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Keynote Address, New York Law School Annual Dinner

Roger J. Miner ’56

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SPEECH GIVEN BY THE
HON. ROGER J. MINER
BEFORE
NEW YORK LAW SCHOOL ALUMNI ASSOCIATION

I appreciate the introduction. It compares favorably with the one I received several weeks ago when the Chairman of a local civic organization back home introduced me by saying: "Ladies and Gentlemen, now we are going to get the latest dope from the federal courts."

It is great to be back in the midst of the New York Law School family - faculty, trustees, administration and alumni. The Dean of Admissions tells me that the new students are getting smarter all the time. One of the application forms contains the question: "Do you believe in the overthrow of the United States Government by force or violence?" Half of the applicants check force and the other half check violence. I understand that the Equal Employment Opportunity Commission requested a list of the faculty broken down by age and sex. Dean Shapiro fired off an indignant letter to the Commission, advising them that some of the faculty members may be broken down by alcohol but not one is broken down by age or sex.
T**HEY TELL ME THAT, NOT FAR FROM THE LAW SCHOOL, IS THE LABORATORY OF A MAD SCIENTIST WHO SELLS BRAINS FOR TRANSPLANT TO LAW STUDENTS. ONE STUDENT STOPPED IN TO PRICE THESE BRAINS AND FOUND LAWYERS’ BRAINS GOING FOR $1000 AN OUNCE, LAW PROFESSORS’ BRAINS AT $5000 AN OUNCE AND JUDGES’ BRAINS FOR $20,000 AN OUNCE. THE STUDENT INQUIRED ABOUT THE OUTRAGEOUSLY HIGH PRICE LAST QUOTED AND THE SCIENTIST GAVE HIM AN ANSWER AS FOLLOWS: “DO YOU KNOW HOW MANY JUDGES IT TAKES TO GET AN OUNCE OF BRAINS?”

DO YOU HAVE TO SAY?” THE ANSWER WAS: "YOUR HONOR, I CAN’T HELP IT IF YOU ARE NOT PROMOTED.” THE LACK OF UNDERSTANDING CAN EXTEND TO THE JUDGE’S OWN FAMILY. A JUDGE’S YOUNG SON RAN HOME AFTER WATCHING HIS FATHER IN COURT AND FRANTICALLY BEGAN TO CLEAN HIS ROOM. UPON INQUIRY BY HIS MOTHER, THE BOY SAID THAT HE HAD JUST SEEN HIS FATHER SENTENCE A PERSON TO FIVE YEARS FOR KEEPING A DISORDERLY HOUSE. SOMETIMES THE FAILURE OF COMMUNICATION RUNS THE OTHER WAY, AND THE JUDGE DOES NOT UNDERSTAND WHAT IS SAID TO HIM. FOR EXAMPLE, A DEFENDANT, ASKED BY THE COURT IF HE DESIRED THE ASSIGNMENT OF COUNSEL, SAID: "GOD IS MY LAWYER." THE JUDGE REPLIED: "I THINK YOU SHOULD HAVE SOMEONE LOCALLY.” ONE LAWYER SAID TO A JUDGE: "DID YOU HEAR MY LAST SUMMATION?” THE JUDGE SAID "I CERTAINLY HOPE SO.” BUT I THINK THE PUBLIC PERCEPTION OF A JUDGE IS BEST ILLUSTRATED BY THE STORY ABOUT THE HUNTING DOG NAMED "LAWYER." LEGEND HAS IT THAT THIS DOG WAS A VERY AGGRESSIVE AND VIGOROUS HUNTING COMPANION. AFTER SOME YEARS, THE DOG’S OWNER CHANGED ITS NAME TO JUDGE, FOR THE REASON THAT, IN HIS LATER LIFE, THE DOG MERELY SAT ON HIS RUMP AND BARKED ALL DAY.

I AM MOST HAPPY TO BE PRESENT ON THE OCCASION OF THE 25TH REUNION OF THE CLASS OF 1956, AND I EXTEND MY CONGRATULATIONS AND BEST WISHES TO ALL THE ALUMNI WHO ARE
HAVING REUNIONS WITH THEIR CLASSMATES HERE TONIGHT. I THINK THAT THE BEST WAY TO MANIFEST OUR PRIDE IN OUR ALMA MATER IS BY ACTIVE MEMBERSHIP IN THE ALUMNI ASSOCIATION. THROUGH THIS ASSOCIATION, WE CAN OFFER GUIDANCE AND ASSISTANCE TO STUDENTS AND RECENT GRADUATES; PARTICIPATE IN PROGRAMS OF CONTINUING LEGAL EDUCATION; PROVIDE ADVICE AND SUPPORT TO THE TRUSTEES AND FACULTY; ADVANCE THE REPUTATION OF THE SCHOOL IN THE LEGAL COMMUNITY; AND CONTRIBUTE NECESSARY FINANCIAL SUPPORT. EVERY GRADUATE OWES SOME TIME AND TREASURE TO THE LAW SCHOOL, AND THE BEST WAY TO PAY THOSE DEBTS IS THROUGH THE ALUMNI ASSOCIATION. NEEDLESS TO SAY, I AM VERY PROUD TO BE A GRADUATE OF NEW YORK LAW SCHOOL AND A MEMBER OF ITS ALUMNI ASSOCIATION.

THE WORLD HAS TURNED MANY TIMES SINCE I RECEIVED MY DIPLOMA IN 1956, AND MY FATHER ASSURES ME THAT IT HAS TURNED MANY MORE TIMES SINCE HE RECEIVED HIS DEGREE IN 1926. 1926 - 55 YEARS AGO - CHIANG-KAI-SHEK SUCCEEDED SUN-YAT-SEN AND BEGAN THE UNIFICATION OF CHINA; JOSEPH STALIN BECAME ABSOLUTE DICTATOR IN THE SOVIET UNION; HIROHITO WAS INSTALLED AS EMPEROR OF JAPAN; U.S. TROOPS LANDED IN NICARAGUA TO PRESERVE ORDER AND PROTECT U.S. INTERESTS; ROBERT GODDARD LAUNCHED THE FIRST LIQUID FUEL ROCKET IN AUBURN, MASSACHUSETTS. IN 1926 THE MODEL T FORD, COMPLETE WITH SELF-STARTER, SOLD FOR $350.
LONG ISLAND UNIVERSITY was founded in BROOKLYN and SARAH LAWRENCE COLLEGE was founded in BRONXVILLE; and the NATIONAL BROADCASTING COMPANY was established by DAVID SARNOFF. In sports the St. Louis Cardinals won the WORLD SERIES, defeating the New York Yankees four games to three; BILL TILDEN lost the Davis Cup singles to RENE LACOSTE and HELEN WILLS lost to SUZANNE LENGLIN; BOBBY JONES won the U.S. Open, GERTRUDE EDERLE swam the ENGLISH CHANNEL, and GENE TUNNEY won the world’s HEAVYWEIGHT BOXING CHAMPIONSHIP, held by JACK DEMPSEY since 1919. In the U.S. Supreme Court, the authority of municipalities to enact zoning ordinances under state authority was upheld under the POLICE POWERS.

