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BOSTON COLLEGE LAW SCHOOL

VOL. 8, NO. 1

BOSTON COLLEGE LAW SCHOOL

SEPTEMBER, 1963

College Records Cited As Best Indicators of Law School Success

On September 16th close to 200 students will commence their law school career, resulting in the largest freshman class ever to register.

Professor McCarthy cited as the reason for the unusually large class the large number of applications, (well over 500) received this year. This year's freshman class has both the highest average (550) and median Law School Aptitude score in the history of the law school.

However, according to Prof. McCarthy, Chairman of the Admissions Committee, more emphasis was given to the college records than in the past. A recent study at the law school has shown that the best prediction of an applicant's success is his undergraduate performance.

This year's first year class is represented by 94 colleges and universities from over 20 states. Boston College, Holy Cross, Harvard, Georgetown and the University of Massachusetts have the greatest number of representatives, while Boston University, Brown, Bowdoin, Dartmouth, Manhattan, Providence, Saint Peters, Tufts and Yale also have significant numbers in the class.

The class's presidential scholars are Ronald L. Jaros, James H. Watz and James N. Schmidt of Canisius College, in Buffalo; Thomas Marquett and James Dean from Manhattan College, Roger A. Jackson from Wheeling, William A. Garrigle from La Salle (Philadelphia), John Finn from Georgetown, Richard Kotarka from John Carroll, Robert J. Desiderio from St. Joseph's (Philadelphia) and Thomas Leen from Brandeis.

Dean's List

First Year

Edward Bloom
Jerome Frost
Dwight Miller
Burton Harris
Thomas Collins
Judith Olans
Ronald Del Sesto
Ira Kurvey
Robert Muldoon
Peter Norton
Charles Bergin
Vincent Siano
John Dobbey
Joseph De Ambrose

Second Year

Joseph Spain
Charles Abbot
Arnold Proskin
Glen Smith
Barry Morrissey
John Morley
Joseph Reardon
Robert Deutsch
Richard Slossberg
Graduated with Honors:
Alan Kaplan, Summa Cum Laude
Richard Gaberman, Magna Cum Laude
Joseph Cotter, Cum Laude
Stephen Paris, Cum Laude

Fox Conducts Research In Criminal Behavior In Europe

It is a basic premise of Professor Fox's work that the sources of criminal behavior can frequently be traced and understood, at least in part, to conditions of biochemistry, physiology, neurology and anatomy — to factors of human biology. It is his belief that human biology is as relevant to penal legal research as is dynamic psychiatry.

Professor Fox is currently attempting to discover to what extent biological knowledge is currently being put to use in various systems of criminal justice. The present portion of his work seeks answers to such questions as: at what point in the administration of penal and delinquency law are investigations made to uncover biological states that may have influenced the conduct? How comprehensive are such examinations? To what extent does manipulation of an offender's or delinquent's internal biological environment form a recognized part of the rehabilitative process?



PROFESSOR FOX

His work during the summer was done in Europe due to the fact that the acceptance of biology in the etiological complex is more active in certain European jurisdictions than in the United States. His work will continue during the year on a part time basis as he will be teaching Crimes, Federal Courts and Problems in Criminal Law.

During the past three months, Professor Sanford J. Fox has been conducting research in Europe under the auspices of the Ford Foundation. Professor Fox's work in Europe was done in Rome, London, Amsterdam and Copenhagen. It is a continuation of a study begun in 1961 at which time he received a Ford

(Continued on page 4)

Father Drinan's Book Is Widely Acclaimed



FR. ROBERT F. DRINAN, S.J.

Father Drinan's recent book, *Religion, the Courts and Public Policy*, has been widely acclaimed by reviewers across the country.

In his book, the Dean examines the three major problems that have aroused so much controversy in the past few years: religious education in the public schools, tax support of Church related schools and the Sabbatharians' request to work on Sundays. He thoroughly discusses three basic issues that have reached the United States Supreme Court: released time, Bible reading, and the reading of the Lord's prayer.

Father Drinan discusses his topics from the points of view of the main parties concerned, Protestants, Catholics, Jews and non-believers, and also examines the historical and legal aspects, pointing out the confusions that have arisen because of the many interests involved and because of what he feels are the inherent contradictions of recent Supreme Court decisions defining the place of religion in relation to the tax-supported school.

