

1998

Dedication, In Memoriam: Edward J. Freeman

Joseph M. McLaughlin

Follow this and additional works at: <https://ir.lawnet.fordham.edu/flr>



Part of the [Law Commons](#)

Recommended Citation

Joseph M. McLaughlin, *Dedication, In Memoriam: Edward J. Freeman*, 66 Fordham L. Rev. 1653 (1998).
Available at: <https://ir.lawnet.fordham.edu/flr/vol66/iss5/1>

This Article is brought to you for free and open access by FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Fordham Law Review by an authorized editor of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

DEDICATION

THE BOARD OF EDITORS OF THE
FORDHAM LAW REVIEW
DEDICATES THIS ISSUE TO THE MEMORY OF
EDWARD J. FREEMAN
CLASS OF 1936

IN MEMORIAM: EDWARD J. FREEMAN

*Joseph M. McLaughlin**

ED Freeman wore his scholarship lightly. But a scholar he was. He graduated from Manhattan College with distinction, having excelled in Philosophy and French. He continued to shine at Fordham Law School where he led his class all three years and served on the Board of Editors for volumes IV and V of the Fordham Law Review. He graduated, cum laude, in 1936, and enrolled in the old Medina Bar Review course. There he met a fellow Fordham graduate named Malcolm Wilson. Malcolm had gone to the evening division and had not met Ed, even though both were Yonkers residents. They became fast friends for life and Malcolm was the best man when Ed married Vivian Jacobsen five years later. They were also law partners for much of their lives.

Ed had a life-long interest in photography and he capitalized upon this skill when Malcolm Wilson entered New York politics in 1938. Running for the state Assembly in Westchester, Malcolm asked Ed to be his campaign manager. In the late 1930s, magazine photography was an innovation and Ed Freeman decided to exploit this new medium. Two issues were seized upon to promote the Wilson candidacy: (a) the traditional "throw out the scoundrels and the ward heelers" message, and (b) a promise to clear up a traffic bottleneck on the Fleetwood Bridge connecting Yonkers to Mt. Vernon.

As to the first, Ed and Malcolm decided to attack the entrenched Democratic politicians by showing that they ruthlessly kept independent minded voters from casting their ballots. The young lawyers enlisted the services of another law school classmate, big Jim Tracy, whose primary distinction was that he was large and wore the map of Ireland on his face. Posing him with a cigar clenched in his mouth and a derby on his head—a Tammany Hall icon—Ed snapped a picture of

* United States Circuit Judge, United States Court of Appeals for the Second Circuit, 1990 to Present. Formerly, U.S. District Judge (E.D.N.Y.) 1981-1990.

Jim with his meaty hand turning two hapless voters away from the barber shop that was doubling as a polling place.

As to the second, Ed snapped a photo of an endless conga line of cars crawling across the Fleetwood Bridge. The picture did not show the cooperative cop who had stopped the line of traffic long enough for Ed to memorialize the traffic jam. Malcolm Wilson was elected Assemblyman from the 5th District and began an outstanding political career that would carry him to the Governorship of the State of New York.

Ed practiced law in Yonkers until the outbreak of World War II, when he enlisted in the Navy. He attained the rank of lieutenant before being honorably discharged in 1946. Following the war, he became a partner in the White Plains law firm now known as Kent, Hazard, Jaeger, Greer, Wilson & Fay. His son, Greg, is now a partner there (as, incidentally, is Malcolm Wilson's daughter, Katherine). Ed practiced real estate law until his retirement in 1986. He specialized in real property law and his clients included The Manhattan Savings Bank (now Republic Bank for Savings), The County Trust Company, for many years Westchester County's leading bank, and The Bank of New York, which later acquired it.

The same year he resumed his law practice, he prevailed upon Dean Wilkinson to appoint him to the adjunct faculty of Fordham Law School. He had expressed his initial interest in teaching as early as August, 1939, but the War mooted that ambition. Attacking his new academic interests with characteristic vigor, he soon became a well-recognized authority on the practicalities of real property law.

