

The Harvard Law School Record

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Hall Reports On Progress Of Survey Polls Bar Opinion On District Courts

Vice Dean Livingston Hall and Director Lawrence B. Urbano, representing the Committee on the District Court Survey sponsored by the Law Schools of Massachusetts, appeared before the Joint Committee on the Judiciary of the General Court recently to deliver an interim report on the progress of the Survey Committee's work.

The District Court Survey Com-

mittee was organized in 1951 and is sponsored by the Law Schools of Massachusetts. The members of the committee are Mr. Hall, chairman; Elwood H. Hettrick, Dean of Boston University Law School; Lowell S. Nicholson, Dean, Northeastern University School of Law; John D. O'Reilly, Jr., Professor of Law, Boston College Law School; and Frank L. Simpson, Dean of Suffolk University Law School with Mr. Urbano as director. Until his death in January, 1952, A. Chesley York, Dean of the Portia Law School was a member of the committee.

The Survey Committee at its inception developed a three-stage program calling for (1) a thorough analysis of previously published material on the district courts, (2) state-wide gathering of first-hand facts and opinions, and (3) the recommendation to the General Court of measures for the solution of any problems.

Many Surveys

The problem of the organization and operation of the Massachusetts District Courts has been the subject of a great many private and legislative inquiries. The bibliography on the topic prepared by the survey contains 50 references, the first of which is to a Joint Legislative Committee of 1876 and the last to the Bill on District Court Justices (House 2346) (1950). Interspersed among these references are the reports of several committees containing recommendations for change and modification of the District Courts.

Now in the second stage of its program the committee has completed the tabulation of questionnaire returns from 1000 lawyers. This questionnaire is complete. (See SURVEY on page three)

McNally Is Named As BSA Chairman

John J. McNally, of New York City, was elected Chairman of the Board of Student Advisers at a recent meeting.

McNally, who was graduated magna cum laude in 1950 from Holy Cross, will replace Daniel L. Skoler of Newark.

Sydney I. Davis, Jr., of Louisville, was elected First Year Committee Chairman and Assistant Chairman, replacing Lucius H. Biglow, Jr., of Old Lyme, Conn. Davis majored in economics at Centre College and was graduated in 1949.

The Assistant Chairman's office also is elective to cover the possibility that the Chairman may not be able to serve, in which event the Assistant Chairman automatically becomes Chairman.

Francis A. Lavelle, Jr., of Wellesley Hills, will serve as chairman of the First Year Facts Committee next year, replacing Earl F. Colburn, Jr., of Winter Park, Fla.

Hallgring, Guttentag Named

Robert W. Hallgring of South Orange, N. J., will be chairman of the Second Year Committee, while Joseph H. Guttentag of Detroit will head the Second Year Facts Committee. Richard Webster of Worcester chaired both committees during the past year.

Lavelle, who received his A.B. from Harvard in 1950, is a member of E. Warren Equity Club and King's Bench. Hallgring, A.B. Princeton 1950, is a member of Amory Club. Guttentag, A. B. University of Michigan in 1950, is a member of Pitney Club, Lincoln's Inn and the Board of Directors of the Forum.

Legal Aid Chooses Haggerty, Persons

Robert H. Haggerty of New York City was elected to a one-year term as president of the Legal Aid Society last Wednesday night at Gannett House.

Wilton B. Persons of Montgomery, Ala., was named vice-president of the Society. Both men served as junior directors prior to election to their new positions.

Sanford J. Fox of Brooklyn and Sedgewick W. Green of New York City were elected secretary and treasurer respectively. Glenn B. Reed of Mahoningtown, Pa., will take over the duties of senior director of the Society.

Mary M. O'Connell of Jeannette, Pa., and John W. Barnett of Lakewood, Ohio, will replace Haggerty and Persons as junior directors. In December two second-year members of the Society will replace Miss O'Connell and Barnett on the all third-year board.

Manhattan Graduate

Haggerty, who succeeds John H. Perkins, Jr., of Ipswich, graduated from Manhattan College in 1940 and several months later began a five-year tour of duty with the Marines.

Persons, an Army Captain, graduated from the Military Academy in 1946. He attended Alabama Polytechnic Institute for two years before entering the Academy. He served with the Army of Occupation in Germany for three years and then was sent here on a regular tour of duty.

Sacks, Haar Will Join Law School Faculty As Assistant Professors, Griswold Discloses

Albert M. Sacks, LL.B. '48, and Charles M. Haar, LL.B. '48, will join the Law School faculty this Fall as Assistant Professors, Dean Erwin N. Griswold announced recently, at the same time revealing proposed schedule and teaching assignment changes for next year.

Professor Sacks will teach accounting and legislation in the Fall semester and agency and administrative law in the Spring. Professor Haar will teach Property I and conduct a seminar in land use planning. He also will give a conservation seminar in the Graduate School for Public Administration.