The Dean points out that it was not until 1947 that the Supreme Court was called upon to rule on the First Amendment clause, that for one hundred and fifty years the nation seemed to be satisfied with the status quo. He deals in detail with the many areas in which an almost universally

accepted understanding on church-state matters exist, tax exemption for churches, for example.

"Whenever conflicts arise out of hitherto settled legal-moral or church-state issues," Father Drinan writes, "the contemporary tendency is to attempt to resolve all these problems by immediate reference to the First Amendment and the United States Supreme Court. The wisdom of employing the establishment and free exercise clauses of the First Amendment for such purposes is open to question. In a relationship as profound and complex as that between church and state it should not be expected that one set of legal-moral or constitutional principles will render self-evident the rights of all interested parties."

The Dean also writes that "the profoundly religious and theistic presuppositions of the American state appear to be so deeply ingrained in American public policy that it is doubtful if Congressional or Supreme Court indorsements of a neutral or secular state can, in the absence of a complete reversal of public opinion, change the fundamental direction of church-state attitudes in America. But new and influential voices today are urging as never before that the American state can and must be not merely neutral, but avowedly secular in its attitude to all religious groups. The entire future not only of American church-state relations but of this nation's public and private morality will depend on the extent to which American lawmakers are influenced by those individuals who feel that the total separation of government from religion is a desirable development."

John Cogley, reviewing the book for the New York Times on Sunday August 4th, characterized Father Drinan's understanding of the characteristically Protestant, Roman Catholic, Jewish and secular humanists approaches to the various problems of church-state relations as "better than many of his co-religionists, including some eminent prelates who tend to see our current Church-State controversies as simple contests between the forces of faith and those

(Continued on page 4)

Rev. William Kenealy Back On Law School Faculty

The Rev. William J. Kenealy, S.J., former dean of the Boston College Law School, has rejoined the faculty as Professor of Law. Father Kenealy will teach a section of the first year Crimes course and a senior elective on Civil Liberties.

During the past two years, Father Kenealy served as visiting professor at Loyola University in Chicago. Prior to that he was at Loyola of the South in New Orleans for two years also as visiting professor. While at Loyola of the South he was acting dean of that school during the summer of 1957.

Father Kenealy has degrees from Boston College, the Gregorian University in Rome, Weston College and Georgetown University. He began teaching at the Boston College Law School in 1929, the year that the school was founded. In 1939 he was appointed dean, a post that he held for the next 17 years, except for a three year period during which he was on leave of absence serving as a chaplain in the Navy. From 1946 to 1956 he was also a trustee of the uni-

versity.

It was during the tenure of Father Kenealy as dean that the law school moved from its downtown location to the university campus. Saint Thomas More Hall was conceived, and to a large extent designed by Father Kenealy who foresaw the recent expansion of the school. He also instituted the publications program of the law school by beginning the Annual Survey of Massachusetts Law in 1953.

During the past four years, Father Kenealy has been active in the area of Civil Rights and Civil Remedies. He has written extensively in this field as well as in the area of Church-State relations.

Father Kenealy is a member of the American Bar Association and the American Judicature Society, a Fellow of the American Academy of Arts and Science. He has been admitted to practice in Massachusetts, the District of Columbia, Illinois, the United States Supreme Court and the United States Court of Military Appeals.

Sui Juris

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Fr. Nicholson Receives S.T.D. From Harvard University

The Reverend Francis Joseph Nicholson, S.J. Asst. Professor of Law, Boston College Law School, has recently been awarded an S.J.D. degree by Harvard University.

Father Nicholson's dissertation was in the field of international law, more specifically, a discussion of the availability of restitution in kind (in lieu of money damages) where property has been expropriated by a government without the proper international legal authority. Father Nicholson's paper is one of the first works in this field; there is a possibility that it will be published in book form during the next year.

Prior to receiving the degree of S.J.D., Father Nicholson earned an

A.B. (1942) and M.A. (1947) at Boston College, an S.T.L. (1954) from Weston College, an L.L.B. (1949) and an L.L.M. (1950) from Georgetown University, and an L.L.M. (1956) from Harvard. He was admitted to practice in the District of Columbia in 1950 and in Massachusetts in 1960.

