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## A Note from the Editor

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## A NOTE FROM THE EDITOR

We are here embarking into the field of legal periodicals with our second issue of the Buffalo Law Review. We have received many letters of congratulations and encouragement on our first effort. This is, of course, both gratifying and challenging. It is our wish to keep the quality of the Review high, and in every way to continue its improvement.

Since our last issue, George Neff Stevens has been appointed Dean of our law school filling the vacancy created when former Dean Louis L. Jaffe accepted a post at Harvard Law School, where he is presently Byrñe Professor of Administrative Law. Dean Stevens, an expert in procedural law, is a graduate of Cornell Law School, and received his Doctorate of Laws from Michigan. The Review wishes Dean Stevens every success in his new position.

One of our editors, Samuel Miserendino, was recalled to active duty by the United States Navy. The gap created by his absence has been partly filled by the work of the Junior candidates, who have been most eager to do a creditable job.

Since the publication of our first issue, the New York Court of Appeals (303 N. Y. 33, 100 N. E. 2d 120, July 1951) has reversed the decision of the Appellate Division (1st Dep't. 1950) in *In re Halpern's Estate*, and has laid down a rule of law similar to that advocated by two of our writers in noting that case in the Appellate Division. See pp. 40-43 of Volume I, No. 1. Also a New York Court has held that a wife has a cause of action for loss of consortium due to injuries to her husband caused by the negligence of another. *Passalacqua v. Draper*, —Misc.—, 104 N. Y. S. 2d 973 (Sup. Ct.—Special Term). This decision irons out the inconsistencies (formerly the N. Y. decisions had held that a wife had a cause of action if the injuries to her husband were inflicted wilfully, but not if they were inflicted negligently) pointed out in another of last issue's recent decision notes. See pp. 52-54 of Volume I No. 1. In the event that the aforementioned items might encourage the members of the legal profession to disregard their precedents, sourcebooks, and common sense in favor of an analysis found in this Review we caution that the New York courts still won't allow a suit based on a tax claim from a sister state (as advocated pp. 31-34 of Volume I No. 1), nor has the New York State Legislature seen fit to amend §50e of The New York General Municipal Law (as advocated p. 66 of Volume I No. 1).

## A NOTE FROM THE EDITOR

To return to a more serious vein, we are very proud to print the three leading articles which we have for this issue. Embodied in these articles are expositions of some of the most interesting and perplexing problems of our times.

The difficulty of weighing the rights of the individual with and against the need of our government to protect itself during times of tension and of war, and then achieving a proper balance, is presented by the Honorable Robert H. Jackson, Justice of the United States Supreme Court, in his article entitled *War-time Security and Liberty Under Law*. Justice Jackson was long active as an attorney in our Western New York area, and he holds an honorary Doctorate of Laws from the University of Buffalo. For the past two decades Justice Jackson has served his country as General Counsel for the Bureau of Internal Revenue, as Solicitor General, as Attorney General, as the Chief United States Counsel in conducting the prosecution of German war criminals at Nurenburg, and since 1941 as an Associate Justice of the United States Supreme Court. The opinions written by the Justice always display a fine legal analysis and an excellent writing style.

The United States is best known abroad for its *scientific* inventions and innovations. Dr. Arthur Lenhoff, Professor of Law at the University of Buffalo, was a guest lecturer at the University of Vienna, Austria for part of this year, and his opening lectures dealt with American *legal* "inventions" which have been adopted in other countries. His present article is largely based on those lectures. Dr. Lenhoff practiced law in Vienna from 1915-1938, and has been a member of the New York bar since 1946. From 1930-1934 Dr. Lenhoff was a judge of the Austrian Court for Constitutional Matters. Perhaps his greatest love is the teaching and training of the law's raw materials—the law student. Since 1916 Dr. Lenhoff has taught law—until 1938 at the University of Vienna—and from 1939 at the University of Buffalo. Dr. Lenhoff's vast legal knowledge gained as a lawyer, teacher, and judge, is well reflected in his article.

The problems and solutions of the Federal Government, particularly the executive branch, in organizing for the current defense production program are presented by Charles H. Kendall, General Counsel for the Defense Production Administration. Mr. Kendall is the first University of Buffalo Law alumnus (L.L.B. 1933) to write a leading article for this Review. After practicing law in

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Buffalo for several years, Mr. Kendall joined the legal staff of the War Production Board, and then during the war served as a Lieutenant in the Navy. Since the war, Mr. Kendall has continued in government service as a member of the State Department, as General Counsel of the National Security Resources Board, and now as General Counsel for the Defense Production Program. In his article, Mr. Kendall has shown how the various executive agencies work together in hope of achieving a common goal—that of establishing a strong America.

We call particular attention to our student section. The primary purpose of our Review is to aid students in legal research, writing, and analysis. We hope that the number and quality of our student contributions will meet with your continued approval, and will be of mutual benefit to the student and to the members of the legal profession.