. Mayer's conclusions. He finds that, although the law school provides a very high level of intellectual instruction, it does not prepare the future lawyer to meet the practical demands he will face. Although the law student may have a theoretical knowledge of law subjects, he is unable, for example, to search a title, draw a simple will, or know what to do if his client has been arrested for drunken driving.

Some law schools are making dramatic steps to provide practical experience for the law student while he is still in school. One program at Tennessee Law School gives students the opportunity to spend parts of their semesters working on real cases coming to the school's legal aid service. In connection with New Haven's Neighborhood Legal Services law students at Yale work with lawyers to obtain experience in legal research and interviewing techniques.

There does, indeed, seem to be no reason why the law school must remain an esoteric institution, divorced from legal reality. While current legal education does remain primarily in this mold, Mr. Mayer's book provides some compensation for this deficiency.

## Ready for the people; Irving R. Rosenthal

by Kenneth Loenthal

The election of Irving R. Rosenthal, '31, to the Board of Trustees of the Dime Savings Bank of Williamsburgh adds another facet to his career in law, finance and public service.

Upon his graduation from the Columbia College of Pharmacy, Mr. Rosenthal, who is presently an Assistant District Attorney in Kings County, entered Brooklyn Law School. At first he practiced pharmacy during the day and attended the 6-8 evening division at the Law School. But within a year, he switched to the day school and law became, as it is now, his primary occupation.

Now, he answers, on the average of 150 times a year: *Ready for the People*. It must be noted, however, that not all of these cases go to trial. Guilty pleas are accepted in most of them before the trial commences, and many of the defendants plead guilty during the trial.

Mr. Rosenthal believes that the prosecutor's job is not a glamorous one, and that pre-indictment and pre-trial publicity should not be encouraged for the protection of the prosecutor's case in that the defense should not be able to overturn an otherwise valid conviction on the ground of prejudicial publicity.

Although he believes that the job of the prosecutor is not glamorous, he does explain that it is one of the most interesting and challenging fields to which a lawyer can devote himself. Purely from the trial end of it, the criminal law and criminal evidence fields are in a state of flux and each day, whether during preparation of a case or during the trial itself, the trial lawyer is constantly reviewing the old rules and digesting and interpreting the new decisions. "You are on your toes,

to say the least . . . or are you out."

One might wonder why a pharmacist became a lawyer. The solution is simple: On graduation from pharmacy school "I simply decided that I wanted to be a lawyer."

As he recalls it, Dean Richardson, in June, 1928 extolled the vast opportunities for attorneys in that boom time. By 1931, however, the boom was bust and opportunities were not vast for anyone, especially lawyers. At that time Mr. Rosenthal practiced law by day and worked the evening shift in the drug store he operated in partnership with his brother. Pharmacy was gradually phased out with Mr. Rosenthal devoting his entire time to the practice of law.

In 1955, he was appointed Assistant District Attorney by the then Brooklyn District Attorney, Edward S. Silver, and was assigned to conduct felony prosecutions in the old County Court.

In 1958, Mr. Rosenthal was appointed to the post of Public Administrator of Kings County. The duties of this office are to administer the estates of those persons who have died intestate without close surviving kin. Aside from directing the functions and policy of the office, including the administration of several hundred estates each year, Mr. Rosenthal was also charged with the supervision of the employees assigned to his office. Other tasks include budgeting and personnel selection. According to Mr. Rosenthal, the Public Administrator's Office was a good place to get a taste of human nature. After a few months on that job, he ceased being amazed that so many of the people who died alone and, many



Irving R. Rosenthal

times, of malnutrition, had so many dearly beloved and devoted "heirs" who allegedly attended to the deceased's every whim and wish.

Mr. Rosenthal rejoined his colleagues in the District Attorney's Office in 1964 and was assigned to the Supreme Court Trial Division.

Mr. Rosenthal is married to the former Freda Persky and has two children, Capt. Stuart A., a physician who is stationed at Ft. Meyers, Virginia and Louis R., '67, who is in private practice.