At Boston College, Father Nicholson teaches Conflict of Laws, Jurisprudence, and International Law. He is presently at work on material for a course in International Business Law.

Father Nicholson is a member of the American Bar Association and of the American Society of International Law.

BOSTON COLLEGE *Industrial and Commercial* LAW REVIEW

THE SECURITY ASPECTS OF CONDITIONAL SALES IN
SWEDEN WITH A COMPARISON OF THE UNIFORM
COMMERCIAL CODE

CLAES GUNNAR LOUIS BEYER

CORPORATE NET OPERATING LOSSES—LIBSON SHOPS.
AND THE DECREASING AVAILABILITY OF A LOSS
CARRYOVER TO THE SINGLE CORPORATION

OLIVER STEVENS SUGHRUE, JR.

CONSUMER PICKETING: THE LIMITED RESTRICTIONS
OF THE LABOR MANAGEMENT RELATIONS ACT

JOHN J. DESMOND, III

DISSENTING MINORITY STOCKHOLDER'S RIGHT
OF APPRAISAL

WILLIAM F. LOONEY, JR.

UNIFORM COMMERCIAL CODE ANNOTATIONS

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Vol. IV, No. 1

Fall, 1962



Prof. Slizewski Named to Committee On Academic Freedom

Professor Emil Slizewski has been appointed as a member of the American Association of Law School's committee on Academic Freedom and Tenure.

The committee, which studies problems of academic freedom and tenure in the various law schools throughout the United States, will meet in Los

Angeles during the Christmas vacation. Professor Slizewski will serve on the committee for one year, beginning in December.

Elect Fr. Drinan Foundation Fellow

The Rev. Robert F. Drinan, Dean of the Law School, has been elected as a Fellow of the American Bar Foundation. Father Drinan was nominated by Dean Griswold of the Harvard University Law School and elected by Massachusetts Bar. The number of Fellows is permanently limited to 750 who are distributed among the several states in proportion to the number of lawyers in the state.

Father Drinan has been invited to preach at the Red Mass in Syracuse, New York on Wednesday, September 18th. He will speak on the present problems of integration.

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Alumni News...

Joseph R. Mucci, '37

William F. Joy, '43

John E. Fenton, Jr., '54

were among the Alumni who attended the Annual Meeting of the American Bar Association in Chicago, Illinois in August.

Harry Grossman, '39

has recently written an article, "Adverse Actions and Appeals Therefrom — A New System for Federal Civil Servants" which has been published in the March 1963 issue of *Labor Law*.

Francis G. McGee, '48

Town Moderator of Natick, Massachusetts, announces the opening of an office for the general practice of law at 15 West Central Street, Natick, Massachusetts.

John H. Fitzgerald, '50

argued orally before the United States Supreme Court in the case *Namet v. The United States*. In a 7-2 ruling handed down on May 13, 1963, the U.S. Supreme Court held that it was not reversible error for the trial judge to have permitted witnesses to be called even though they could be expected and did employ the Fifth Amendment.

Henry J. Battles, '54

has been appointed City Attorney for the City of Rutland. Mr. Battles is with the firm of Sullivan and Battles, Merchants Row, Rutland, Vermont.

Robert T. Wallace, '54

of Silver Springs, Maryland, has been appointed Legislative Council for the Interstate Commerce Commission.

Frank A. Carter, '55

has recently been appointed as Director of Employment Security for the State of Rhode Island at 24 Mason Street, Providence, Rhode Island.

John B. Clayton, '57

is on the legal staff dealing in Anti-Trust law with the General Motors Corporation, 3044 West Grand Boulevard, Detroit, Michigan.

Richard A. Dempsey, '57

graduated from Harvard 1950, followed by 4 years service in the Navy as a Lieutenant. He has been associated with the firm of Glynn and Dolan which has recently announced a change of the firm's name to Glynn and Dempsey. Mr. Dempsey resides at 50 Carver Rd., Newton Highlands, Mass., with his wife and daughter Elizabeth.

John J. McCarthy, '57

has become associated with the firm of Allen, Smith and Bonner, 31 State Street, Boston 9, Massachusetts.

