

Suffolk University

## Digital Collections @ Suffolk

---

Advancement and Alumni Newsletters

Suffolk University Publications

---

1955

### Suffolk University Law School Alumni Association Bulletin, 10/ 1955

Suffolk University

Follow this and additional works at: <https://dc.suffolk.edu/ad-news>

---

#### Recommended Citation

Suffolk University, "Suffolk University Law School Alumni Association Bulletin, 10/1955" (1955).  
*Advancement and Alumni Newsletters*. 154.  
<https://dc.suffolk.edu/ad-news/154>

This Newsletter is brought to you for free and open access by the Suffolk University Publications at Digital Collections @ Suffolk. It has been accepted for inclusion in Advancement and Alumni Newsletters by an authorized administrator of Digital Collections @ Suffolk. For more information, please contact [dct@suffolk.edu](mailto:dct@suffolk.edu).



## Suffolk Law School Alumni Association

# BULLETIN

OCTOBER 1955

BOSTON, MASSACHUSETTS

### New Suffolk Lawyers

Following is a list of the Suffolk Law School graduates admitted to the Massachusetts Bar as a result of the recent examination.

Brody, Richard S.,  
209 Fuller St., Boston

Brown, Arnold S.,  
37 Gleason St., Dorchester

Celeste, Vincent J.,  
7 Havre St., East Boston

Colby, Edwin A.,  
11 Oliver St., Somerville

Conway, William C.,  
310 Commonwealth Ave.,  
Newton

Coulouras, Peter J.,  
57 Rock St., Lowell

DiPesa, William F.,  
11 Augusta Rd., Milton

Downey, Edward J.,  
1591 Centre St., Roslindale

Falkner, Elque L.,  
78 Taylor St., Dorchester

Franklin, Gerald,  
173 Meirose St., Providence,  
R.I.

Furfari, Santo,  
198 Columbia Rd., Dorchester

Goode, Cecil W.,  
66 Bowdoin St., Boston

Horowitz, Austin N.,  
17 Putnam Ave., Cambridge

Jemmott, Richard L.,  
25 Woodrow Wilson Ct., Bos-  
ton

Latouf, Joseph P.,  
77 Linden St., New Bedford

Lavery, Henry D.,  
11 Marble St., Stoneham

McAllister, James P.,  
52 Maple St., Hyde Park

McCarthy, James R.,  
46 Ames St., Quincy

McColough, Raymond F.,  
Billerica Ave., Billerica

Moran, Paul X.,  
33 Mt. Vernon St., Charles-  
town

Mullen, Francis R.,  
184 Cowper St., East Boston

Nolan, John J.,  
105 Hawthorne Ave., Derby,  
Conn.

Palmer, Patricia (Ratcliffe),  
7 Staniford St., Boston

Patriquin, Herbert F.,  
29 Palmer Rd., Foxborough

Petze, John,  
140 Lake Shore Dr., E. Wey-  
mouth

Reilly, Thomas G.,  
1079 Boylston St., Boston

Rich, Irving J.,  
189 Hartmann Rd., Newton  
Centre

Sabine, Paul V.,  
25 Fifth Ave., Quincy

Saloman, Roland D.,  
76 Winchester St., Brookline

Schmaiz, Richard A.,  
Goodman Hill Rd., Sudbury

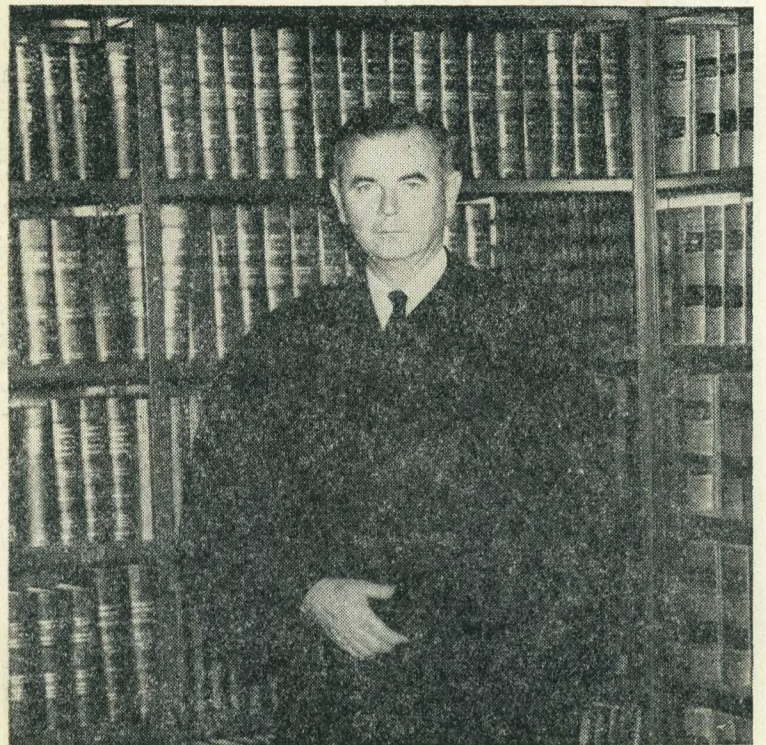
Spillane, Donnell E.,  
15 Richmond St., Weymouth

