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Book Review — The Remarkable Hands

Roger J. Miner '56

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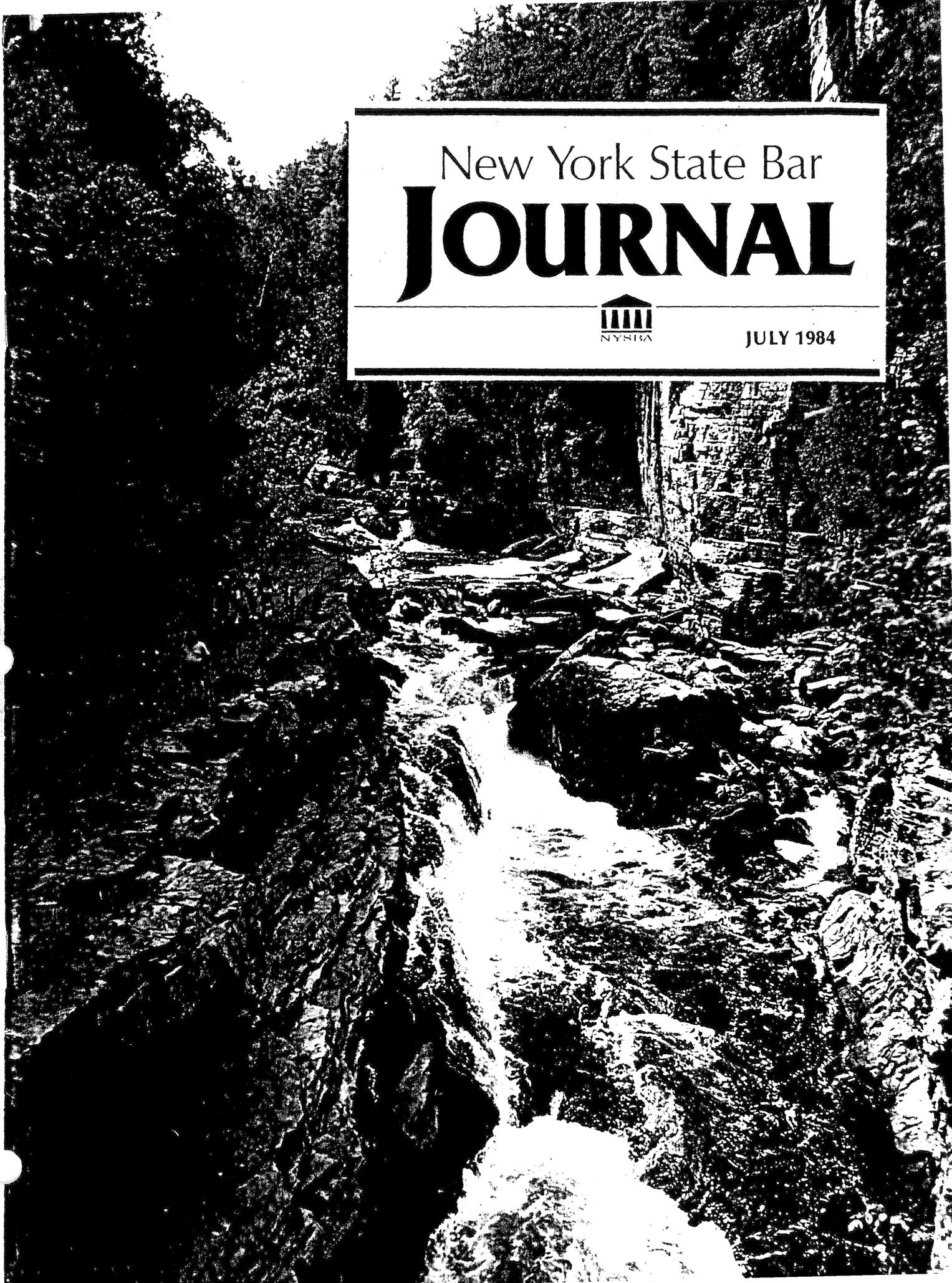
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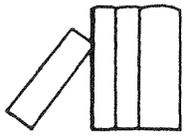
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On the Cover: New York State has many attractive vacation areas, one of which is the beautiful Ausable Chasm pictured on our cover. Photo courtesy of the New York State Department of Commerce.