Alvin H. Miller, '58

announces the removal of his office to 73 Tremont Street, the Eleventh Floor, Boston 8, Massachusetts. Mr. Miller has also been appointed by the Twin City Corp., an organization engaged in real estate, mortgage and financing, as its representative in Massachusetts at the above address.

Robert R. Tiernan, '58

has become associated with the firm of Keller and Heckman in Washington, D.C. of which William Borghesani, '57, is one of the partners.

John H. Treanor, Jr., '58

has left his position in the U.S. Attorney's Office in the District of Columbia to become associated with the Anti-Trust Division of the Justice Department.

James F. Waldron, '58

Assistant District Attorney of Middlesex County has been appointed Second Assistant Clerk of the Newton District Court.

Brian T. Callahan, '60

has been appointed Assistant Professor of Law at Suffolk University Law School for the academic year of 1963-64 and will be teaching Commercial Law and Creditors Rights.

Robert C. Harrington, '61

a trial attorney for the Federal Trade Commission in Washington has just been awarded \$250.00 for winning a case against the Westinghouse Electric Company.

Joseph A. Sesnovich, '61

announces the opening of offices for general practice of law at 84 State Street, Room 413, Boston, Massachusetts.

John E. Sullivan, '62

has become associated with the law office of Jack H. Werchick, 240 Second Street, San Francisco 5, California.

Mrs. Maria L. Sveikauskas, '62

has opened her offices for the practice of law at 8 Belgrade Ave.

LEONARD FISHER, '52

2 Summit Ave.

Brookline, Mass.

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Legislation Is New Course Offered in Spring Term

The administration has announced the offering of a new course, Legislation, during the spring semester to be taught by visiting Professor of Law, Joseph P. Witherspoon of the University of Texas. He has taught this course for a number of years at Texas and has written extensively on the subject. The purpose of the course is to introduce the student to the practical, theoretical and jurisprudential interpretation of statutory law.

The materials to be used in the

nue, Roslindale Square, Boston 31, Massachusetts.

Mrs. Jerry F. English, '63

has been awarded a Teaching Fellowship at Rutgers, The State University School of Law, Newark, New Jersey for the academic year 1963-1964.

Arthur H. Rosenberg, '63

has been awarded a New Nations Fellowship from The University of Chicago Law School for the academic year 1963-1964.

Stuart R. Ross, '63

has become associated with the firm of Stadfeld, Prague and Henkoff, 80 Federal Street, Boston, Massachusetts.

David W. Carroll, '63

J. Ronald Fishbein, '62

Walter F. Weldon, '63

all have passed the Rhode Island Bar.

In the last issue it was erroneously reported that James F. Stapleton recently became associated with Marsh, Day & Calhoun. Mr. Stapleton has been associated with this firm since 1958 and became a partner in March 1963.

course have been prepared by Professors Hart and Sacks of Harvard Law School.

Professor Witherspoon received his A.B. degree from the University of Chicago, his L.L.B. from the University of Texas, and his S.T.D., from Harvard University. He has taught at the University of Texas since 1948 with the exception of two years. One was spent as chief counsel to the Apparel and Service Trades Branches of the Office of Price Stabilization in Washington, and the other was spent studying at Harvard Law School under a grant from the Rockefeller Foundation.

Memorial Mass

The date for the Memorial Mass for the Law School Alumni will be decided at the September 5 meeting of the Alumni Council. As in the past the Mass will be followed by an Alumni Supper and a guest speaker. This event has been well attended in the past, and chairman Mrs. Margaret Heckler expects an even better turn out this year.

Football Schedule

Date	School	Place
Sept. 21	Syracuse	Away
Sept. 28	Wichita	Here
Oct. 4	Detroit	Away
Oct. 12	Villanova	Here
Oct. 26	Air Force	Away
Nov. 2	Vanderbilt	Here
Nov. 9	Buffalo	Here
Nov. 16	Virginia	Here
Nov. 23	Boston University	Away
Nov. 30	Holy Cross	Away

IN MEMORIAM

It is with sincere and deep regret that the Alumni Association records the passing of Mr. Leo A. Reed, 360 Park Street, West Roxbury 32, Massachusetts on June 20, 1963.

In appreciation of Mr. Reed's devotion to the school and the council, the Alumni Council has voted to enroll his name in the Jesuit Seminary Guild.