Here in New York, the PARAMOUNT BUILDING and PARAMOUNT THEATER opened in TIMES SQUARE. On BROADWAY, the GARRICK GAIETIES opened at the GARRICK THEATER, GEORGE WHITE’S SCANDALS opened at the APOLLO, and THE GIRLFRIEND, by ROGERS and HART, opened at the VANDERBILT THEATER. PROHIBITION was in full cry, but my father assures me that the JUICE of the GRAPE flowed freely in the BIG APPLE. NEW YORK LAW SCHOOL, with over 1000 students, was located in the Y.M.C.A. building on 23rd STREET, and the RUGGED ROBERT PETTY, HE of the BRISTLING GOATEE, was DEAN, having been a member of the faculty since the school’s INCEPTION. A new professor, MAX REICH, had joined the faculty
A short time before, and he would continue teaching until 1970. Both my father and I had the benefit of his lucid presentation of New York Civil Practice. My father says that it is a tribute to the distinguished faculty of the school that he was able to learn the law in spite of the distractions of the bright lights of the city, the same bright lights that were to distract his son 30 years later.

1956 was an important year in world history. Polish workers rioted at Poznan to protest economic conditions under the communist regime. Sometimes, history repeats itself. In the same year, Soviet troops occupied Hungary, after general uprisings there; President Nasser seized the Suez Canal, giving rise to military operations in the Sinai Penninsula by Britain, France and Israel; and President Eisenhower was re-elected against a second challenge from Adlai Stevenson. The Polaris Missile was developed at Woods Hole, Massachusetts; Martin Luther King, Jr. organized a boycott of Montgomery Alabama public transportation to protest racial discrimination, and the University of Alabama expelled Autherine Lucy, its first black student, in defiance of a federal court order. Libya's first oil well came into production, and the Andrea Doria sank after a collision 60 miles off Nantucket Island.
IN SPORTS the Brazilian soccer player Pele began his professional career at the age of 15; Floyd Patterson, age 21, knocked out Archie Moore, age 42, to become world heavyweight champion; and the New York Yankees won the World Series by defeating the Dodgers four games to three. The fortunes of those teams had been reversed the previous year. In the United States Supreme Court racial discrimination in intra-state public transportation was outlawed, and in another case the States were excluded from punishing persons for sedition.

Here in New York, the Dow Jones industrial average peaked at 521, General Motors announced earnings of more than 1 billion dollars after taxes and IBM signed a consent decree agreeing to sell computers as well as lease them. The New York Coliseum opened at Columbus Circle, and it was a great year for new shows opening on Broadway - My Fair Lady at the Mark Hellinger; Mr. Wonderful at the Broadway Theater; The Most Happy Fella at the Imperial and Bells are Ringing at the Shubert. Burlesque was banned in New York but flourished in Union City, New Jersey, and Professor Silverman always notified us when the shows changed there.

In 1956, New York Law School had been in existence for 65 years and was located at the Dwight Building,
244 William Street, later eliminated for the Brooklyn Bridge approach. Alison Reppy, the authority on common law pleading, was dean. I remember Dean Reppy saying that public policy is the wastebasket of legal thinking. In honor of Dean Reppy, I never have written an opinion basing a determination on public policy. 1956 was a vintage year at New York Law School and I remember it with great affection. We of the class of '56 had the benefit of the teaching of those now referred to as senior faculty - Koffler, Dugan and Silverman. Some of the adjunct faculty also has continued for 25 years - Joe Aronson, Sidney Asch, who was my colleague on the State Supreme Court, and Roy Cohn, who stops by now and then. Professor Cohn was a brilliant teacher of criminal law and procedure and has always been an avid supporter of the school. His distinguished father served as a Trustee for many years. Although Bill Kunstler no longer is a member of the adjunct faculty as he was in 1956, he did not seem too startled when I addressed him as "Professor" when we met at the Court of Appeals some years ago. There were other great faculty members who taught the class of '56 - LoLordo, Soubbotich, Oleck, Hamlin, Blaustein and others. I always have borne in mind the teachings of Professor Koch (I don't think he was related to the present Mayor) who said: "A Judge
IS ONLY A LAWYER WHO KNEW A POLITICIAN." I HAVE PUT THAT TEACHING TO GOOD USE IN RECENT YEARS. AND SPEAKING OF JUDGES AGAIN, I AM REMINDED OF ONE OF MY FATHER'S FAVORITE STORIES. IT CONCERNS THE JUDGE WHO UNDERTOOK TO PUT A NUMBER OF QUESTIONS TO A PLAIN'TIFF WHO HAD JUST TAKEN THE WITNESS STAND IN A INJURY TRIAL. THE PLAIN'TIFF'S LAWYER BROKE INTO THE JUDGE'S EXAMINATION WITH THIS REMARK: "I DON'T MIND IF YOU EXAMINE MY CLIENT, YOUR HONOR, BUT DON'T LOSE THE CASE FOR ME." THIS STORY BRINGS ME TO THE THEME OF MY REMARKS THIS EVENING - THE UNNECESSARY INTRUSION OF THE JUDGE DURING THE TRIAL PROCESS. THIS FORM OF JUDICIAL ACTIVISM SEEMS TO BE ON THE INCREASE AND SHOULD BE A MATTER OF CONCERN TO ALL OF US. ITS NATURAL CONSEQUENCE IS THE EROSION OF THE LAWYER'S ABILITY TO PUT FORWARD PROOFS AND ARGUMENTS ON BEHALF OF CLIENTS IN OUR TRADITIONAL MANNER OF PRESENTING A CONTroversy IN COURT.

Those who support an expanding role for trial judges contend that the so-called search for truth is promoted by active judicial participation. They argue that the incompetence of the trial bar and the need for judges to keep their calendars moving necessitates judicial intervention. I believe that these arguments are without substance. In spite of what the Chief Justice of the United States has said, most judges believe that lawyers generally conduct their trials in a competent and professional manner.
As for case load management, there are some fundamental problems that must be addressed, and judicial intervention at trials is not one of the solutions.

No one doubts the obligation of the Trial Judge to work towards the improvement of the quality of justice in the court room. However, this should not be done at the expense of our traditional adversary system. The system has worked well for us in the past and is part of our common law heritage. The continental method is, of course, much different. But here litigants always have been afforded great leeway in defining their own self-interest. Personal autonomy - freedom of choice - these have always been matters of high priority in our litigation process. Excessive judicial participation in trials also diminishes the right of trial by jury. Justice Black said this: "Either the Judge or the jury must decide facts and, to the extent we [the Judges] take this responsibility, we lessen the jury function."

Where do we find this expanding judicial role? First - in the earliest stage of trial - the selection of the jury. Although the trend is toward voir dire examination of prospective jurors by the Judge, and this seems acceptable to the Bar, there is no reason why the lawyers should not have great input during jury selection. It is my practice to submit to the jurors almost every question
AN ATTORNEY WANTS TO ASK ON VOIR DIRE. IN CHOOSING A JURY, AS MUCH AS IN ANYTHING ELSE DURING TRIAL, LITIGANTS MUST HAVE THE MAXIMUM FREEDOM OF CHOICE.

AN EXPANDING JUDICIAL ROLE ALSO STEMS FROM THE USE OF THE JUDICIAL POWER TO CALL AND QUESTION WITNESSES. THE FEDERAL RULES OF EVIDENCE SPECIFICALLY CONFER THESE POWERS UPON THE JUDGE. THERE IS NO DOUBT THAT A WITNESS SHOULD BE SUBJECT TO JUDICIAL INTERROGATION TO REPEAT AN INAUDIBLE ANSWER OR TO CLARIFY AND EXPLAIN TESTIMONY. SUCH QUESTIONING DOES NOT INTERFERE WITH THE ATTORNEY'S ROLE OR SUGGEST THE JUDGE'S OPINION TO THE JURY. BUT ACTIVE INTERROGATION, DEVELOPING NEW LINES OF INQUIRY, INTRODUCES MATTERS THE PARTIES MAY HAVE PREFERRED NOT TO PURSUE. ATTORNEYS MAY FIND IT DIFFICULT TO OBJECT TO THIS TYPE OF QUESTIONING, FOR FEAR OF ANTAGONIZING THE JURY OR THE JUDGE. HOWEVER, THE ARGUMENT IS MADE THAT THE TRIAL IS ACCELERATED AND THE PERCEIVED INEQUALITY OF COUNSEL IS BRUGHT INTO BALANCE BY QUESTIONS PUT TO A WITNESS FROM THE BENCH.