He also taught personal property when that was a separate course, and generations of law students—thirty-four years to be exact—will never forget his wristwatch. Taking off the watch with a flourish, he would push it across the desk farther and farther out of his reach. Then would follow a tattoo of questions: "Have I lost possession? Dominion? Control?" Turning his back and feigning forgetfulness: "Have I lost it? Or have I misplaced it? If I forget to take it home with me after class, and the night porter picks it up, does he have title? If he pawns it, can I replevy it from the pawnbroker?"

The questions were endless, class after class, week after week. He was a superb teacher, and the concepts he honed in young minds have never dulled. I am informed that grateful students have given him many watches over the years in appreciation of his efforts.

Student evaluations of faculty became common during the 1970s when I was dean of the law school. I browsed through my old records to write this Dedication and was not the least surprised to find the following comments about Professor Freeman:

"a model of personal rectitude, fairness, and honesty"; the word "genuine" came through repeatedly; "a life of courtesy, concern, and service"; "devoid of intellectual arrogance"; "a paradigm of the

University scholar"; "a charismatic teacher"; "the quintessential law professor"; "a man without guile or pretense"; "a life superbly balanced"; "a life of dedication, wisdom, dignity, vision, responsibility, imagination and judgment."

Ed Freeman also taught evidence. Indeed, I was one of his students in 1957. As always he was thorough and utterly practical, and *mirabile dictu*, he was one of those rare teachers who covered the entire syllabus! I attribute to him the planting of the seed that led to my own interest in the law of evidence. We taught the course together for fifteen years until he retired in 1980. In those days it was the practice for teachers of the same course to prepare a final exam jointly as a way to assure uniformity of coverage. He was a pleasure to work with, even if occasionally he marked as true a question I marked as false.

In 1971, Governor Nelson Rockefeller appointed him to the New York State Law Revision Commission, a body charged with monitoring the development of New York statutory and common law. The Commission makes annual recommendations to the State Legislature for statutory changes where reform is needed. I had the privilege of serving as Chairman of that Commission for several years during Ed's tenure. His vast knowledge of all phases of the law, particularly in the real estate and banking areas, made a lasting contribution to the law of New York.

In the process, I learned something of fundamental importance: the primacy of judgment. I learned that the world pays off on judgment—not brilliance, not knowledge, and not experience or compassion either, though a fair portion of all of these is essential to the exercise of good judgment.

Ed Freeman was a man of uncommon judgment. He possessed intelligence, knowledge, experience, and compassion, yes—but, most important and rare, judgment, the badge of a great lawyer.

Despite his scholastic success and his preeminence at the Bar, he always retained his ability to "talk with crowds and keep your virtue, or walk with kings—nor lose the common touch," in the immortal words of Rudyard Kipling. He could be found at every social function of the Westchester County Bar Association (as often as not, collecting tickets at the door). He was similarly invaluable to the Law School Alumni Association where he was always regarded as Mr. Westchester for Fordham Law Alumni.

The non-professional facets of Ed's life should not be overlooked. He enjoyed life. He was devoted to his family, which includes two Fordham Law graduates, Greg, previously mentioned, and his brother Paul, a freelance writer in Seattle, and his daughter Nancy Freeman-Roche, who works in New York for IBM. He was a voracious reader, an accomplished raconteur, and a devotee of crossword puzzles, particularly the always difficult *N.Y. Times* Sunday puzzle, which he usu-

ally managed to complete. Other than his interest in photography, Ed loved music. He taught himself to play harmonica, guitar, banjo, accordion, and piano. For years, he sang in the men's choir at Sacred Heart Church in Yonkers, and less sacredly, at parties.

A few years ago, Ed chuckled about the bromide that: "Old professors never die; they just lose their class!" If Edward Freeman had lived to be a hundred, he would never have lost his class!