Albert M. Sacks



Robert Braucher

Professor Robert Braucher will teach a section of accounting in the Fall term, Dean Griswold announced, in addition to his course in commercial law and a commercial law seminar.

Professor Sacks, who is 31, received a B.B.A. degree from the College of the City of New York in 1940. He entered military service before entering the Law School and did not matriculate here until February, 1946.

He was a member of the *Law Review* Board during his second and third years, and was President of Volume 61 of the *Review*. He graduated first in his class in June 1948. After leaving the Law School, Mr. Sacks served as law clerk for the Hon. Augustus Hand and then for Mr. Justice Frankfurter. For the past two years he has been associated with the firm of Covington and Burling in Washington, D. C.

Professor Haar, also 31, received his A.B. degree at New York University in 1940. He then received an A.M. degree from the University of Wisconsin in 1941, doing his work in history. He entered the Law School in the Fall of 1941 and completed his first year before entering military service.

Returns to Law School

He returned here in February 1946 and received the LL.B. degree cum laude in March 1948. He was a member of the *Law Review* Board during his second and third years. Mr. Haar, after graduation, was awarded a Frederick Sheldon Travelling Fellowship.

He utilized this fellowship to go to England where he carried out an extensive survey of the housing and land planning laws of that country. He obtained a position in the Ministry of Town and Country Planning, and took and passed the British civil service examinations for employment in that field.

Following his return to the United States, he wrote a book from the material. (See FACULTY on page four)

Scott Club Meets Jeremiah Smith In Last Round Of Quarter-Finals

Scott Club will be matched against the Jeremiah Smith Club in the fourth round of the Ames Quarter-finals tonight at 8 in the Courtroom. The case to be litigated is *Metropolitan Opera Co. Inc., and the American Broadcasting Co. Inc. v. The Victor Logan Recorder Corp.*

The Hon. Francis J. Donahue of the Massachusetts Superior Court will preside as Chief Justice, in place of the Hon. Joseph L. Hurley who is ill. Joining him on the bench as Associate Justices will be Thomas H. Eliot, LL.B. '32, and Claude R. Branch, LL.B. '11.

Appellant, represented by the Scott Club, claims that the defendant, represented by the Jeremiah Smith Club, has recorded the radio broadcasts of the appellant's opera productions, and has sold and is selling them without any credit or remuneration to either of the plaintiffs.

Metropolitan maintains this is an unfair appropriation of its rights and property. Defendant argues that Metropolitan cannot be protected since it cannot have a common law copyright on productions to which it made no substantial intellectual contribution.

Oralists for the Scott Club are Evan

G. Galbraith of Maumee, Ohio and James S. Gratton of Pittsfield. Counsel on the brief are Milton C. Boesel, Jr. of Toledo, Donn H. Carlsmith of Hilo, Hawaii, Thomas R. H. Howarth of South River, N. J., Paul C. Lambert of Middletown, N. J., Richard L. Ottinger of Scarsdale, N. Y., and Charles G. Wright of Woodstock, Ill.

Arguing for the Jeremiah Smith Club will be Raymond Beckwith of Trumbull, Conn., and Forrest G. Schaeffer of Macungie, Pa. The brief was prepared by Frederick Blumberg of New York City, Frederica S. Brenneman of Cambridge, Russell L. Brenneman, Jr., of Cambridge, Charles M. Butterworth, III, of Landsdowne, Pa., and William C. Dorgan of Providence.

Casner Law defeated the Root Club in the first quarterfinals argument, sharing honors with the Casner Equity Club, which defeated the Williston Club in the second round.

Labor Lawyers Vital To Union Activity, Must Have Grasp Of Human Relations

The past twenty years has witnessed the development of a new legal specialty and the evolution of a small group of lawyers who are closely identified with the interests of labor unions. Called "labor lawyers," they are partly the result of the growth in the number and influence of labor organizations, for trade union membership in the United States has risen from an estimated 3 million in 1933 to 16 millions, who make up "organized labor" in 70,000 local unions,

result of the development of federal and state labor relations legislation since 1932 creating new and manifold legal problems for the unions and their members.

Whereas prior to 1932 the labor lawyer was primarily concerned with injunctions, anti-trust and criminal cases, today he performs many valuable new services. Appearances before administrative agencies constitute a substantial part of his practice. He also handles court litigation for unions, arbitration cases, negotiations, approval and administration of collective bargaining agreements, interpretations of union constitutions, and advice to the unions relative to strategy, rights and obligations. He also drafts legislation and interprets the many new labor laws for the unions. He must be familiar with a great mass of specialized background material in the labor relations field.

