

Spring 1986

1985 Alumni Association Dinner (N.Y.L.S. In Brief)

New York Law School

1985 Alumni Association Annual Dinner

Several hundred NYLS alumni gathered at the Hotel Pierre for a convivial evening of reacquaintance and reminiscence at the Alumni Association's Annual Dinner held November 14.

The evening's special guest was the Honorable Roger J. Miner, '56 who received the Alumni Association's 1985 Distinguished Alumnus Award. Judge Miner, who serves on the U.S. Court of

of government. We think its decisions on constitutional questions, when fully settled, should control not only the particular case decided, but the general policy of the country, subject to be disturbed only by amendments of the Constitution, as provided in that instrument itself. More than this would be revolution. But we think the Dred Scott decision is erroneous. We know the court that made it has often overruled its own decisions, and we shall do what we can to have it overrule this.' Lincoln was a great lawyer



Appeals, Second Circuit, is the Law School's highest ranking member of the judiciary since John M. Harlan served on the Second Circuit before his appointment to the U.S. Supreme Court.

The Judge delivered a provocative address on criticism of the courts by attorneys, which he views as "not merely a right, but an ethical obligation imposed upon every member of the Bar."

On those grounds, the Judge defended recent criticisms of the Supreme Court by Attorney General Meese, saying that the Attorney General, by leading serious discussions of constitutional doctrine, is in fact performing a public service in the highest traditions of the legal profession.

"It ill behooves members of the bar to ridicule and abuse a fellow member of the profession for fostering the robust and uninhibited debate that is the hallmark of a free society," Judge Miner said. "When Stephen A. Douglas denounced Abraham Lincoln for questioning the validity of the infamous Dred Scott decision, Lincoln replied as follows: 'We believe as much as Mr. Douglas (perhaps more) in obedience to and respect for the judicial department

Judge Roger J. Miner was the recipient of the Alumni Association's 1985 Distinguished Alumnus Award. Pictured with Judge Miner are (l. to r.) the Hon. Eli Wager '54, past president of the Association; Hon. Richard M. Flynn '57, the Association's current president; NYLS trustee Sylvia Garland '60; and Hon. Ernst Rosenberger '58, vice president of the Alumni Association.

who well understood the public responsibility of the Bar."

"The judiciary should assure the Bar that critical comments of all kinds are welcomed," the Judge continued. "It should heed the message of Justice Frankfurter that 'judges must be kept mindful of their ultimate public responsibility by a vigorous stream of criticism expressed with candor.'"

"The Justices of the Supreme Court and of every other court in the land must recognize, as did Frankfurter, that lawyers 'are under a special responsibility to exercise fearlessness' in criticizing the courts. Although Justice Frankfurter never completed the course of study he started at New York Law School, he did develop some good ideas about the respective roles of the Bench and Bar.

"When a lawyer calls a judge a thief, a liar, and a scoundrel, I would hope that there is a reasonable basis for the statement, because knowing falsity, malice and reckless disregard of the truth can never be countenanced", he concluded. "But where there is temperate criticism of the courts for constructive and positive purposes, grounded in good faith and reason, the judiciary is strengthened, the rule of law is reinforced and the public duty of the Bar is performed." ■

Mid-Year Commencement

On Sunday, February 2, the Froessel Library was filled with the Law School's eighth group of mid-year graduates, their guests and the faculty and staff of NYLS.

Congressman Benjamin Gilman '50 delivered the guest address, in which he discussed the challenges and opportunities of practicing law in the public sector.

"The problems of pollution, of uncontrolled development, of housing, zoning, tenants' rights and local law enforcement demand competent and dedicated public legal counsel," he said.

"You will soon recognize that our legal profession not only affects the lives of those we accept as clients, but that it intertwines with and affects virtually every aspect of society.

"With that in mind," he continued, "you can be proud that your profession has made tremendous contributions toward strengthening our institutions and toward the growth of an open society . . . And our profession, through you, its most recent gladiators, has so much more to contribute to help make our world a better place in which to live."



Congressman Benjamin Gilman '50, guest speaker at the mid-year commencement ceremonies.