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F. J. Larkin Named Assistant Dean Of Law School



FRANCIS J. LARKIN, Asst. Dean

Mr. Francis J. Larkin has been appointed as Assistant Dean at the law school. A graduate of Holy Cross College and the Georgetown University Law Center, Mr. Larkin served as law clerk to Judge John P. Hartigan of the Circuit Court of Appeals for the First Circuit during the past two years.

While at Georgetown, Dean Larkin was an Editor of the Law Review and President of the Student Bar Association. He also was a finalist in the National Moot Court competitions held in New York City, and during 1956-1957, he was National President of the American Law Student Association.

Upon receiving his Bachelor of Laws degree at Georgetown, Dean Larkin accepted a teaching fellowship at that school for the 1958-1959 academic year. As a teaching fellow he earned his Master of Laws degree and taught a course in Security Regulation.

Subsequently, he served in the Judge Advocate General Corp of the Army and was an Editor of the Federal Bar Journal. He is a member of the Massachusetts Bar.

As Assistant Dean, his primary responsibilities will be with placement, alumni relations and admissions. Dean Larkin will also have the title of Assistant Professor and will teach during the Spring semester.

Placement News

The Administration has announced that placement will be under the direction of the Assistant Dean, Francis J. Larkin.

Dean Larkin has indicated that he views the placement responsibilities of the administration as a two-fold job. An immediate task is to offer to the graduating class as many opportunities as is possible. He also intends to devote significant time to long range placement problems, especially that of interesting a larger number of out of town firms in employing graduates.

The first firm to visit the school to interview graduates is from Milwaukee, Wisconsin. The firm of Foley, Sammond & Lardner will be represented at the school on October 2 by William J. Kiernan, Esq. This is one of the leading firms in Wisconsin.

Students interested in talking to Mr. Kiernan should contact Dean Larkin at their earliest convenience.

On Wed., Oct. 2, William J. Kiernan, Jr., Esq., of the firm Foley Sammond and Lardner of Milwaukee will be at the law school to interview seniors.

Professors Smith, Hart to Study Auto Personal Injury Claims

Professors James W. Smith and Frederick M. Hart have been named as members of a consultative panel to a study of personal injury claim arising from automobile accidents.

Prof. Fox —

(Continued from page 1)
Foundation Faculty Fellowship.

The results of Professor Fox's earlier work have been published in two law review articles. One, "Physical Disorder Consciousness and Criminal Liability" was published in a recent issue of the Columbia Law Review, while the other "Delinquency and Biology" was published by the University of Miami Law Review.

The ultimate aim of Professor Fox's project is to produce critical and constructive evaluations of criminal law and administration in the light of scientific knowledge of human biology. A subsidiary aim is to accomplish a comprehensive survey, both in this country and in Europe, of contemporary practices and knowledge relating to the biological aspects of penal law and its administration.

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Fr. Drinan Calls For New Vision To Equalize Role of Negro

In a widely acclaimed speech before the Cambridge Kiwanis on August 7th, Father Drinan called for "a bold and resourceful new program as sweeping as the Marshall Plan to equalize the opportunities of the millions of Negroes who have in recent years taken up residence in the most deteriorated sections of Northern Cities."

Citing statistics showing that the housing, educational and employment opportunities of northern Negroes are now less than they were 10 years ago in comparison with whites, Dean Drinan emphasized that even if the Negro minority were advancing in the same proportion as the white majority, the gap between the two groups could not be closed without an "enormous effort made by every level of society to overcome the handicap which now burdens the Negro community."

Commenting upon the recent Negro demonstrations, the Dean stated that "such demonstrations should be deemed a grace of God because they remind us of society's sins and keep our consciences awake when otherwise we would, as we have done so

often in the past, forget about the entire problem of the non-white person in America."

Father Drinan concluded by saying that "a summer of negro discontent will soon be over. But a winter of disillusion will be upon us if the conscience of white Americans is allowed to return to its previous state of inaction and apathy about the rights of Negroes."

Forum To Again Feature Top Programs

William Haas, President of the Boston College Law School Forum, has announced that again this year the Forum will present outstanding speakers on Thursday mornings at 11:00 a.m. This hour has been traditionally left open for all students to allow them to partake in this activity.