AS A PRACTICAL MATTER, THIS TYPE OF INTERROGATION ACTUALLY MAY PROLONG THE TRIAL, AS COUNSEL ATTEMPT TO FOLLOW UP IN THE NEW AREAS OF INQUIRY OPENED BY THE JUDGE. WITH RESPECT TO INEQUALITY OF COUNSEL, THERE ARE GRAVE DANGERS IN ALLOWING THE JUDGE TO MEASURE INEQUALITY, TO INTERVENE IN AN ATTEMPT TO BRING IT INTO BALANCE AND
TO MAINTAIN HIS JUDICIAL NEUTRALITY, ALL AT THE SAME TIME. WORKING WITH COUNSEL IN THE TRADITIONAL MODE, THE JUDGE MAY SUGGEST LINES OF INQUIRY OR PARTICULAR QUESTIONS OUTSIDE THE PRESENCE OF THE JURY AND THE WITNESS. IN APPROPRIATE CASES, THE JUDGE MAY GRANT A CONTINUANCE TO ALLOW FOR FURTHER PREPARATION OR REFLECTION BY COUNSEL.

THE JUDICIAL POWER TO CALL WITNESSES SHOULD ALSO BE EXERCISED SPARINGLY. IN THE CASE OF EXPERT WITNESSES, THE EXERCISE OF THIS AUTHORITY MAY SOMETIMES BE NECESSARY. IN SUCH A CASE, HOWEVER, GREAT CARE MUST BE TAKEN OR THE JURY MAY IGNORE THE EXPERT WITNESS PRODUCED BY THE PARTIES IN FAVOR OF THE EXPERT CALLED BY THE JUDGE. ALTERNATE METHODS SHOULD BE EXPLORED WITH COUNSEL WHERE IT APPEARS THAT AN INDEPENDENT EXPERT OPINION IS NECESSARY OR DESIRABLE.

THERE SEEMS TO BE LITTLE NEED FOR THE COURT TO CALL A LAY WITNESS WHERE COUNSEL IS PERMITTED TO LEAD OR IMPEACH HIS OWN WITNESS. EVEN WHERE THIS IS NOT PERMITTED, HOWEVER, THE DANGERS OF THE PRACTICE OUTWEIGH ITS ADVANTAGES, SINCE JURIES WILL ALWAYS GIVE UNDUE WEIGHT TO A COURT-CALLED WITNESS. WHERE THE JUDGE PERCEIVES THE NEED FOR THE TESTIMONY OF A PARTICULAR WITNESS, A SUGGESTION TO THE PARTIES SHOULD CONSTITUTE SUFFICIENT JUDICIAL PARTICIPATION.
The powers of a judge to sum up and comment on the evidence also should be severely restricted. This type of judicial activism poses an additional threat to the adversary system and the jury trial. It unnecessarily introduces the judge's point of view and may present the jury with a view of the case not contemplated by the parties. In addition, the judge's comments come at the end of the case and the parties have no opportunity for rebuttal. It seems to me that the appropriate role of the judge in this area is to work with counsel in preparing jury instructions based on the facts developed during trial. Applicable rules of law may be stated in terms of the evidence presented. The dangers of a separate summation of the evidence and improper emphasis on particular facts can thus be avoided. Participation of counsel in the preparation of the instructions is a safeguard against the possibility of bias in comment on the evidence.

As Bacon said in his essay of Judicature, "... an overspeaking judge is no well-tuned cymbal." The undue intrusion of an overspeaking judge during trial is a threat to the adversary system and to the right of trial by jury. The roles of trial judge and trial attorney have been fairly well defined over the years. There is no real need for any major change in these roles. The Bar should resist any revision of statutes...
OR RULES DESIGNED TO EFFECT SUCH CHANGES. WE OF THE TRIAL BENCH SHOULD EXERCISE CONSIDERABLE RESTRAINT SO AS TO AVOID UNNECESSARY INVOLVEMENT IN THE LAWYERS' PRESENTATION. AFTER ALL, WE DON'T WANT TO BE RESPONSIBLE FOR LOSING ANYBODY'S CASE.

THANK YOU.
After some humorous opening remarks regarding the public perception of Judges, Judge Miner expressed his pride in the Law School and his support for the Alumni Association in the following words:

"I am most happy to be present on the occasion of the 25th Reunion of the Class of 1956, and I extend my congratulations and best wishes to all the Alumni who are having reunions with their classmates here tonight. I think that the best way to manifest our pride in our Alma Mater is by active membership in the Alumni Association. Through this Association, we can offer guidance and assistance to students and recent graduates; participate in programs of continuing legal education; provide advice and support to the trustees and faculty; advance the reputation of the school in the legal community; and contribute necessary financial support. Every graduate owes some time and treasure to the Law School, and the best way to pay those debts is through the Alumni Association. Needless to say, I am very proud to be a graduate of New York Law School and a member of its Alumni Association."

Judge Miner then reviewed the important historical events of 1926, the year of his father's graduation, and of 1956, the year of his graduation. He also discussed the condition of the Law School during those years. Finally, Judge Miner undertook a critical examination of one phase of judicial activism, commencing
on another humorous note:

"And speaking of Judges again, I am reminded of one of my father's favorite stories. It concerns the Judge who undertook to put a number of questions to a plaintiff who had just taken the witness stand in a jury trial. The plaintiff's lawyer broke into the Judge's examination with this remark: 'I don't mind if you examine my client, your Honor, but don't lose the case for me.' This story brings me to the theme of my remarks this evening - the unnecessary intrusion of the Judge during the trial process. This form of judicial activism seems to be on the increase and should be a matter of concern to all of us. Its natural consequence is the erosion of the lawyer's ability to put forward proofs and arguments on behalf of clients in our traditional manner of presenting a controversy in court.

"Those who support an expanding role for trial judges contend that the so-called search for truth is promoted by active judicial participation. They argue that the incompetence of the trial bar and the need for Judges to keep their calendars moving necessitated judicial intervention. I believe that these arguments are without substance. In spite of what the Chief Justice of the United States has said, most Judges believe that lawyers generally conduct their trials in a competent and professional manner. As for case load management, there are some fundamental problems that must be addressed, and judicial intervention at trials is not one of the solutions."
After finding fault with excessive judicial participation in the voir dire examination of jurors, the interrogation of witnesses and the summation of the evidence, Judge Miner concluded as follows:

"As Bacon said in his Essay on Judicature, '... an overspeaking Judge is no well-tuned cymbal.' The undue intrusion of an overspeaking Judge during trial is a threat to the adversary system and to the right of trial by jury. The roles of trial judge and trial attorney have been fairly well defined over the years. There is no real need for any major change in these roles. The Bar should resist any revision of statutes or rules designed to effect such changes. We of the trial bench should exercise considerable restraint so as to avoid unnecessary involvement in the lawyers' presentation. After all, we don't want to be responsible for losing anybody's case.

"Thank you."
Albert Parker '21, of Parker Chapin Flattau & Klimpl, holds the Torch of Learning Award that was recently presented to him by The Associates of the Greater New York Lawyers Division, American Friends of Hebrew University. Parker is flanked by Hon. William E. Schaufele, Jr., president, Foreign Policy Association. Additional Class Action news begins on page eight.