In addition he does considerable "non-legal" work such as preparing economic and statistical data, drafting speeches for union officials, speaking before labor and other groups, writing articles and other public relations work. To the general public, the labor lawyer is often the public representative of the union, for he appears at lectures, debates, forums, and before legislative and administrative committees. Labor lawyers now have become a vital part of the functioning of labor unions.

(See LABOR on page four)

Dorm Council Refuses Election Revision Plan

Major changes in the Dormitory Association constitution were voted down at the Council's recent meeting at which it was also announced that dormitories on the evening of the Last Clear Chance Dance will be open until 1 a. m.

The proposed amendment to the Association constitution would have permitted outgoing Council members in April to choose officers for the next year. This proposal failed to receive the required two-thirds vote of the 21-member Council.

Arguments Pro and Con

Proponents for the amendment argued that such selection by out-going officers would produce continuity and wiser selection. Opponents of the proposal countered that such selections were not a feature of representative government and that greater cohesiveness comes from election of officers.

The Council appropriated more than \$200 for the final dance of the season—the Last Clear Chance on April 26. Parietal rules will be extended to 1 a. m. and, at the dance, the Council will make the first presentation of its newly purchased Law School Basketball trophy.



Robert M. Segal

209 international unions, 91 state federations or councils and 1150 city labor councils. In part, these lawyers are the

Bradford Discusses Problem D.A. Faces

How a community can get the best out of a District Attorney, as well as the District Attorney's ethical problems in his professional practice, formed the theme for ex-Governor Robert F. Bradford, LL.B. '26, LL.D. (Hon.) '48, in his recent talk before the Student Bar Association in Langdell Hall.

Pointing to the definition, by Ambrose Bierce, of a lawyer as "one skilled in the circumvention of the law," he suggested that nothing could be further from the truth. The legal profession goes so far as to meet in advance, by discussion of hypothetical situations, the ethical problems which may arise in the individual's practice, he declared.

Drawing on his six years' experience as District Attorney of Middlesex County, Mr. Bradford gave examples of problems which a prosecuting attorney might encounter.

Grand Jury Investigation

The most delicate situations arise in the conduct of a Grand Jury investigation, he said. Unless the Grand Jury demands other evidence, the only witnesses are those called by the District Attorney. The District Attorney therefore must be careful that the Grand Jury does not abdicate its function of determining whether there is probable cause to prosecute, and become a rubber stamp. This is especially difficult because in most cases the D. A. would not have brought in the complaint if he did not think it ought to go to trial.

Mr. Bradford expressed strong preference for electing District Attorneys. The principal reason, as he saw it, was the importance of the D. A. having enthusiasm for his job. It is a job for a young man, he said, and not one who has grown complacent or cynical through age or long tenure of office. He thought the requirement of periodic endorsement by the voters was the best way to insure that only a man doing a vigorous job would stay in office.

(See BRADFORD on page four)

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Darkness Over Dogpatch

Two weeks ago American bachelorhood was shocked to find that its hero, Li'l Abner, had succumbed. The event in itself would not be worthy of comment but for the reasons given by the author for the marriage (*Life*, March 31, 1952).

Al Capp, who for the past eighteen years has created humor steeped in the Will Rogers tradition of laughing at everyone, decided to change his style because the American people objected to anything American being held up for ridicule.

He found that "any criticism of anything American was (now) un-American." Mr. Capp had been assailed by all segments of our population because of the objects of his cutting wit and as a result will "go back to writing fairy tales until the atmosphere is gone."

It is to the existence of this "atmosphere" that we address ourselves. Those of us who love America with all of its zaniness, because of the deep-seated freedoms on which it was founded and on which it has flourished, are distressed at the prevailing sentiment which has become so powerful as to in effect censor what we can laugh at.

We realize that we are fighting an enemy both sinister and unscrupulous, but it will be a shallow victory if in the process we obliterate our own freedom to criticize in the manner in which we see fit, restrained only by the normal bounds of decency which have been the American "rules of the game."

The achievement of results similar to those of our enemies in restricting freedom of expression by the substitution of public pressure for dictatorial fiat cannot be justified or tolerated in our democracy.

LETTERS to the EDITOR

To the Editor of the RECORD:

I notice on page four of the issue of March 27, 1952 a reference to Raymond Woodward in which you describe him as a "fifteen year old Woburn sex murderer." The fifteen-year-old citizens of this city so far as I know have always managed to enjoy their sex without murder. Mr. Woodward was, I believe, a resident of the neighboring town of Reading.