The Lawyer's Bookshelf

THE REMARKABLE HANDS, An Affectionate Portrait, Edited by Marcia Nelson. Foundation of the Federal Bar Council, 370 Lexington Avenue, New York, New York 10017. 1983. Pages 199. Reviewed by Roger J. Miner, United States District Judge, Northern District of New York.

In October 1981 the Federal Bar Council and the Second Circuit Historical Committee co-sponsored an Exhibition entitled "The Remarkable Hands" at the United States Courthouse at Foley Square in New York City. Included in the display were photographs, correspondence and other memorabilia relating to the personal lives and human qualities of Augustus and Learned Hand, the cousins, friends and professional associates who served together on the federal bench for more than fifty years and who contributed so much to the development of American life and law. The Exhibition was the subject of widespread interest in New York City and met with further success when it was re-mounted at the United States Courthouse in Albany in May 1983. This delightful book, published in a limited edition

volume, is designed to make available to interested readers the materials presented in the Exhibition as well as additional items not presented because of space restrictions.

The book is divided into five parts—Biographical Sketches; Reminiscences of Former Law Clerks; A Family Album; Correspondence with Friends and Colleagues; and Public Addresses: Excerpts from Significant Orations. The parts join to form the affectionate portrait referred to in the book's title. Of particular interest are the detailed accounts of the early education and upbringing of the cousins and the apparent influence of the formative years spent in Northern New York. Augustus Hand grew up in Elizabethtown, where his father was a prominent lawyer who served as President of the Essex County Bar Association and the New York State Bar Association. Cousin Learned attended preparatory school at Albany, where his father, a founder of the State Bar Association, served on the New York Court of Appeals. After his graduation from Harvard, he returned to Albany, where he practiced law for a short time and taught at Albany Law School. The cousins spent their school recesses together at Elizabethtown, tramping through the woods and camping out in the Adirondacks. Their careers followed parallel courses, culminating in the appointment of Learned to the Second Circuit Court of Appeals in 1924 and in the appointment of Augustus to the same Court in 1927.

In a very interesting Foreward, Hon. Wilfred Feinberg, Chief Judge of the Second Circuit Court of Appeals, contrasts today's Circuit Court with the Court as it existed in the days of the Cousins Hand. Most striking, of course, is the increase in the use of the federal judicial system as the consequence of an ever expanding jurisdiction. The sparks emanating from Circuit overload have yet to catch the attention of Congress. One can only hope that the lights don't go out altogether before something is done. Unfortunately, the unhurried conditions of judicial life so important to the work of the Hands are never to be recaptured.

The Foundation of the Federal Bar Council is to be congratulated for publishing this compilation of original source materials and other historical items in such an attractive volume. Future historians will benefit from the extensive research, interesting presentation and superior reproductions found in this welcome addition to existing Hand literature. Especially worthy of note are the original portraits of the Judges rendered by Catryna Ten Eyck Seymour.

The book's Editor, in her Acknowledgements, tells the reader that her purpose is to help people develop an appreciation "for the warm hearts, foibles and fortitude that made up the true Augustus and Learned Hand." The Editor's purpose has been accomplished fully in this excellent tribute to the human side of the Remarkable Hands.

of industrial controversy to include "concerted activity not authorized or sanctioned by the recognized or certified bargaining agent of the claimant, and any other concerted activity conducted in violation of any existing collective bargaining agreement". (Ch. 415, L. 1983 §7). The effect of this change is to statutorily codify the principle that

"wildcat" strikers and strikers who do so in contravention of "no strike" clauses in collective bargaining agreements fall within the definition of "industrial controversy", so as to trigger the seven-week suspension of unemployment benefits (See *Matter of Heitzenrater, supra*).

Continued on Page 50.

Critics

Sometimes critics get too clever for their own good. In their zeal to probe more "deeply," they overlook the obvious.

—Professor W. Warren Wagar,
as quoted in *The Binghamton
Saturday Press*, December 31, 1983,
page 1-C, col. 4.