Clinic Programs at NYLS

NYLS offers eight separate clinical programs in legal education. One of them, the Street Law Clinic, is spotlighted in an article beginning on page 6.

Student Newsmakers (page 9)

Faculty and Administration News (page 10)

Nearly 400 guests made this year's Annual Dinner a large and festive affair, keynote speaker Hon. Roger J. Miner made it funny and informative, and ten reunion classes made it warm and sentimental.

Extensive coverage begins on page two. A Profile of Judge Miner appears on page four.

A warm ovation greeted the class of 1926 (above) and the ten other classes enjoying reunions.
Thank you Dean Shapiro. At this annual dinner, it is my duty as your President to report to you on the state of the Alumni Association and of Association activities.

... My reporting duty is a most pleasant one since all the news is good, and the future is bright with promise of greater things to come. This year our paid membership has increased ten percent. We now number 1,860, the highest membership in our history. I am pleased to acknowledge the special efforts of our Membership Chairman, Ted Tabak, '59 and his Committee. The Association has received more dues income and more alumni have contributed through Phonathon and special gifts to the Association and directly to the Law School than ever before in the long history of the School.

We continue our efforts in this direction this coming week with the Phonathon now under the leadership of William Caucci '68.

Your Association continues its superb program of Continuing Legal Education under the acronym of PLEA, Practical Legal Education for Attorneys. Our PLEA Committee Chairman is Richard J. Finamore, '72. Each semester we present two evening programs at the Law School, with outstanding scholars and expert practitioners on topics of interest to lawyers and law students. The cost is nominal and far and away the best buy in legal seminars.

... The cost for each panel is $10.00 or $20.00 for the series of four with reduced rates for recent graduates and students. I now feel safe in saying it is the best buy in legal education in New York.

... I have one remaining duty. I told you earlier about our success in membership and fund raising. The Alumni Association, in addition to assisting the School in fund raising, has focused its benevolence on assisting worthy students through loans and grants. Upon resolution of the Board of Directors I take great pride in presenting you, Dean Shapiro, with this check for $25,000.00 to be used for such student assistance.

Finally, let me close with an appeal to you all to "Think New York Law School". I know you'll agree with me that individually we owe much of what we are and much of what we have to the fact that we are lawyers. We share a common debt to the Law School for educating us in that discipline. For most of us, the Law School was unable to aid us after graduation in furthering our careers. For many years there was no placement office and no viable alumni body to give assistance to emerging graduates. That is now changed. The Alumni Association's raison d'etre is to assist the School and its students to prosper and to offer opportunity to our graduates so that they may find their futures in the law with less anguish than many of us experienced.

When I say "Think New York Law School" I mean, simply, offer jobs to our graduates. Join with our Alumni Advisory Council to advise and assist our students in career opportunities.

List your available jobs with our Placement Office. When you need summer interns—Associates—others—"Think New York Law School".

Our high caliber student body is the equal of any Law School student body.

When you open a door to a New York Law School graduate you are repaying a part of that debt we all owe.

Thank you for coming and for thinking New York Law School.
Keynote Address by Hon. Roger J. Miner ’56 (excerpts)

After some humorous opening remarks regarding the public perception of the judiciary, Judge Miner expressed his pride in the Law School and his support for the Alumni Association:

...I think that the best way to manifest our pride in our Alma Mater is by active membership in the Alumni Association. Through this Association, we can offer guidance and assistance to students and recent graduates; participate in programs of continuing legal education; provide advice and support to the trustees and faculty; advance the reputation of the school in the legal community; and contribute necessary financial support. Every graduate owes some time and treasure to the Law School, and the best way to pay those debts is through the Alumni Association. Needless to say, I am very proud to be a graduate of New York Law School and a member of its Alumni Association.

(After presenting historical overviews of 1926 and 1956, the years of his father’s and then of his own graduations, Judge Miner undertook a critical examination of one phase of judicial activism, commencing on another humorous note): And speaking of judges again, I am reminded of one of my father’s favorite stories. It concerns the judge who undertook to put a number of questions to a plaintiff who had just taken the witness stand in a jury trial. The plaintiff’s lawyer broke into the judge’s examination with this remark: “I don’t mind if you examine my client, your Honor, but don’t lose the case for me.” This story brings me to the theme of my remarks this evening—the unnecessary intrusion of the judge during the trial process. This form of judicial activism seems to be on the increase and should be a matter of concern to all of us. Its natural consequence is the erosion of the lawyer’s ability to put forward proofs and arguments on behalf of clients in our traditional manner of presenting a controversy in court.

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NYLS in Brief

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Profile: Hon. Roger J. Miner ’56

In an exclusive interview for the New York Law School News, Hon. Roger J. Miner ’56, Judge Advocate General in the United States Army, shared insights into his distinguished career and personal journey. The interview, conducted by NYLS, offers a unique glimpse into the life and work of this accomplished jurist.

Miner was born in Hudson, New York, on April 14, 1934, and was raised in nearby Kinderhook. His father, Martin Van Buren, a former historian, and his mother, Mrs. Roger J. Miner, instilled in him a strong work ethic and a deep appreciation for the importance of community service.

Miner attended the University of New York, where he earned his B.S. in 1956. He then attended New York Law School, where he graduated cum laude in 1960. His legal career began in the Army Reserve, where he was discharged with the rank of Captain in the Judge Advocate General’s Corps on October 31, 1964.

Miner’s career in law has been marked by a commitment to public service. He has served as a member of the New York School of Law Alumni Association and the NYLS Alumni Advisory Council. He has also been actively involved in the community, serving as a member of the local board of education.

Miner has received numerous awards, including the Abraham Lincoln Award, Kiwanis Award, County Magistrates Award, Rotary Club Award, and the Elks Distinguished Citizenship Award. He has also been active in civic affairs, serving as a past Exalted Ruler of the Republican Club.

Miner’s dedication to his craft and his community has earned him respect and admiration from his peers. His interview with NYLS offers a valuable insight into the life and work of this accomplished jurist.
United States District Judge for the Northern District of New York by President Ronald Reagan. What was next, we wondered? “I’m getting my bearings, and my only present ambition is to be a good district judge.” As a Federal judge, he confides that “there’s a lot to learn. In fact, I’ve just come here tonight from the Second Circuit Sentencing Institute held at New Paltz, and we’re going back there tonight. I’ll soon be going to Washington, D.C. for another seminar. There are many things I’m in the process of learning.”

Jackie Miner describes her husband as “a very modest man who in addition to his legal expertise is a gifted musician [clarinet, saxophone, organ] and a former tennis champion.” Miner was a member of Local 676, American Federation of Musicians, and he still enjoys a good tennis game.

How does it feel returning to New York Law School? “The school has grown tremendously. It has acquired a fine reputation, is getting better every year, and has even greater things in store in its future. I hope all of the Alumni support the Law School. As for myself, I am planning to select NYLS graduates to serve as Law Clerks in my chambers.”

He remembers his own years as a student at NYLS fondly: “I enjoyed my years here. I still remember many of my teachers with affection, many of whom are still here—Koffler, Silverman, Dugan, the late Professor Reich—he taught my father and me; he’s the one who named the generations. Also some of the adjunct faculty: Roy Cohn, Bill Kunstler, Joe Benson, Sidney Asch, who was my colleague on the State Supreme Court.”

If he had law school to do over again, would he do it any differently? “I think I’d do exactly the same thing,” he said.

An excellent public speaker, Miner is in constant demand for seminars and after-dinner speeches. His wife says: “He has spoken to literally hundreds of groups. He has great difficulty in saying no to anyone. He really feels a great obligation and responsibility to the public.”