RICHARD C. JOHNSON, LL.B. '20
* * * * *

To the Editor of the RECORD:

If your March 20, "Gallery" on Phillip L. Graham, LL.B. '39, publisher of the *Washington Post*, quotes him accurately with "Our purpose is a search for truth" and "Our goal is to report views objectively," Graham had better visit a psychiatrist. Whatever its other virtues, unbiased reporting is not the editorial policy of the *Post*. To the contrary, it is considered throughout much of the District of Columbia and on Capitol Hill as ranking with and after *Pravda* and *The Daily Worker* as a source of "truth." If the *Post* has a claim to distinction, it can only be that it is about the most prejudiced newspaper in America and a good argument for licensing the press.

CARL L. SHIPLEY, LL.B. '48, General Counsel, Young Republican National Federation

Gallery

JOHN J. BURNS
Corporation Lawyer



John J. Burns, a warm friendly person with a keen sense of humor, has had a remarkable career in the law. After serving successively as Professor at the Harvard Law School, youngest Justice in the history of the Massachusetts Superior Court, Chairman of the New England Regional Labor Board, first General Counsel of the Securities and Exchange Commission, and as Special Counsel to the United States Maritime Commission, he is now an outstanding corporation lawyer.

John Burns is also a local product. Born in Cambridge, he received his A.B. degree from Boston College in 1921 and one year later entered the Harvard Law School. He soon established himself as an outstanding student in what proved to be an unusual class. A member of the *Harvard Law Review*, Mr. Burns served with Robert Page, now President of Phelps Dodge Corporation, O. John Rogge, Professors Arthur Sutherland, and David F. Cavers, and not least of all, Thomas G. Corcoran. "Tommy the Cork" was, to quote Mr. Burns, "the most flamboyant member of our class."

In that period, too, the awesome "Bull" Warren was in his prime and the stories about him circulated fast and furious. One concerned a certain Abraham Fish, a Business School student. "Mr. Fish, unfortunately, arrived late for one of Professor Warren's lectures. Spotting the young man, Warren shouted, 'Who are you?' A terrified voice replied, 'I'm A. Fish from the Business School.' Get out of here," roared the Bull, "Do you think this is an aquarium?"

Although Warren protested that all the stories about him were invented, Mr. Burns notes that even "The Bull" admitted to one of them. That was the occasion when, after Warren had given one of his students an especially brutal going over, the student handed him 83 cents and thanked him. The perplexed Professor later discovered that 83 cents was the exact tuition cost of a single lecture.

Professor at Harvard Law

John Burns received his LL.B. in 1925 and his S.J.D. one year later. He then practiced law for two years with the Boston firm of Gaston, Snow, Saltonstall, and Hunt. In 1928, he returned to the Harvard Law School as an Assistant Professor, teaching Criminal Law and Insurance. Mr. Burns's greatest experience at the school, however, was giving Dean Pound's course in Jurisprudence after Mr. Pound left to serve on the Wickersham Committee. For Roscoe Pound, Mr. Burns has the highest admiration. "Dean Pound was pre-eminent, a giant. His erudition and brilliance have never been equalled." He recently met Dean Pound and observes that "while he did have his usual trouble keeping his moustache straight, his mind is still extremely alert."

At the age of 29, John Burns was appointed to a full Professorship in the Harvard Law School. This, however, was only the first in a series of extraordinary achievements. During that same year, Governor Ely named Professor Burns to the Massachusetts Superior Court. Still just 29, he thus became the youngest appointee in the long history of the Superior Court. "It was a great honor to serve on that court, which had and still does have great prestige with the profession; and it is most interesting work, except when you are subjected to a barrage of automobile cases."

While still on the court, Judge Burns also served as Chairman of the New England Regional Labor Board, holding that position for nearly a year. "In that post, I first came into contact with the technique of the Communists. We had succeeded in reaching a settlement in a very serious leather strike. The left-wing agitators, however, did everything in their power to break up the settlement. They were thor-

oughly opposed to any peaceful solution of labor problems because they wanted to show that our system was a failure."

General Counsel of S.E.C.

Continuing an already impressive record of government service, Mr. Burns resigned from the Superior Court in 1934 to become the first General Counsel of the Securities and Exchange Commission under Chairman Joseph P. Kennedy. "It was most fortunate," remarks Mr. Burns, "that the S.E.C. had, in its formative years, such an able, top-flight administrator as Mr. Kennedy." After three years with the S.E.C., he turned his talents to other vital areas of government regulation, first as Special Counsel to the United States Maritime Commission and finally as adviser to Mr. Leo Crowley, Alien Property Custodian.

What observations about the administrative process has a man with such a wealth of experience in that area? Mr. Burns expresses particular concern over the looseness of administrative procedure and the evils which led to the Administrative Procedure Act. In serious need of further correction, he feels, is the failure to separate adequately the agency's functions as prosecutor and judge, and its frequently uncontrolled power of statutory interpretation.

