

Judge Marvin E. Frankel 1920-2002

BY LAZAR EMANUEL

Marvin E. Frankel was a frequent contributor to NYPRR. His last article, written only weeks before his death, exhibits the wit and élan which stamped all his writing. At his death at the age of 81, Judge Frankel was an active partner in the firm of Kramer Levin Naftalis & Frankel. Two weeks before his death, he argued his last case before the Supreme Court. Sitting in a wheel chair, he argued that the use of school vouchers by the City of Cleveland violated the constitutional injunction against state support of religion.

Judge Frankel was everything a lawyer would wish to be. He graduated from Columbia Law in 1948 as editor in chief of the law review. As a member of the Solicitor General's staff, he argued his first Supreme Court case in 1952. It was the first of many cases before the Court.

Between 1956 and 1962, he served as partner in what is now Proskauer Rose. In 1962, he returned to Columbia as professor of law. While at Columbia, he drafted the brief in *New York Times v. Sullivan*, in which the Supreme Court held that a statement about a public official is libelous only if made with knowledge that it was false or with reckless disregard for its truth. Also while at Columbia, he served as director of the civil rights institute for N.A.A.C.P. Legal Defense Fund lawyers and as consultant for the law page of Time Magazine.

Judge Frankel was appointed to the federal bench in 1965. As a judge, he exhibited his skill at writing difficult decisions with clarity and style. His book *Criminal Sentences, Law Without Order* is credited with being a prime impetus for the institution of federal sentencing guidelines. The list of books and article written by him covers three closely-typewritten pages. His interest and commentary ranged over a wide variety of subjects.

Upon leaving the bench in 1978, he returned to Proskauer Rose. In 1983, he joined Kramer Levin, where he served as litigation director for many years. Throughout his service to both law firms, he served the world as chairman of the board of the Lawyers Committee for Human Rights. He fought for the protection of basic human rights in many countries, including Israel, Russia, Argentina, Zaire, South Africa and Kenya.

Author, teacher, judge, lawyer, world citizen - Marvin E. Frankel was all these things.