Judge Miner’s judicial philosophy was expressed succinctly in the closing words of his remarks when he was inducted as a U.S. District Judge in Albany on October 10, 1981: “When I took office as a state supreme court judge, my father told me that the two most important qualities required of a judge are patience and understanding. I shall continue to strive for patience and understanding. I shall endeavor to perform the tasks assigned me with vigor and dispatch and with the certain knowledge that the litigants in every case are entitled to my best. Finally I shall be ever mindful that an independent and honorable judiciary is indispensable to justice in our society. Upon the conclusion of any contested litigation there usually is a winner and a loser. My goal simply is this—that the loser leave this courtroom without the slightest doubt that justice abides here.”
Street Law Clinic Provides Valuable Services

It became obvious just after Thanksgiving that the Law School's Moot Court Room was being invaded daily by hordes of eager, well-mannered high school students, we knew it was time again to call on Professor Lisa H. Blitman for an explanation. The students were participating in NYLS's Street Law Clinic, and Professor Blitman is the Director of the program that has placed 7 NYLS students in 6 metropolitan area high schools. The clinic is enjoying its third consecutive year.

The current Street Law Clinic stems from a grant which was awarded last August by the Community Trust Foundation jointly to NYLS and the National Street Law Institute. The grant specifies the development of a clinic program in Bedford-Stuyvesant and the continuation and expansion of the entire program in general. "We are also working," Professor Blitman added, "with the Bedford-Stuyvesant Legal Services Corporation, the New York City Board of Education, and the National Street Law Institute to develop a center on law and citizenship. The center's purpose will be to encourage, foster, and implement law-related education programs in New York City. There's growing sentiment that educating people about law fosters good citizenship. We are extremely appreciative of the grant which we received from the New York Community Trust Foundation. This grant was in that it enabled us to expand into Bedford-Stuyvesant and to also begin developing a permanent center on law and citizenship. The center represents a collaboration between the National Street Law Institute, the Bed-Stuy Legal Services Corporation, and the Board of Ed."

Professor Blitman described some aspects of this multifaceted program. For the high school students, the clinic "teaches them about law as it affects their everyday, practical lives—what to do, for instance, if they get no heat in the winter. The two major areas we cover are Housing and Family Law."

Naturally, some of the students become so interested in law that they consider legal careers for themselves, "but the main purpose of the program is not to make lawyers out of them. I would be delighted, of course, to see these students enroll in our Urban Law Program, which we sponsor jointly with C.C.N.Y.," she explained. "As a matter of fact, a number of students this year expressed interest in this program."

An additional benefit noted by Professor Blitman is that "all parties learn how orderly the court process is. We teach court decorum, and we also teach the reasons for that decorum."

The Clinic offers the Law Student an opportunity to learn an area of substantive law in practical application and then to teach that area of law to a high school class. The teaching also develops oral advocacy skills.

This translates, for the law students, into some very concrete benefits: "Many of the skills which the law students employ in their work in the Street Law Clinic are the precise..."
skills needed in the practice of law. For example, when a client asks you a question in area of family law—child custody, personal injury, or a defense in a child-neglect case—you have to explain the law in an understandable, plain-speak fashion. This is exactly what the law students are doing with their high school students.”

The Clinic also helps the student develop skills which will be useful in litigation: “A judge in New York may hear 50 cases a day. The lawyer has to explain his or her case in a succinct and memorable way so that the case will mean something to this busy judge. The Clinic cultivates this ability to synthesize and articulate law.

The law students must engage in a considerable amount of organizing, planning, even negotiating—"for example, with the high school teacher over questions involving scheduling or curriculum. Again, all of this is valuable for later legal practice."

Professor Blitman noted that "just last week, the law student prevailed upon the high school teacher to allow a certain student to act as judge. Later, the teacher phoned to tell me that the student, who had previously seemed an unlikely candidate for such a position of responsibility and leadership, had worked out extremely well. The teacher was both surprised and gratified."

As for the student, we can only surmise as to the boost in self-confidence and self-esteem that such experience can induce.

Professional trade-offs

The high school teachers, too, are an integral part of the equation: "An exchange of professional skills occurs in which the high school educators help us to teach, and we in turn assist them in areas of substantive law and court procedures.

Theory meets practice

The law students meet with their high school classes for three 40-minute sessions per week for nine weeks. In addition, an actual mock trial is held at the Law School, and visits to civil court, conveniently located within walking distance of New York Law School, are also included.

The program works out pretty much as intended. Teresa, a student at Norman Thomas, believes that the clinic "should be put in more schools. It's educational, and it's fun." She said that she and some of her classmates found the material so stimulating that they discussed various aspects of the case after school over the phone. The clinic involved extra work, but the case was so interesting that it didn't feel like work. Teresa seemed not a little surprised that studying could be so enjoyable.

Barry, who is also from Norman Thomas and who is planning a career in business management, appreciated being taught basic law, "such as our rights as students or as parents. What I liked most was going over the cases and actually taking the parts of different people. It was interesting for me to see how I would react if this were real life."

Manny, who wants to be an accountant, found it "a very good experience for someone like me, who never had anything to do with the law. The closest I ever came was watching it on TV."

Their teacher, Mrs. Gail Reisin, was obviously delighted with the program and its results: "We used the course as a means for discussing various aspects of family law, such as custody, divorce, and bigotry. The students learned various aspects of courtroom procedure and legal terminology, and the fundamental elements of a trial. They practiced the reasoning and critical thinking skills involved in presenting cases and in analyzing positions. It adds a totally new dimension for the students, and their enthusiasm has been enormous."

Mrs. Reisin's observations tended to reinforce the views expressed by Professor Blitman. (Editor's note: all of the interviews noted in this article were conducted individually, and none of the participants were aware of what anyone else had said.) For example, Mrs. Reisin said that Norman Thomas High, which used to be known as Central Commercial, was always linked "with the real world, the business world, and this program now gives us a link to the legal world. In addition, it exposes the students in a particularly personal way to the prospect of a legal career. It is also valuable in that it gives the students a role model who is only a few years older than themselves but who will soon be a professional. And since we are concerned to prepare them for the business world, the emphasis on standard English is also beneficial."

Mrs. Reisin said that several of her students asked Mr. Reisman, their law student teacher, if he would represent them after he graduated, should they need a lawyer. This echoes, with a humorous twist, the high school student (reported in NYLS in Brief, April 1980) who intended to become a lawyer and who offered to defend Toni Brandmill '81 if she ever got arrested. Brandmill, by the way, managed to avoid arrest, and is now the Clinic's field supervisor.

Whose class is it anyway?

Are the NYLS students as satisfied with the program as the high school teachers and their pupils seem to be? Joe Reisman confessed that "it was a lot of work. I knew nothing about teaching, but Professor Blitman assured me that I would learn as I did it. I taught marriage, annulment, divorce, custody, abortion. I did a lot of role-playing. I'd give them actual cases, and do mock trials with them in the classroom."

For Reisman, there were particular personal as well as pedagogic benefits: "I developed my lawyering skills. I also increased my confidence in dealing with people and with courtroom situations. I'm basically shy, and it forced me to speak to whole groups of people. It also got me thinking about the process of interviewing clients."

Intense Commitment by NYLS

As a quintessentially urban law school, in part because of its nearness to federal and State courts and administrative agencies, NYLS offers an impressive array of clinical legal education programs. In addition to the Street Law Clinic, the Law School offers clinics in Administration of Criminal Justice, Communications Law, Criminal Defense, Discrimination Law, Consumer Law, Municipal Law, and Wittey/Civil Trial.