It is not surprising, after such a brilliant career of public service, that Mr. Burns should prove to be equally outstanding in private practice. A member of the bars of Massachusetts, New York, and the United States Supreme Court, he now practices law in Boston with the firm of Burns, Blake & Rich, and in New York City with the firm of Burns, Currie, Rich and Rice. He is General Counsel for the American Merchant Marine Institute, a director of the W. R. Grace & Co., Eastern Gas and Fuel Associates, and The United Corporation; and a former director of the Columbia Broadcasting System and Niagara Mohawk Power Company. Now residing in Belmont with his wife and family of seven children, he has been awarded honorary LL.D. degrees by Boston College, Holy Cross College, and Loyola University.

Trend Toward Collectivism

In his published articles Mr. Burns has posed searching questions concerning what he feels is the current trend towards collectivism. In a recent review of Mr. Justice Douglas's book *Being An American*, in 34 *American Bar Association Journal* 815, he asks: "How far can the state safely be permitted to go toward desirable objectives? Where can society find a source of discipline that does not adumbrate the storm trooper? One of the puzzling features of modern liberalism, is its understandable hatred for power in private or corporate hands and its completely uncritical devotion to an ever-increasing concentration of power in the hands of a central government. Power itself is deadly, not the locus of it."

He suggests that more attention should be paid to "the solution of this, the crisis of our age." In that same review, Mr. Burns turns his attention to the challenge of Communism, pointing out that it is not solely a political problem. "The antidote for Communism can only be found in tapping once more the springs of a strong religious society from which came the ethics, the morality, and the simple virtues which made our present greatness possible."

To those who would characterize the legal profession as an uninspiring existence bereft of public service, the achievements of John J. Burns are an eloquent reply.

WALTER L. LANDERGAN, JR., 2L



"... and after the nice plaintiff gave a valuable consideration, the mean old defendant ..."

Sub Judice

HELEN OF TROY

Not once, but twice during the month of October, 1950 Helen Hurlbut, for no apparent reason, stepped out onto her porch and being affected by Indian Summer "literally spewed forth a half-hour barrage of verbal venom, the like of which defies accurate description." All that she had to say was directed at her neighbor, a charming and respectable housewife and mother of three small children.

The site of the complained acts was Michigan Avenue in the city of Troy. The houses were separated by a distance equal to twice the width of an ordinary automobile driveway. The epithets were hurled in a voice loud enough to carry over the distance and surprisingly enough were preserved for posterity by a wire-recording machine introduced in evidence.

The question to be determined was whether "insulting exacerbations shouted by a person from one house at the occupant of an abutting house rather than in a public conveyance or at a public assemblage in a voice loud enough to be heard by more than one individual, can justify a disorderly conduct conviction . . ."

Held: The defendant's motion to dismiss is "reluctantly granted as a matter of law."

In construing the applicable section of the penal law, the New York Court of Appeals had previously held in a case directly in point that the essentials of the statute were the words "breach of peace"; and that to constitute disorderly conduct there must be an actual or threatened breach of the peace which in turn is taken to mean "a disturbance of the tranquility of the people of the state." There was no such breach here.

A disgruntled court went on to say: "This court's personal inclination leans towards the theory that substantial justice requires some affirmative action should be taken . . . to protect the complainant from defendant's inane yet not uncommon feminine blabbing. However when a court of last resort has once laid down a principal of law applicable to a certain state of facts, the doctrine of *stare decisis* requires . . . its application to all future cases where the facts are substantially the same." *People v. Hurlbut*, 109 N.Y.S. 2d. 233 (N.Y. March 1951).

Off the Record

"A New Orleans attorney, representing a Louisiana client, called at the R.F.C. office in Washington in regard to a loan for his client. Upon being informed that the loan would be granted if title to the property was good and sufficient, the lawyer returned home. After exhaustive work over a period of some three months, he ran the title down to the year 1803 and sent a rather voluminous, but most accurate abstract of title by mail to the R.F.C. along with application in proper form for the loan. He received a letter from the R.F.C. reading:

"Dear Sir: We received today your letter enclosing application for loan for your client, supported by abstract of title. Let us compliment you on the able manner in which you have prepared and presented the application. Your abstract clearly demonstrates that you are not without ample experience in this line of your profession. We have observed, however, that you have not chained the titles back of the year 1803, and before final approval can be accorded the application, it will be necessary that titles be chained back of that year. Yours truly, etc."

The attorney perused the letter in utter disgust, profaned rather profusely, then called his secretary and dictated this letter to the R.F.C.: "Gentlemen: Your letter regarding titles in Case 198156 received. I note you wish titles to extend further than I have presented them. I was unaware that any educated men in the world failed to know that Louisiana was purchased by the United States from France in 1803. The title to the land was acquired by France by right of conquest from Spain. The land came into the possession of Spain by right of discovery made in 1492 by a Spanish-Portuguese-Italian sailor named Christopher Columbus, who had been granted the privilege of seeking a new route to India by the then reigning monarch, Queen Isabella. The good Queen, being a pious woman and careful about titles (almost as careful, I might say, as the R.F.C.) took the precaution of securing the blessings of the Pope of Rome upon the voyage before she sold her jewels to help Columbus. Now the Pope, as you know, is the emissary of Jesus Christ, who is the son of God, and God, it is commonly accepted, is the person who made the world. Therefore, I believe it is safe to presume that he also made that part of the United States called Louisiana — and I hope to hell you're satisfied!"