One of Mr. Rosenthal's proudest moments was when he was invited to share the platform at the Law School's commencement exercises last June. Not only was his son graduating from the same law school from which he had graduated 36 years before, but he was also privileged to share the platform with four professors, Wrigley, Staly, Sugarman and Maloney, who were on the faculty when he attended and who are still active teachers of law.

## ALUMNI IN THE N-E-W-S

1929

Samuel Rabinor was honored by the Queens Lawyers Division at the annual dinner of the Federation of Jewish Philanthropies.

1930

The class is trying to create a Scholarship Fund with Irving S. Freedman as chairman.

1932

Jacob Grumet has been appointed by Governor Rockefeller Supreme Court Justice in the First Judicial District.

1953

Arthur F. Cunningham has been appointed by the Board of Directors of Koratron Co. as Executive Vice President.

1954

Richard D. Graham has been named director real estate for Howard Johnson Co.

1967

Captain Paul D. Lazarus, USA, currently attached to the Staff Judge Advocate Office was recently promoted to his present rank in a bi service ceremony.

Two Brooklyn Law School graduates, Edward T. Stein '67 and Theodore E. Debony '67 have joined thirty-six other young lawyers being sent by VISTA to live in the slums of Chicago and Detroit to launch a program that will expand legal aid to the poor.

VISTA Director Bill Cook, an-

nounced that it is hoped that this program will provide a vital and all too often missing link between the existing resources of Federal and other assistance programs and the needs of the poor for such assistance.

The lawyers will serve as full time VISTA Volunteers and will receive only their basic living expenses and a monthly stipend of \$50 which they won't receive until the completion of their services.

The National Legal Aid Defendants Association, a component of the American Bar Association, through a special corporation, is the project sponsor.

### Necrology

PAUL WINDELS '09. Mr. Windels was a partner in the law firm of Windels, Merritt & Ingraham. While City Corporation Counsel during Mayor La Guardia's first term, he was credited with saving the city more than \$50 million by wiping out condemnation and other rack-ets. Mr. Windels was chief counsel of the Rapp Condit Legislative Committee which investigated subversive activities in the N.Y.C. school system. Mr. Windels was a former vice president of Brooklyn Law School.

GEORGE McLAUGHLIN '15. Mr. McLaughlin was a former

City Police Commissioner, State Superintendent of Banks and vice chairman of the Triborough Bridge and Tunnel Authority.

HARRY A. SPIEGELMAN '28. Mr. Spiegelman was a former member of the faculty of Brooklyn Law School.

EMANUEL STAFT '29. Mr. Staft was a partner in Abrams, Meserman & Co.

JACOB P. HOWARD '42. Mr. Howard was a specialist in trusts and estates and a partner in the law firm of Lowenstein, Pitcher, Hotchkiss & Parr.

MARVEN POLENBERG '62.

### Final Exams

(Continued from page 4)  
New York City law schools take just about as long. The grading of a law school exam is longer and more tedious than an under graduate school exam. Considering that the number of exams each professor reads goes into the hundreds, speed is sacrificed for honest scrutiny.

Surely the time has come for an overhaul of examinations procedures. Brooklyn Law School would be the better for it.

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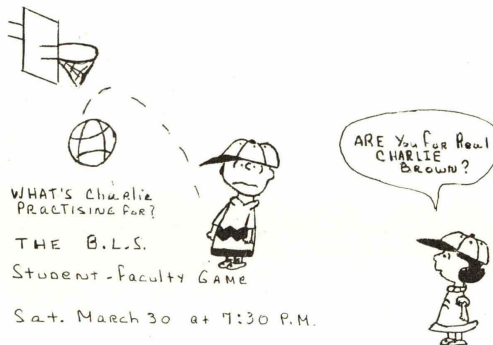
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*Inquire S. B. A.*





## Ballads of a law student, Part III

To the tune of "What do you do with the drunken Sailor?"  
What do you do with a common law marriage, (3 times)  
When the husband dies intestate. Prove that they cohabited in Florida, (3 times)  
Open and notoriously.