In creating and structuring these clinics, NYLS has been extraordinarily flexible. Any faculty member, for example, may, with faculty approval, offer a clinic focusing on virtually any area of the law. As the Street Law Clinic amply demonstrates, these programs provide benefits for society that extend well beyond the walls of New York Law School.
Class Action

3

Louise J. Brecher writes that when he graduated, "The Law School was at the 23rd St. Y.M.C.A., west of 7th Avenue. We had no law library. Prof. Petty was our dean. Tuition was $150.00 a year! Those were the days."

1931

Myron Myers retired on Dec. 31, 1981 and became, effective the very next day, Of Counsel to the Manhattan firm of Fried Greenbaum Sher & Schwartz.

1941

Jack Roper is retired, lives in Florida, and does some writing. Having scanned a recent Alumni Association letterhead, Roper, who taught at NYLS from 1947 to 1985, noted that his students included Martin L. Baron '52, Bernard M. Eiber '51, Hon. Francis T. Murphy, Jr. '52, and Hon. Mary E. Cerbone '59. "Congratulations to them for their fine efforts in behalf of our school."

1951

John G. Pare is the in-house counsel for the Metropolitan Life Insurance Company Head Office in Tampa, Florida (previously, he had been in Metropolitan's New York City headquarters for 23 years). The Tampa office serves eight southeastern states. Pare was admitted to the Florida bar in November, 1980.

1952

Herbert M. Frankel has been reassigned to the position of Hearing Officer with the United States Equal Employment Opportunity Commission.

1957

Aaron M. Africk informs us that he is both "permanently retired" and, happily, in "excellent health." Africk had served as Director of the Office of Drugs and Hazardous Substances. "I am 74 years of age, and I don't believe it!"

William Curran writes that he is no longer in active practice, having been, for thirteen years, president of a public relations and publicity firm in Manhattan. Previously, he had been with a firm specializing in admiralty law.

1965

Austin Lopez is Regional President of the Hispanic National Bar Association, which includes Puerto Rico. He is a Past President of the Puerto Rican Bar Association.

17

seph D. O'Neill is President of Capizola, O'Neill & Fineman, P.A., located in a newly-constructed building owned by the firm in Vineland, New Jersey.

Richard J. Smolian has become a Partner in the Manhattan firm of Goldstick Weinberger Feldman Alperstein & Taishoff, P.C. He has also recently completed a series of radio spots for WCBS-FM on tax shelters.

Smolian and wife Randy also proudly announce the arrival, on April 5, of daughter Danielle Tiana.

1966


Rosenberg notes that "Patent Law Fundamentals was first published in 1975 and is now in its second edition. The 1981 Annual Supplement is scheduled for release some time during this coming December. The work is widely accepted throughout the world as a reference on patent and intellectual property law. It has been quoted by the U.S. Supreme Court and in numerous federal appellate and district court opinions."

1974

B. Marc Mogil was recently appointed an Assistant Attorney General for Medicaid Fraud Control in the office of the Special New York State Prosecutor.

Mogil also proudly announces that his first child, Matthew Scott, was born on November 14.

1975

Marc Zane Edell is a Principal in the Morristown, New Jersey firm of Porzio, Smith, & Edell, a large firm with offices in New York City.


Abel, left, received his prize from Prof. Edward Samuels at a reception held at the Law School last fall. Students interested in participating in next year's competition—prizes are awarded for the best papers on any phase of copyright law—should contact Prof. Samuels. Deadline is August 15, 1982.
In Brief

Bromberg & Newman. Edell and his wife have two sons, Eric and Steven.

'68

Paul S. Forster was elected to the Democratic County Committee in Richmond County.

1978


1979


1980

James I. Gelb is a Partner in the recently formed Brooklyn firm of Gelb & Black.

1981

Lainie R. Eastman is Law Assistant to Hon. Frederic S. Berman, who is an Acting State Supreme Court Justice and an NYLS Adjunct Professor.

Eric W. Janson is an associate with the Plymouth, New Hampshire firm of Ray & Hopkins. Janson passed the New Hampshire bar exam and was admitted to practice in October, 1981.

Charles A. Pozen is an Assistant Corporation Counsel, City of New York, assigned to the Family Court Division in Brooklyn.

James N. Vaglas is a Deputy Department Advocate with the New York City Department of Corrections.

In Memoriam

1910

Alfred L. Rose

1918

Sylvester C. Smith, Jr.

1925

David M. Berger

Alexander Lindey

1926

Jacob W. Rozinsky

1929

Reuben Grass

1931

Theodore Garfield

Student Newsmakers

Gary Gross joined the staff of Human Rights, the official publication of the ABA's Section on Individual Rights and Responsibilities. Gross' article is "The Right to Asylum for Refugees."

G. Brian Morgan '83 has been appointed law clerk for Hon. Kevin Duffy, Federal District Court Judge, Southern District of New York. Morgan is on the Moot Court Executive Board and is also a member of the Law School's Jessup International Law Moot Court Competition team.

Previously, Morgan was law clerk to Hon. Sidney Asch, who was recently appointed to the Appellate Division of the New York State Supreme Court. Morgan was also on the staff of the International Law Journal.

The NYLS 1982 Phillip C. Jessup International Law Moot Court Team has been chosen:

Barbara Champoux
Elizabeth Corey
Peter Close
Claire Hancock

Brian Morgan

Above: Peter Close '82, President of the NYLS International Law Society, and Assistant Dean Lucille M. Hillman flank Justice B.A. Masudkar, Judge of the High Court of the Judicature at Bombay. Judge Masudkar was a guest lecturer at the Law School last fall.

Below: Robert F. Salvia '82, Helena Gorochow '82, David Greene MYA '83, and Janet Cohen '82 defeated Seton Hall but were eliminated by Rutgers (Camden) at the National Moot Court Competition in November.
**Faculty and Administration News**

Sidney Asch, Adjunct Professor, was appointed Associate Justice of the Appellate Division, First Judicial Department, New York State Supreme Court.

Hon. Frederic S. Berman '51, Adjunct Professor, has hired Lainie R. Eastman '81 as his Law Assistant.

Professor Michael Botein argued (on January 25) the case Community Coalition for Better Broadcasting v. Federal Communications Commission in the District of Columbia Circuit Court of Appeals, on behalf of the Appellant, Community Coalition for Better Broadcasting. The suit arose out of the Coalition's challenges to the license renewals of the educational television stations operated by the Mississippi Authority for Educational Television on grounds of racial as well as sexual discrimination in employment and programming. The Coalition was represented by other teachers as well as students in the Communications Law Clinic.

Professor Lung-chu Chen has received a grant from the Dana Fund for International and Comparative Legal Studies in support of his project on "International Law in a Policy-oriented Perspective: An Introductory Treatise." Under contract with the Yale University Press, Recently, an endowed Commencement award in the field of human rights has also been established in his honor by the Grand Street Boys Foundation. In 1981, Professor Chen delivered a paper on "International Protection of Religious Freedom" at the annual meeting of the Association of American Law Schools, and spoke on "Self-Determination: A Critical Dimension of the Demand for Freedom" at the annual meeting of the American Society of International Law, which will be published in the 1981 Proceedings of the Society.

Trustee Emeritus Jerry Finkelstein acquired about 5 percent of the Chock Full o'Nuts Corporation.


Adjunct Professor Richard Harbus was a faculty member at a November continuing education seminar sponsored by the State Office of Court Administration. About 70 Civil Court judges met at the Concord Hotel, Kiamesha Lake, for the weekend event.

Professor Myres S. McDougal has been made an Honorary Fellow of St. John's College, where he had been a Rhodes Scholar.