Alumni Notes

LL.B. '32—*Thomas Croucher* has participated in the formation of the firm of Croucher, Avery and Kennedy, to practice law in Canandaigua, N. Y. Also a member will be *James A. Avery*, LL.B. '48.

LL.B. '34—*J. Frank Wood* has become a member of the former firm of Barry, Wainwright, Thacher & Symmers, which will continue to practice in New York City, under the name of Thacher, Profit, Prizer, Crawley & Wood. Mr. Wood was formerly Deputy Superintendent of Banks and Counsel to the Banking Department of the State of New York.

Donald T. Field has become a partner of the Boston firm of Haussermann, Davison & Shattuck, which will now be known as Haussermann, Davison, Shattuck and Field.

LL.B. '38—*Dunbar Holmes* has joined the firm of Hill, Barlow, Goodale & Wiswall of Boston.

LL.B. '39—*Jerome C. Hofmayer* and *Louis F. Snetman* announce the formation of a partnership to practice law in Miami, Fla.

Frederick S. Lane and *Lewis H. Parks*, as well as *William Shelmerdine*, LL.B. '40 have become partners in Nutter, McClenen & Fish of Boston.

LL.B. '40—*Stephen A. Milwid* is now a partner in the Chicago firm of Lord, Bissell & Kadyk.

SURVEY—(Continued)

hensive in scope. There are questions dealing with procedure, jurisdiction, the part-time judge, abolition of courts and tentative lines of change.

Criticisms of past surveys have been directed mainly at the failure to seek opinions of those lawyers who are district court practitioners. This has been corrected in the questionnaires of the present survey by directing the first question toward finding out the frequency with which lawyers answering use the district court. Question 10 of the questionnaire gave members of the Massachusetts Bar an opportunity to express their opinions on the district courts generally.

Change Called For

Questionnaires were mailed to nearly 9,000 members of the bar. The first 1,000 returned were tabulated and the results presented to the Joint Committee on the Judiciary. More than 90 percent of these favored substantial changes in the present district court system. The results in this and other questions did not vary strikingly when a breakdown based on whether the replies were from lawyers using these courts frequently, occasionally or seldom was made.

One of the most difficult problems facing the Survey Committee is that of the part-time judge. Sixty-six of the seventy-two district courts have presiding justices who also engage in the private practice of law. There are also over 100 special justices called on a per diem basis

to sit in the district courts as their services are needed, who likewise practice privately. The questionnaire results show some 57 percent of the lawyers replying feel at a disadvantage before trial (such as in setting a time for trial) when opposing counsel is a district court judge. This percentage rises to 67 during trial.

Wide Jurisdiction

Although having no equity jurisdiction, the district courts on the civil side at law are unlimited in jurisdiction and on the criminal side may dispose of all but the most serious cases. Criminal cases are heard every day and civil cases on certain specified days each week. Delay is practically nil and costs are low. The result is that the district courts hear and dispose of the great bulk of cases tried. They are the peoples' courts and for many litigants the only court they ever see.

However, the speed of trial plus the pressure of private practice according to the lawyers polled, has brought certain disadvantages. Some 30 percent were dissatisfied with the trial time allowed while 26 percent did not think the judges took sufficient time in considering their decisions; however, in both cases a majority were satisfied with the time spent. More than 45 percent felt that district court trials are frequently adjourned before the end of the day to meet the convenience of the judges, while 40 percent took the opposing view.

Mr. Urbano pointed out that the questionnaire results so far received are regarded by the Survey Committee as indicating that it should continue its program. In an effort to find the most desirable solutions to the problems found to exist, the committee will endeavor to work closely with local bar associations and civic groups. The experience and counsel of members of the bar and judiciary will be sought to aid in all phases of the project.

United Europe Group Sponsors Spaak Speech

Paul-Henri Spaak, former Prime Minister of Belgium and first President of the United Nations General Assembly, will speak tomorrow at 3 p. m. in Sanders Theater at a meeting sponsored by the Harvard Committee on United Europe.

M. Spaak currently is touring the United States under the auspices of the American Committee on United Europe, founded in 1949 by General William J. Donovan, former head of the O.S.S.

The Committee was formed to support the goal of European unity in this country, and to aid groups of private citizens in Europe working for unity.

