

4-1-1952

A Note from the Editor

Buffalo Law Review

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Recommended Citation

Buffalo Law Review, *A Note from the Editor*, 1 Buff. L. Rev. vii (1952).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol1/iss3/1>

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A NOTE FROM THE EDITOR

This issue completes Volume 1 of the Buffalo Law Review, and it is our hope that the Review has significantly contributed to the area of legal knowledge. The first issue of Volume II, which will be published this Fall, will feature a section reviewing the decisions of the New York Court of Appeals for the 1951-52 term. It is our aim that this section will be particularly of interest to and in aid of the practicing attorneys in New York State. We will also have the usual leading articles, comments on general fields of law, recent decision notes and book reviews. We are also making plans to expand the Review to a quarterly within a few years.

The members of the Review wish to welcome back Professor Albert Mugel, who has spent the greatest part of the last three school semesters as a tank captain in Korea.

In last issue's Note From the Editor, it was pointed out that a New York Supreme Court case allowed an action by a wife for loss of her husband's consortium. I happily proclaimed this as sound law, after all, one of our recent decision notes in Volume I No. 1 had advocated such a result. Unfortunately one week after the distribution of our last issue this decision was reversed as unsound in law. *Passalacqua v. Draper*, 107 N. Y. S. 2d 812 (2nd Dep't 1951). The shock and disgrace of it all was cushioned by a Court of Appeals decision which allowed recovery by a child *en ventre sa mere*. *Woods v. Lancet*, 303 N. Y. 349, 102 N. E. 2d 691 (1951). The intermediate court's decision had been criticized in our last issue. See pp 194-195 Volume I No. 2.

The present editorial staff has received a great deal of enjoyment working together. Our only grave dispute has been over the problem of what subjects, if any, should be emphasized. The real property—corporations group and the Constitutional Law—tort theory group have vehemently opposed one another. It was all good fun, and for a determination of the victor I refer you to this issue and the previous issue.

The authors of the leading articles for this issue have all had close contacts with the University of Buffalo Law School and we are very gratified that they chose to write for our publication.

Certainly one of the most difficult problems facing the courts today is the scope of judicial review of legislative enactments which may infringe our basic

rights. Professor Jacob Hyman's article presents a deep and profound study of judicial standards in cases involving civil liberties. Mr. Hyman was graduated from Harvard Law School in 1934. He then practiced law in New York City for five years. Between 1940-1946 Mr. Hyman was in the government service—first in the office of the Solicitor of the Department of Labor, and then in the Office of Price Administration where he was Associate General Counsel. In 1946 Professor Hyman joined the faculty of the University of Buffalo Law School. To us who are students at the law school, Professor Hyman typifies the phrase—a gentleman and a scholar.

Judge Charles S. Desmond was born in Buffalo, and was graduated from the Buffalo Law School in 1920. He practiced law in Buffalo until 1940 when he was appointed to the bench of the New York Supreme Court. In 1941 Judge Desmond was elected as an Associate Judge of the New York Court of Appeals. In the decade that Judge Desmond has sat on the highest court of this state, he has distinguished himself by a realistic approach to the cases before the court. See his opinion in *Woods v. Lancet, supra*. His clear and convincing writing style makes his decisions a pleasure to read, and the same may be said of his current article dealing with the historical growth of criminal bail.

Professor Charles W. Webster in 1948 was graduated from the University of Wisconsin Law School where he had been Editor-in-Chief of the Wisconsin Law Review. In the same year Mr. Webster joined the Buffalo Law School faculty where he was largely instrumental in the founding of the Buffalo Law Review, and of a program to provide legal aid to indigent prisoners. He is presently the faculty advisor of the Review. Mr. Webster's greatest legal interest is in the field of criminal law. His interest is not only limited to a knowledge of what the law is or what the law should be but also to the sociological aspect of criminal law—prevention, post-conviction rehabilitation, the lessening of recidivism, etc., and his current article expertly illustrates the problems involved in probation.

Next year's editorial staff is very capable, and will strive to continually improve the Review. We, who will soon be Buffalo Law Review alumni, wish the new group every success in their endeavors.