Robert Roy Rosenthal 1941-1981

The Law School was shocked and saddened to learn of the tragic, untimely death late last December of Adjunct Professor Robert Roy Rosenthal. He was 40 years old.

To his students, colleagues, and many friends, Rosenthal was a scholarly man who carried his immense learning quietly and with sincere humility. A gifted and dedicated teacher, he was loved by his students throughout his ten years at NYLS.

The NYLS Bulletin sketches Rosenthal's academic achievements: a Bachelor's degree from Columbia College in 1961 and an LL.B. from Columbia University School of Law in 1964; Law Assistant, Board of Justices of the Supreme Court of the State of New York since 1966; author of numerous articles in the field of Practice and Procedure.

An award in New York Practice—the Robert Roy Rosenthal Memorial Award—will be presented annually at Commencement.

He is survived by his parents, Grace and James Rosenthal, of Deerfield Beach, Florida, three children, and his brother, Michael, who teaches law at the University of Texas School of Law.

As a teacher, and as an individual, he was a man of great compassion and understanding as well as intellect. The Law School's adjunct faculty is esteemed precisely because it contains such individuals as Robert Roy Rosenthal. The entire Law School community mourns his passing.
Unusually Interesting Courses Highlight Spring Offerings

Evidence of the Law School's commitment to contemporary legal education—and to the fullest possible utilization of the area's potential for faculty strength—can be found in some of the course offerings for the Spring 1982 semester:

Canon Law. A survey of the Code of Canon Law, the regulatory and disciplinary law of the Catholic Church, its early history and vigorous growth in the Medieval period, the "canonization" of the Roman law, the codification of 1917; modern reform. The close association of the Canon Law and Roman Law, and of the Roman Law with the development of continental law, offers unusual comparative law opportunities.

Anthony F. LoGatto. Adjunct Professor. Ordained 1942, Diocese of Brooklyn, M.S.W., Fordham University, School of Social Service, 1948; J.D., St. John's University School of Law, 1954; LL.M., 1961. Associate Director, Catholic Charities, Diocese of Brooklyn, 1947-1961; Director, Queens County, Catholic Charities, Diocese of Brooklyn, 1961-1967; Pastor, St. Rosalia-Regina Pacis Church, 1967-1974; Lecturer, Fordham University, School of Social Service, 1961-1963; Lecturer in Sociology, St. John's University, 1956-70; Lecturer in Law, Seton Hall University, 1968; Adjunct Professor, Criminal Justice, Jersey City State College, 1976; Commissioner of Human Rights, City of New York, 1973-1976. Interdisciplinary publications in fields of theology, law, sociology and social work.

Energy Law. Examines a wide range of issues: underground reservoir structure and mechanism; energy supply and demand analysis; the structure of the U.S. oil industry; U.S. production policy from 1920's to 1960's; environmental goals; pricing of crude oil and products in the U.S. and abroad; antitrust laws and interstate oil transactions; administrative developments concerning producing states. In addition, the institutional structure of the international oil community—OPEC (Organization of the Petroleum Exporting Countries), OAPC (Organization of the Arab Petroleum Exporting Countries), and IEA (the International Energy Agency)—will be examined, along with the developments which caused the creation of these organizations.

John Vafai. Adjunct Professor. J.D., Tehran University School of Law, 1960; LL.M., Yale Law School, 1964; J.S.D., Yale Law School, 1968. Associate Professor, Rutgers University, 1968-1971; Visiting Legal Scholar, Columbia University School of Law, 1972; Professor of Law, Tehran University School of Law, 1977-1981; Visiting Associate Professor, Rutgers University Graduate School of Political Management, 1980-1981. Member, Planning Committee for establishment of OPEC Strategic Committee; participant at several OPEC meetings and negotiations; presently, Consultant on International Petroleum Transactions.

Roman Law. Roman Private Law from the early Republic to the death of Justinian, including basic rules, procedures, and techniques.

As the cradle of Western jurisprudence, Roman Law contains ideas and techniques which are fundamental to our legal thinking. In addition, the course confronts students with a system of rules and procedures which, while they seek to solve basic legal problems common to all societies, often reach workable solutions which are the opposite of common law. The study of Roman Law also invariably encompasses the entire sweep of Roman Constitutional History from which the law develops.


Origins of American Constitutionalism. The history of constitutional ideas are examined as they relate to the federal Constitution. Greek, Roman, and medieval constitutionalism, English constitutional history (with emphasis on the Enlightenment), colonial and post-revolutionary state constitutions, and the debates leading to the adoption of the Constitution will also be studied.

Vernon Snow, Adjunct Professor. B.A., Wheaton College, 1948; M.A., University of Chicago, 1949; Ph.D., University of Wisconsin, 1953. Faculty member, University of Montana, 1953-56; University of Oregon, 1957-60; University of Montana, 1960-66; University of Nebraska, 1966-74. Professor of English History, Syracuse University, since 1974. Vice President, Snow Foundation, 1969-74; President, 1974 to present. Author and editor works in the area of English History.

Real Estate Practice—Advanced: Current Issues in the Mortgage Market. This course will focus on current issues in the mortgage market. Attention will be given to the different mortgage markets; an overview of residential mortgages; who participates in the mortgage markets, both within the private sector, the governmental and the quasi-governmental sectors; recent changes in the mortgage market and the future of the mortgage market. Guest lecturers will be called upon to lead discussions in their particular field of specialty. Some classes will be held at the downtown offices of Salomon Bros.


Alumni and Faculty in Various PLE Programs

Several NYLS alumni and faculty members will be participating in practical legal education programs sponsored by the New York County Lawyers' Association.

Civil Trial Practice—Monday Evenings, 5:15 to 7:15

Co-Chairman: Joseph J. Lucchi ’38

Feb. 22 Examination Before Trial, Disclosure and Pre-Trial Motions. Chairman/Commentator Joseph J. Lucchi ’38

Mar. 22 Planning the Direct Case, Opening Statements and Direct Examination. Chairman/Commentator Hon. Sidney H. Asch, Adjunct Professor.

Apr. 26 Conferencing and Settlement Techniques. Chairman/Commentator Joseph J. Lucchi ’38


Feb. 17 An Overview of the Individual and Business Provisions, Including Planning Opportunities. Adjunct Professor Sidney Kess

Contact Carrie Vassalotti at the NYCLA (267-8648) for further information.
The Docket


Mar. 13      P.L.E.A., Panel V, Professional Liability. Panelists: Ernest Allen Cohen, Esq. (Partner, Marchi Jaffe Cohen Crystal Rosner & Katz); Laurie H. Hutzler, Esq. '79 (President, Legal Management Services, Inc.; Counsel, Marchi Jaffe Cohen Crystal Rosner & Katz); Eric Jones, Esq. (INA Loss Control Services, Inc.). This special Saturday seminar begins at 9:00 a.m. (registration and coffee are at 8:30) and will include a videotape ("The Malpractice Zone") and the distribution of several informative brochures. To register, or for further information, contact Mrs. Renee Grossman, 966-3500, exts. 718 or 735.

April 5      Symposium, sponsored by NYLS Communications Media Center. Details to be announced.

April 30     Annual Lunch (held in conjunction with the Annual Meeting of the New York State Bar Association).

June 6       Commencement. Avery Fisher Hall, Lincoln Center.
Judge and Mrs. Roger J. Miner graciously met with NYLS in Brief shortly before the start of the Annual Dinner, and we quickly discovered that the Judge knows a great deal about, and takes enormous pride in, his hometown of Hudson, N. Y., and the surrounding area.