Kevin Byrne, Chairman of the morning program expects to draw heavily upon the practicing bar for speakers. Lawyers who are specialists in various fields will be asked to discuss some of the practical aspects of their practice. It is also planned to have several speakers whose field of interest is not directly involved in the law, but whose work brings them into contact with lawyers, e.g. correctional officers, psychologists, etc.

The evening program will be under the direction of Robert Muldoon. It is anticipated that two or three evening programs will be presented.

Dean's Book —

(Continued from page 1)
of irreligion." Mr. Cogley stated that the Dean's questions "reflected a philosophic as well as legal turn of mind worthy of any jurist's attention." The book has also been reviewed favorably in numerous other publications including the National Observer wherein it was said that when the Dean "writes of issues that most distress Protestants (religion in the public classroom) and Jews (Sunday closing laws), he writes brilliantly and fairly."

staff to work with those engaged in the study. Accordingly, the study will focus in particular upon the circumstances and needs of Massachusetts, but suitability of proposals for adoption elsewhere will also be considered.

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Summer Training Is Key Facet To Legal Education

Summer legal training, only fully recognized within the past few years as a key facet of a student's legal education, was the focal point of the summer for many members of the Class of 1964. It is through the summer apprenticeship or internship that a law student gets his first real taste of what lies beyond the case books. Issues, cases, and legal problems take on added significance. The student learns that the law does not exist merely for the purposes of memorizing and ultimately understanding. It is studied for the more fruitful purpose of finding a solution to an immediate legal problem.

This past year, Boston College Law School, both through the fine placement service and through the individual initiative and perseverance of the students involved, placed many members of the present senior class. The positions, primarily with private law firms and state and federal agencies, offered varied and challenging duties.

Members of the Class of 1964 holding summer positions are as follows:

Charles B. Abbott, Article and Book Review Editor, 1963-64, 96 Metropolitan Avenue, Roslindale 31, Massachusetts — Contract Depart-

ment, Ryerson Steel, Allston, Massachusetts.

Edward Bograd, Case Editor, 1963-1964, 130 Brainerd Road, Brighton 34, Massachusetts — Student Intern, Department of Labor, Washington, D.C.

Philip J. Callan, Jr., Business Editor, 1963-1964, 57 Freeman Street, Auburndale 66, Massachusetts — Student Intern, Metropolitan District Commission, Commonwealth of Massachusetts.

Richard M. Cotter, 45 Cottage Street, Wellesley, Massachusetts — Doyle & Clancy, 1 State Street, Boston, Massachusetts.

Robert J. Donahue, President, Boston College Law School, 1963-1964, 38 Channing Road, Belmont 78, Massachusetts — George W. Gould, Esq., Boston, Massachusetts.

Norman Jacobs, Case Note Editor, 1963-1964, 147 Blake Street, Newtonville, Massachusetts — Boston Redevelopment Authority, Boston, Massachusetts.

Edward London, 6 Wessex Road, Newton 59, Massachusetts — Schneider, Reilly & Kowal, 73 Tremont Street, Boston, Massachusetts.

Gerald P. McOsker, 27 Cole Avenue, Providence, Rhode Island — John C. McOsker, Weybosset Street, Providence, Rhode Island.

J. Barry Morrissey, 1071 Bough Hill Road, Milton, Massachusetts — Hale & Dorr, Boston, Massachusetts.

Martin O'Donnell, Class President,

1961-1962, 1962-1963, 96 H Street, South Boston, Massachusetts — Kenway, Jenney & Kildreth, Boston, Massachusetts.

Arnold W. Proskin, Uniform Commercial Code Editor, 1963-64, 93 Kilsyth Road, Brookline 46, Massachusetts — Banking Law Journal, 89 Beech Street, Boston, Massachusetts, Court Officer, Brookline Municipal Court.

Stephen M. Richmond, 168 The Riverway, Boston, Massachusetts — Student Intern, Contract Division, Department of the Attorney General, Commonwealth of Massachusetts.

Nelson Ross, Legislation Editor, 1963-1964, 24 Manomet Avenue, Brockton, Massachusetts — Student Intern, Administration Division, Department of the Attorney General, Commonwealth of Massachusetts.