What do you do with a necessary party, (3 times)  
In the Federal District Court. Let him in if he's indispensable, (3 times)  
Unless he breaks diversity.

What do you do with a voluntary witness, (3 times)  
When he claims his privilege. Cite him for contempt and order him to answer (3 times)  
Send him to civil prison.

What do you do with a doctor-patient, (3 times)  
Privileged communication. Stand under the eaves and over hear (3 times)  
But not with lawyer-client.

What do you do with an inconsistent statement (3 times)  
When the witness takes the stand. Give him a warning and ask him to deny it (3 times)  
To affect his credibility.

Unless I waive  
My privilege,  
Pretrial!  
  
The other night I.  
Went to my lawyer,  
And then I asked him,  
For advice,  
He informed me,  
About my privilege,  
And said,  
Don't waive,  
Your statutory rights.

### II

This house is my house,  
It is my only house,  
And so I call it,  
My dom-i-cile,  
It is located,  
In dear old Ioway,  
To take care, of  
My illegitimate child\*

The other night dear,  
I packed my suitcase,  
And took a boat for,  
The emerald isle,  
But it was merely for vacation,  
With no intent  
to change,  
My domicile.

\*(In re estate of Jones 192 Iowa 78)

(To the tune of "The Bible Tells Me So")

To Faith, Hope and Charity  
My property goes in intestacy,  
How do I know?

The statute tells me so.  
Creditors Rights and Bankruptcy  
Lectures given letter perfectly.  
How did Yonge know?  
The statute told him so.

Don't worry 'bout tomorrow,  
You're final is today,  
And even if you know that chart  
You'll never ever get an "A".

An eight year old girl is kissable  
Her testimony's not admissible  
How do I know?  
Richardson tells me so.

(To the tune of "Shake Hands With . . .")

Shake hands with Morris D., my boy  
Shake hands with Morris D.  
And think about his crazy chart  
and which was number three.

And here's your Uncle Joe, my boy  
He'll always buy a share,  
But keep your distance if you can  
he's got "dirty underwear."

Shake hands with Shakespeare  
Hermann  
or he'll shoot you with his gun,  
He's always finding midgets  
and he's always making fun.

Shake hands with the Prof. for  
Criminal Law,  
In his purpose he did not fail,  
I learned so much in that darn  
course,  
I'm writing this from jail.

And don't forget our famous  
Dean,  
His spark you'll never douse  
You'll always hear him dissertate  
If a technician's in the house.

To the tune: "You are my Sunshine"

This doc is my doc,  
He isn't your doc.  
He's been treating me,  
All the while,  
You'll never know dear,  
just what I told him,

## An ill wind blows hard

(Continued from page 4)

students would be satisfied both in their desires to avoid the draft and to travel.

"Let them use their booklearnin'," Gadfly was quoted as saying.

Could it be more clear, he continued, that with less students going to night court proceedings for dates that there would also be less incentive for criminals with exhibitionist tendencies to enter crime as a vocation? With less students protesting the draft, or the war itself, soldiers would

feel less compunction to question the reasons for the war; they would fight harder, end the war sooner, and feel less harassed in their visits to Saigon bordellos. Even those who have decided to shoot their toes off would find that they might instead become donors of the latest toe transplants now being perfected in South African hospitals.

Tonight the President is scheduled to appear on television to speak to students on plans for avoiding the draft. Don't fail to catch him.

## Black Power

(Continued from page 1)

lated and administered for and by them. This separate system, the speaker felt, was the only way black people could be judged by their peers.

Miss Franklin did not seem to feel that the present racist society would voluntarily change itself. She felt, with apparent justification, that present-day America would not give the black people equality in the foreseeable future, and that the black people had no intention of waiting another 300 years to perhaps get it.

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