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Rev. Joseph T. Tinnelly

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MEMORIAL ON HAROLD F. McNIECE

REV. JOSEPH T. TINNELLY, C.M.*

Harold F. McNiece (LL.B. *summa cum laude*, St. John's University, 1945, J.S.D. New York University, 1949) Professor of Law and former Dean of St. John's University School of Law and a member of the New York and Federal bars, died on December 27, 1972, at the age of 49. He is survived by his sister, Mrs. Stephen Messina and his brothers, John and George.

Members of the bench and bar among whom he was widely known respected him for his keen legal mind and sound judgment. Upon graduation from St. John's he began the practice of law with the firm of Davis, Polk, Wardwell, Sunderland and Kiendl. His love and great aptitude for research and teaching soon led him to accept an appointment to the Faculty of Law of St. John's University but he never lost contact with the active practice of law.

His ability and integrity won for him appointments as guardian *ad litem* and referee in numerous proceedings in the Surrogate's Court and the Supreme Court involving estate accountings, incompetency proceedings, liquidation and reorganization proceedings, tax lien and other foreclosures, and matrimonial proceedings.

In 1952-3 he served as Special Master, United States District Court, Eastern District, New York, in a complex disqualification proceeding in an anti-trust action, *Fischer Studios, Inc. v. Loew's Inc.*

In 1963 he served the same Court as Special Master in *Clotheir, et al. v. United Air Lines, Inc.*, a proceeding growing out of a collision of two airliners over Staten Island, with a death toll of 134.

His efforts to improve the administration of justice led to his appointment as Chairman of the Advisory Council of the New York Legislative Committee on Matrimonial and Family Law, and as a member of advisory councils to the Committee to Implement Court Reorganization, and the Committee to Study the Administration of Justice.

He was a member of the Temporary State Commission to Make a Comprehensive Study of the New York State Constitution (1965-7) and Executive Director of the Judiciary Committee, New York State Constitutional Convention (1967).

Together with all his activities in the practice of law and in his service to the legal profession and the public, he was basically a teacher and a

* Former Dean, St. John's University School of Law.

scholar. Far from inhabiting an ivory tower, he made practical use of his experiences in many areas of the law, somewhat after the fashion of Thomas Reed Powell, Karl Llewellyn, Arthur Vanderbilt, Irwin Griswold, and other great law teachers with a practical bent. One of his outstanding books was *HEART DISEASE AND THE LAW*, written in collaboration with Dr. Paul Dudley White, the eminent heart specialist, under a special grant from the U.S. Public Health Service.

For over a quarter of a century almost every student at St. John's University School of Law enjoyed the privilege of participating in one of the classes taught by Dr. McNiece. His favorite subject was Torts and he gained nationwide fame as an author, teacher and consultant in the field of negligence. He also taught and wrote extensively on Security Transactions, Insurance and Family Law.

He was a superb lecturer and a skillful, probing teacher. His sense of humor enlivened his classes but he was always master of the situation. Unlike many brilliant scholars who are unable or unwilling to help those who are less gifted than themselves, Dr. McNiece was particularly patient and successful with the slower students. He had little time, however, for students who shirked their work or attempted to bluff their way in class.

During a long apprenticeship as Assistant and Associate Dean, Dr. McNiece combined administration and teaching. In this double role he learned to appreciate the respective problems of faculty, administration and student body and gained great skill in representing to each group the point of view, the values and the needs of the others.

Among his many contributions to the development and prestige of the School of Law was the skill and care with which he helped to recruit new faculty members and to coordinate the efforts of the older members of the faculty to orient and assist their younger colleagues. As the first Director of the St. Thomas More Institute for Legal Research he guided many projects of pure as well as practical research and was of inestimable value to the Editor of *The Catholic Lawyer* and to the students on the St. John's Law Review of which he had himself once served as Editor-in-Chief.

In 1960 Dr. McNiece became Dean of the School of Law and for ten years devoted almost all his time to the continued development of the School of Law. In his capacity of Dean he was also deeply involved in administration at the University level and made his great skill and experience available to other sectors of the University. In 1962 he was awarded the President's Medal and in 1970 the University Law Alumni Association honored him in recognition of his "Distinguished Record of Service to Legal Education, to the Legal Profession and to the Community at Large."

Dr. McNiece made his influence felt far beyond the limits of his own school or city. As a member of the Joint Conference on Legal Education in the State of New York he did much to raise the standards for admission

to the bar and won the support of local, state and national bar associations for higher professional and ethical standards among members of the bar.

He was extremely generous of his time and talent in public service. He was active in the Brooklyn Society for the Prevention of Cruelty to Children, the Community Council of Greater New York, and Catholic Charities of the Diocese of Brooklyn. He also served as a member of the Board of Trustees of Cathedral College, Douglaston, N.Y.

In 1955 he had been named "Young Man of the Year" by the Brooklyn Junior Chamber of Congress. In 1969 the Brooklyn Bar Association presented him with its Distinguished Achievement award and the following year the New York State Division of Human Rights presented him with the Human Rights award, "In Recognition of years of service in pursuit of the goals of the Human Rights Law; Justice and Equal Opportunity for all Mankind."

The list of Dr. McNiece's achievements, awards and publications fills eleven single-space typewritten pages. To list them all would be fruitless. But no list can capture the spirit of the man.

Msgr. Charles E. Diviney, Pastor of St. Charles Borromeo Church and a longtime and very close personal friend, delivered a eulogy at Harold McNiece's funeral which has since been inserted in the January 9, 1973 *Congressional Record* by Harold's close friend and former student, the Honorable Hugh L. Carey. The eulogy movingly portrayed Harold's wisdom and goodness; his great faith in God; his personal prayerfulness, his practical and unselfish charity.

The Faculty of the School of Law has also paid tribute to their friend and colleague which will appear in the pages of the Proceedings of the Association of American Law Schools.

There thus remains little for the writer of these lines to add except a personal tribute to a dear friend.

We were closely associated for over twenty-five years. For many of those years we worked together so closely and so well that each could accurately predict the other's reaction in almost every circumstance. Together we administered the School and hardly a decision of any importance was made by one without the concurrence of the other.

Neither of us had family ties and hence evenings and weekends were regular working hours during peak work periods.

During the many conventions we attended we roomed together and I was keenly aware of the suffering which he underwent silently, without complaint and unknown to all but his closest friends. He was not a pretentiously pious man but he was a deeply religious person and would rise with me to attend and sometimes serve my Mass before the beginning of the meetings.

The details of a close personal friendship cannot be adequately recounted to others. Many readers of these lines will have memories of their

own upon which they may draw. Those who were not personally close to Dr. McNiece will never be able to appreciate the greatness of the man.

But few men have inspired greater and deeper respect and friendship than did Harold McNiece. May all who were privileged to know him commend his great soul to God.