David J. Shapiro, 32 Irving Street, Cambridge 38, Massachusetts — Donald Carvin, Esq., Boston, Massachusetts.

George Silverman, 35 Downing Road, Peabody, Massachusetts — Schneider, Reilly & Kowal, 73 Tremont Street, Boston, Massachusetts.

Joseph H. Spain, Editor-in-Chief, 1963-1964, Troy, New York — Royall, Koegel & Rogers, Pan Am Building, 200 Park Avenue, New York 17, New York.

John J. Thornton, Jr., 46 Brooks Ave., Newton, Massachusetts — Student Intern, Office of the United States Attorney, Boston, Massachusetts.

Robert Tobin, Mass. Ann. Survey Editor, 1963-1964, Yonkers, New York — Davis, Hoxie, Faithful & Hapgood, 30 Broad Street, New York 5, New York.

Law School In 14th Moot Court

Boston College Law School will compete in the Fourteenth National Moot Court Competition sponsored by the Young Lawyers Committee of the Association of the Bar of the City of New York. The team this year will be made up of the finalists in The Bostonia Competition including Kevin Byrne, Joseph Dornig, Jr., and Paul Graves. Last year the team from Boston College won the regional rounds and the first round at New York.

Among the questions presented in the record for the competition this year are the following:

1. Does the fact that the defendant in a criminal trial is handcuffed preclude a fair trial?
2. Does the fact that, after arrest, a defendant makes admissions without being advised of his right to remain silent render such admissions inadmissible?
3. What constitutes probable cause to validate an arrest and under proceeds of a search incident to such arrest admissible in a subsequent criminal trial?

In connection with the first point it is interesting to note that the long-continued practice in Middlesex County to restrain criminal defendants in a cage during trial has recently been discontinued.

As in the past competitions, regional qualifying rounds will be conducted prior to Thanksgiving with the winner to participate in the final rounds held in New York in December. It is expected that participants in the Regional Round will be Yale, Suffolk, Boston University, University of Connecticut and Boston College.

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New Code Published By Professors Willier, Hart



Frederick M. Hart

A new 1100 page book by Professors William F. Willier and Frederick M. Hart was published this month by the Matthew Bender Company of New York. The one volume work entitled *Forms and Procedures Under the Uniform Commercial Code* covers the entire Code with emphasis on the drafting of commercial agreements.

Although over 1000 forms and clauses have been included for use in the various commercial transactions covered by the Code, the book is over 60 per cent text. The text not only explains the various forms, but also analyzes the numerous Code provisions on Sales, Commercial Paper, Bulk Transfers, Documents or Title and Secured Transaction.

Practically all of the forms that have been included were drafted by the authors. Emphasis has been placed upon the use of clear modern language that will effectively carry out the intent of the parties to any commercial bargain. The forms also are designed to take advantage of the many pragmatic innovations made by the Code in the law.

Because of the newness of the Code, care has been taken in the



William F. Willier

book to inform the practicing attorney of the mechanics and substantive law of each transaction wherein an agreement may be used. The book is designed not only for the commercial specialist but also for the general practitioner. The point is made throughout the book that the lawyer employed to draft a contract is not a mere scrivener, but that he also has a counseling obligation to his client.

Professor Willier, who came to this law school to teach in 1960 after having taught at Syracuse University Law School, is a graduate of the University of Iowa Law School. He is faculty moderator of the Boston College Industrial and Commercial Law Review and co-editor (with Professor Hart) of the Uniform Commercial Code Coordinator also published during the past year.

Professor Hart is a graduate of the Georgetown University Law Center and has a Master of Laws Degree from New York University. He joined the faculty in 1961 after having taught at New York University and the Albany Law School. Professor Hart is author of a short book, *Drafting Techniques Under the Uniform Commercial Code* and Editor of *Collier on Bankruptcy*.

Ninth Annual Law Survey Published This Summer

In July the 1962 Annual Survey of Massachusetts Law was published by the Little Brown publishing company. Compiled and edited by Professor Richard G. Huber and the Law Review Staff, it is the ninth annual Survey produced by the Law School.

The latest Survey, like its predecessors, is a 400 page hardbound volume devoted to a discussion of legal developments in the Commonwealth. Each area of the law is covered by a separate chapter written by professors and practicing attorneys.