University-wide Organization

The Harvard Committee is a university-wide organization. Robert L. Warshaw, 3L of Brookline, who heads the committee handling the arrangements for M. Spaak's talk, said a luncheon will be given for M. Spaak at the Commons.

Co-sponsoring organizations are the United Nations Council, Law School Forum, Business School European Club and World Law Group. Professor Robert Bowie is the faculty adviser of the Harvard Committee.

The European movement of which M. Spaak is chairman is a voluntary association of leading statesmen and private citizens, organized in 17 European countries with the goal of political union of Europe.

NEWS IN BRIEF

LAW WIVES MEETING

The next meeting of the Harvard Law Wives will be April 23 at 8 p. m. in the Wheeler Room, Holmes Hall. Mrs. Phiroze Irani, a member of the Law Wives, will show color movies of India. Election of next year's officers also will be held at this meeting.

COFFEE HOUR COMMITTEE

Election of seven students to membership on the Coffee Hour Committee

was announced recently by Andrew Vance, 3L of Washington, Chairman.

Those elected were Edward Burke, 2L of Providence, Maurice Contor, 1L of Chattanooga, Tenn., George Coupounas, 1L of Scotia, N. Y., Nathan Hershey, 2L of the Bronx, Herbert Steinke, Jr., 2L of Albany, Fred Wyle, 1L of Cambridge, and David Zaretsky, 3L of Brooklyn.

WORLD LAW GROUP

Students are invited to attend the luncheon meeting of the World Law Group today, from 1 to 2 p. m., in the Mallory Smith Room of Harkness Commons. Mr. Joseph Laufer will discuss the Israel Legislative Research Project.

MOCK CONVENTION

All Law School Republicans are eligible to be delegates to the H.Y.R. Mock Convention to be held Wednesday, April 23 in the New Lecture Hall. Interested students are asked to call UN 4-1980 or UN 4-0563 for further information.

In a recent election Max Bell, 1L of Wilmington, Del., replaced Ted J. Horvath of Cleveland, as chairman of the HYRC.

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LABOR —(Continued)

The practice of labor law, unlike the work involved in real estate or probate practice, is primarily concerned with human relations and requires a different approach. The attorney who is over-technical and "legalistic" will not long survive in this highly personalized and dynamic field. In fact, in labor relations there have been indications of dissatisfaction with the lawyer and his services. Not only have there been demands by both sides that lawyers be excluded from the negotiations, but some agreements even contain provisions that "no legal adviser of either party is to serve on any grievance committee" or "both parties further agree not to employ attorneys-at-law to represent them during the course of further negotiations."

Unlike the parties to an ordinary legal controversy, the participants in a labor conflict must continue to "live" together after the dispute has been resolved. The effective labor lawyer is aware that his client's interests are ordinarily best served by the maintenance of a stable and cooperative relationship. Negotiations and voluntary adjustments are far more important than litigations or technical rules in this emotional field.

Preparation and Opportunities

Practical experience in the factory and participation in the affairs of a labor union are of great value to the potential labor lawyer. In addition, labor lawyers suggest college study in the social sciences and labor, administrative, and constitutional courses in law schools. The nature of his work also requires that the labor lawyer understand the practical problems relative to seniority, job security, pensions, insurance, wage structure and piece rates, grievance procedure and other issues which are the

subjects of collective bargaining and the 100,000 private agreements which have become the "law of the plant" and an important body of private enforceable "secondary law."

The law school graduate who plans to enter the field is confronted with several problems. First of all, he must win the confidence of unions and overcome their general suspicions of outsiders and resentment against lawyers. He must approach the field with an open mind and a willingness to learn, not only from other lawyers but also from the clients he represents. While union officials may not have the formal training of the law school graduate, their experience, knowledge of the industry and intelligence should not be overlooked.

The young lawyer should avoid the pitfalls of becoming involved in the internal politics of the union. While the leadership remains relatively stable on a national basis, it is not uncommon to have rather frequent election changes in the administration at the local union levels. The lawyer who becomes identified with a particular group will soon find that not only has he lost a client but he has also destroyed his professional relationship to the union.

Unions expect their counsel to hold their own with the best legal talent of management. Labor law has become so complex that mere sympathy with the general program of labor is no longer a sufficient prerequisite for a successful labor practice. Training with the government or in a recognized labor law office and writing in labor journals help to develop a reputation for the young lawyer.

The relatively few union clients in any given area is a substantial obstacle to the young lawyer. Many local unions who are not financially able to employ

legal counsel try their own cases before administrative agencies and handle their arbitrations and workmen's compensation cases without the aid of counsel. Many unions will only seek legal advice in extreme emergencies.