Noting that Martin Van Buren, Eighth President of the United States, also resided in Columbia County, in nearby Kinderhook, Judge Miner said that Van Buren was "the Surrogate of Columbia County at the age of 21, which shows that if you're going to be president, you've got to start your career at an early age."

Levity notwithstanding, and despite the fact that the Judge confided no presidential aspirations to us, he does admit to being somewhat ambitious. Judge Miner also started his own career relatively young: "I was 21 when I graduated from New York Law School. In those days, you were able to enter Law School with a Law Student Qualifying Certificate. I attended Columbia College, and was able to get the certificate after only two years of pre-law. I had to do eight terms at New York Law School, but because we had a full-time summer session then, I was able to complete the requirements in less than three calendar years. I received my B.S. after I left law school". His baccalaureate is from the State University of New York.

Miner was raised in Hudson, where he was born on April 14, 1934 and where he still lives with his wife Jackie, a former
history professor. They are the parents of four sons: Laurence, 21, a student of environmental science at State University of New York at Syracuse; Ronald, 20, an engineering student at the University of Illinois; Ralph, 18, a pre-law and accounting student at Michigan State University; and Mark, 16, who is completing his junior year in high school.

A member of the New York Law School Alumni Association and the New York Law School Alumni Advisory Council, Judge Miner graduated cum laude from New York Law School in 1956 -- precisely thirty years after his father, Abram, was graduated from the law school. Always an honor student, valedictorian of his elementary school, Honor Society member in High School and dean's list student at Columbia, Miner was awarded the Nathaniel L. Goldstein Medal in Constitutional Law at New York Law School. He also served as the first managing editor of the Law Review and was a member of the moot court team. He was awarded the Law Forum prize in 1955 for his contributions to the Law Review.

After passing the bar exam, Miner served as a private in the United States Army from August to November of 1956. He was commissioned as a First Lieutenant, on November 9, 1956, in the Army's Judge Advocate General's Corps. He was awarded the Commendation Ribbon with Medal Pendant for his work on the revision of the Manual for Courts-Martial. He served on active duty from 1956 until 1959, and this service included tours of duty in Japan and Korea. He was admitted to the Bar of the Republic of Korea
in 1958. Miner noted that "after returning home I spent some
time in the Army Reserves and was finally discharged with the
rank of Captain in the Judge Advocate General's Corps on October 31,
1964".

When he returned from military service, he also set up shop
in his hometown of Hudson: "I started practicing law in Hudson
with my father. I enjoyed small-town practice. I served as
city attorney of Hudson and was elected to three terms as district
attorney of Columbia County; my entire career developed there."
While in private practice Miner held an "a" "v" rating from the
Martindale-Hubbell Law Directory, the highest rating available.

During his district attorney years, Miner became well known
in the upstate area for his work in training police officers.
He conducted annual classes for local policemen and sheriffs'
deputies. He authored a newsletter dealing with new legal develop-
ments of importance to police officers. He served on the faculty
of Columbia-Greene Community College as an adjunct associate
professor of Criminal Law and he is the recipient of many awards
from police agencies.

Tiny Columbia County, the only county in the sprawling seven
county third judicial district without a resident supreme court
justice, had not been able to elect a native son to the state
supreme court for more than forty years. Roger Miner was nominated
for the post in 1975 by the Republican and Conservative parties.
(Newspapers in six of the seven counties endorsed Miner for election.)
The *Albany-Times-Union* called Miner "an outstanding attorney, an effective and efficient prosecutor, with credentials of broad legal and governmental experience as well as personal integrity in support of his move to the bench.") Miner was elected to the fourteen year term in November, 1975. He was the top vote getter in a field of four and became one of the state's youngest Supreme Court Justices, as well as Columbia County's first resident Supreme Court Justice in almost half a century.

While serving as a State Supreme Court Justice, Miner, who had done post graduate work at Brooklyn Law School and the University of Virginia, continued his legal education by attending several judicial seminars held for trial judges.

He was the author of more than fifty published opinions while serving on the state bench. Among his most celebrated cases was *Consolidated Edison Company v. Public Service Commission*. Although he was reversed by the state's appellate courts, the U.S. Supreme Court ultimately vindicated Judge Miner's opinion that public utility companies are free to insert printed material with their bills as a matter of commercial free speech.

In 1978 State Republican leaders, including former N.Y.S. Attorney General Louis J. Leftkowitz, suggested that Judge Miner seek the Republican nomination for Attorney General. The *Chatham Courier* said in its endorsement of Miner: "It is difficult to find a young man these days for Attorney General with Roger Miner's wit, wisdom of the law and ability -- all wrapped up in one extremely capable,
Miner told the River Valley Chronicle when he removed himself from consideration: "It was an honor to be considered for the office and I gave it serious thought. However, such an effort would involve my resignation from the Supreme Court, and I have eleven years to serve on my term of fourteen years. I feel that I have a duty to the people of my district."

In addition to his legal work Miner has been very active in civic affairs. A past Exalted Ruler of Hudson Lodge of Elks and a member of the board of directors of the Columbia County United Way, Miner has received many awards for community service, including the Abraham Lincoln Award, Kiwanis Award, County Magistrates Award and Rotary Club Award.

This past autumn, Miner was appointed United States District Judge for the Northern District of New York by President Ronald Reagan. What was next, we wondered: "I'm still getting my bearings, and my only present ambition is to be a good district judge." As a Federal judge, he confides that "there's a lot to learn. In fact, I've just come here tonight from the Second Circuit Sentencing Institute held at New Paltz, and we're going back there tonight. I'll soon be going to Washington, D.C. for another seminar. There are many things I'm in the process of learning."

His wife, Jackie, had a more concrete notion. Describing his career as "brilliant" and confiding that she felt "exhilarated"
by his Federal appointment, she volunteered, "Had you asked me where he would end up, I would have said, without hesitation, the United States Supreme Court." She described her husband as a very modest man who in addition to his legal expertise is a former local tennis champion and a gifted musician." Miner was a member of Local 676, American Federation of Musicians, and still enjoys a good tennis game.

How does it feel returning to New York Law School? "The school has grown tremendously. It has acquired a fine reputation and is getting better every year. I've seen the plans for the new law center, and I think there are even greater things in store for the future of the school. I hope all of the Alumni support the new center. I am planning to select graduates of this School to serve as Law Clerks in my chambers."

He remembers his own years as a student at New York Law School fondly: "I enjoyed my years here. I still remember many of my teachers with affection, many of whom are still here -- Koffler, Silverman, Dugan, the late Professor Reich -- he taught my father and me; he's the one who spanned the generations. Also some of the adjunct faculty: Roy Cohn, Bill Kunstler, Joe Arenson, Sindey Asch, who was my colleague on the State Supreme Court."

If he had law school to do over again, would he do it any differently? "I think I'd do exactly the same thing," he said.

Judge Miner, an excellent and entertaining public speaker, is in constant demand for seminars and after dinner speeches.
His wife says: "He has spoken to literally hundreds of groups. He has great difficulty in saying no to anyone. He really feels a great obligation and responsibility to the public."

Judge Miner's judicial philosophy was expressed succinctly in the closing words of his remarks when he was inducted as a U.S. District Judge in Albany on October 10, 1981: "When I took office as a state supreme court judge, my father told me that the two most important qualities required of a judge are patience and understanding . . . . I shall continue to strive for patience and understanding. I shall endeavor to perform the tasks assigned me with vigor and dispatch and with the certain knowledge that the litigants in every case are entitled to my very best. Finally I shall be ever mindful that an independent and honorable judiciary is indispensable to justice in our society. Upon the conclusion of any contested litigation there usually is a winner and a loser. My goal simply is this - that the loser leave this courtroom without the slightest doubt that justice abides here."