Some of the more important topics covered in the present survey are: Massachusetts taxation of out of state property, the application of the Mapp case prohibiting the admission of illegally obtained evidence in state criminal trials, the problems of full faith and credit and conflict of laws relative to the Massachusetts wrongful death statute (*Pearson v. Northeast Airlines, Inc.*), the conflict be-

tween federal and state authorities in cases of maritime injuries and of labor relations, and problems raised in recent Massachusetts cases involving stockholders derivative suits.

Faculty contributors include Professors Emil Slizewski, James W. Smith, Frederick M. Hart, Judge Moynihan, John D. O'Reilly, Jr., Richard G. Huber, J. Albert Burgoyne, and Wendell Grimes.

New Members Honored With Review Membership

One of the highest honors conferred in the Law School is an invitation to participate in the School's publications program. This program encompasses two publications: the *Boston College Industrial and Commercial Law Review* and the *Annual Survey of Massachusetts Law*.

Upon the completion of a sufficiently high academic record — either by the end of the first or second year of study — students are invited to join the program. The group of students is deliberately kept small to ensure maximum benefit to all participants. New members are considered as "provisional" until they have com-

pleted two publishable articles for the *Review* and have carried out their assigned *Survey* work.

Incoming Third Year members invited to participate are:

Thomas P. Kennedy, Holyoke; Joseph Reardon, Medway; Richard B. Slossberg, Peabody; John Morley; Robert Deutsch, North Randolph.

Second Year invitees are:

Edward M. Bloom, Brighton; Charles K. Burgin, Jr., Lexington; Thomas F. Collins, Brooklyn, N. Y.; Joseph L. DeAmbrose, Waltham; Ronald W. DelSesto, Providence, R. I.; John F. Dobbryn, Roslindale; W. Joseph Engler, Jr., Penphilip, Pa.; George M. Ford, E. Weymouth; Jerome K. Frost, Troy, N. Y.; Burton M. Harris, N. Quincy; Ira H. Lurvey, Beverly Hills, Calif.; William J. McDonald, Lowell; Dwight W. Miller, Woburn; Robert J. Muldoon, Jr., Arlington; Peter J. Norton, Union City, N. J.; Judith L. Olans, Medford; Stuart L. Potter, Allston; Vincent A. Siano, New York City; Robert M. Steinbach, Dallas, Texas; Thomas M. Trimarco, Brighton; Edward C. Uehlein, Jr., Brookline.

Code Coordinator Receives Favorable Response By Bar

The Uniform Commercial Code Coordinator, compiled by the Law Review under the direction of Professors Willier and Hart, has already been sold in practically all of the 28 Code states. The latest report from the publisher is that the book is meeting with wide acceptance by members of the practicing bar.

It has been favorably reviewed in the *Commercial Law Journal*, the *Banking Law Journal* and the *Law Library Journal*. It was also noted in the *Business Law Review*.

Arrangements are presently being made whereby it will be used as a basic Code book by the Practising Law Institutes of several states in their courses on the Uniform Code for attorneys.

New Volume To Give Emphasis on Taxes

Matthew Bender & Company of New York City has announced that Professor James W. Smith's new book on Massachusetts Corporations will be published in early October.

A primary feature of the book is the extensive treatment of both Federal and State taxation as it affects the formation and operation of corporations.

Mr. Smith has written the book in collaboration with Zolman Cavitch of the Ohio bar.



NEW BOSTON COLLEGE LAW REVIEW STAFF — New editors of the "Boston College Industrial and Common Law Review" are, seated left to right, Charles B. Abbott, Roslindale, Article and Book Review Editor; Norman Jacobs, Newton, Case Note Editor; Joseph H. Spain, Troy, N. Y., Editor-in-Chief; and Nelson G. Ross, Brockton, Legislation. Standing, left to right, are Arnold W. Proskin, Albany, N. Y., Uniform Commercial Code; Edward Bograd, Newton, Case Editor; Paul E. d'Hedouville, Atlantic City, N. J., Case Note Editor; Philip J. Callan, Jr., Newton, Business Editor; and Robert T. Tobin, Yonkers, N. Y., Annual Survey Editor.

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