If a lawyer loses a union client, he is not likely to find another, for there are fewer possible union clients than employer clients. This is due to the fact that when a single labor local has dealings with a number of employers, it has one lawyer; the employers may divide their legal business among several attorneys. In addition, it is relatively rare for a lawyer to represent employers as well as unions in labor problems, and in some areas, it is even difficult to represent both C. I. O. and A. F. of L. unions.

Status of Labor Lawyers

Of the 200,000 lawyers in the United States, only a comparatively small number—500—are labor union attorneys, including 30 house counsel. In addition, most labor union firms are relatively small. Therefore, the law graduate who is interested in finding a position with a labor firm may encounter substantial difficulties, especially if he prefers a particular locality. Most labor lawyers feel that there are growing opportunities for a young practitioner in moderate sized communities where the unions generally do not have established arrangements for legal services. In addition, there are various government agencies in the labor field which can provide valuable experience.

The office setup of labor union attorneys differs considerably from the average lawyer's office organization. Approximately 40 per cent of labor lawyers are partners or members of a law firm while only 25 per cent of all lawyers in the country are members or partners of a law firm. While 66 per cent of all lawyers are engaged in a solo practice, only 40 per cent of the labor lawyers practice alone.

Although most large corporations have legal departments with lawyers engaged on a full time basis, only 30 of the 209 large international unions have legal departments or house counsel who devote practically all their time to the labor union's legal affairs. Regionally, there is a variation in the type of labor practice, for New England and the Central sections favor solo practice over the partnerships which are more prevalent among labor lawyers in the Far West.

The financial return for labor attorneys is above the average for all lawyers. Whereas the medium income for all lawyers in the United States is approximately \$7,500, the median for labor union lawyers in 1950 was approximately \$12,500. Relatively few labor lawyers earned over \$20,000 a year; but at the other extreme, few labor lawyers earned less than \$5,000 a year. Labor lawyers in the Far West and Midwest had the highest median net income, New England the lowest.

Retainers Are Common

Most labor lawyers report that they are on retainers from labor organizations but often lose out on general practice work, even from union members, because of their label as "labor union attorneys." In addition labor union lawyers are called upon to do considerable free work for union officials, small affiliated locals and even members. Income-wise, labor union lawyers report that litigation and arbitration are more lucrative than consultative and negotiation work.

The median net income of \$12,500 per year for labor union house counsel con-

trasts sharply with the \$33,500 median for the head of corporate legal departments. In short, while the income of labor union attorneys is not comparable to corporation attorneys, it is better than the income of average general practitioners but less than those of other legal specialists.

The labor law field has developed rapidly and has become a recognized specialty in the legal profession. The "labor union" attorney has become the "most intimate member of the union household" and has an increasingly important role, for he exercises a growing influence on the actions and policies of a powerful force in our economy.

In spite of the stigma still attached in some areas to a labor lawyer, the labor union attorneys like their work. They derive substantial satisfaction in helping to improve the economic and social status of working people. They are playing an ever increasing role in a dynamic movement which has brought important changes in our society.

Indeed, the labor lawyer, just like the corporate lawyer, "invariably advises his client upon not only what is permissible but also what is desirable. It is in the public interest that the lawyer should regard himself as more than a predictor of legal consequences. His duty to society as well as to his client involves many relevant social, political and philosophical considerations."

This article is based on the materials contained in an 82 page report entitled "Services to Organized Labor: Labor Union Attorneys" for the Survey of the Legal Profession. The original report, based on a detailed questionnaire to all labor attorneys in the country, is on file at the Harvard Law School Library, and was prepared by Robert M. Segal, LL.B., '42, Counsel of Massachusetts Federation of Labor, with a Board of Experts in-

Haar, Sacks Will Teach Fall Semester Courses

(Continued from page one)

terial he had gathered, which was published last year by the Harvard University Press as *Land Planning Law in a Free Society*.

For the past several years Mr. Haar has been on the legal staff of the Sheraton Hotel Company, where he was engaged in work involving real estate transactions, zoning laws, title examination, and other aspects of conveyancing, mortgages, and land financing.

Schedule Changes

A new third year seminar will be given by Professor Zechariah Chafee in the Fall term, dealing with Fundamental Human Rights.

An error in the catalog lists Professor Seavey's class in Unfair Competition as a two hour course. It should read three hours a week, in the Spring term. The course is expected to depart from last year's material; the casebook is yet to be announced.

Conflict of laws will be given as a split full year course by Professor Freund and Dean Griswold; single semester courses will be given by Professors Freund and Cavers.

University Courses

The new catalog describes in detail the process of cross-registration for courses in other departments of the University. There is no extra charge to students in the Law School, and up to six semester hours may be counted toward the law degree.

cluding J. Albert Woll, General Counsel of the AFL, and Arthur J. Goldberg, General Counsel of the CIO. Assistance in the present article was given by Arthur J. Flamm, LL.B., '51.

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