Steele, Walter E.,  
130 Heath St., Jamaica Plain

Sullivan, Raymond H.,  
114 Shepard St., Lynn

Tashjian, Arsen,  
33 Glendale Ave., Everett

Tierney, John J., Jr.,  
10 Glendale St., Dorchester



William J. Brennan, Jr.  
Justice of the Supreme Court of New Jersey

### Annual Fall Dinner Friday Evening, Oct. 21

The annual Fall Dinner of the association at the Parker House on Friday evening, October 21, will be unusual in that there will be a demonstration of pre-trial as practised in New Jersey, where, as everybody who follows judicial administration knows, pre-trial has been an outstanding success. Justice William J. Brennan, Jr., of the Supreme Court of New Jersey will be the speaker of the evening and will be in charge of the demonstration. The presiding judge at the pre-trial conference will be Judge J. Wallace Leyden of the Superior Court of New Jersey and the lawyers for the plaintiff and defendant, respectively will be John J. Breslin, Jr., of Hackensack and Charles W. Broadhurst of Jersey City. The demonstration represents the actual pre-trial of a case before Judge Leyden by the same attorneys. Mr. Justice Brennan put on the same demonstration the Suffolk Alumni will enjoy at the annual convention of the American Bar Association in Philadelphia in August and it was easily the most popular feature of the convention. At Philadelphia pre-trials of tort and contract actions and an equity suit were scheduled but the demonstration at our dinner will be limited to a motor vehicle tort action.

The briefs of counsel which are submitted to the presiding judge at the pre-trial confer-

ence are printed elsewhere in this issue as are the rules covering the conference of the attorneys and the pre-trial conference. It will be noted that the attorneys must get together before pre-trial and agree on as many matters as possible. It is suggested that it might be helpful to have this copy of the Bulletin with you at the dinner as, naturally, the judge does not read the briefs of counsel aloud.

The pre-trial order made at the conclusion of the pre-trial conference and which must be signed by the attorneys as well as by the judge will be distributed when Judge Leyden dictates his order. The order becomes part of the record of the case as may be seen from the rule and supersedes the pleadings where inconsistent therewith and controls the subsequent course of the action. It is interesting to note from Rule 4:29-1 that the pre-trial judge may order briefs prepared for the trial judge.

The dinner will be at the usual hour, 7 o'clock, in the ballroom on the roof of the Parker House. The lounge bar on the roof will be reserved for our diners and a bar will be set up in the Old Boston Room on the second floor (the Parker House calls it the first floor) where a reception will be tendered to the new Chief Justice of the Massachusetts Superior Court,

Continued on Page Two



J. Wallace Leyden, Judge of Superior Court  
of New Jersey

## Plaintiffs' Pre-Trial Memorandum

Beatrice Barbara Beck and William A. Beck, Jr., Plaintiffs	Superior Court Of N. J. Law Div. Bergen Cty. Docket No. Civil Action
vs	
Clover-Green Dairies, Inc., a corporation of New Jersey, and Donald Payne Defendants	Pre Trail Memorandum of Plaintiffs

The plaintiffs, Beatrice Barbara Beck and William A. Beck, Jr., in compliance with Rule 4:29-3 submit the following memorandum:

1. This is a personal injury, property damage, automobile-motor truck accident, negligence action.

2. Plaintiffs contend that on January 31, 1955 at about 9:00 A.M. the defendant Clover-Green Dairies was owner of a motor truck which was operated by its employee-agent, the defendant Donald Payne, in a northerly direction on River Road in North Arlington, New Jersey in such a negligent manner as to cause it to collide with an automobile owned and operated by the plaintiff William A. Beck, Jr. in a southerly direction on River Road somewhere between Sunset and Belmont Avenues.

Plaintiffs further contend that at that time and place the plaintiff Beatrice Barbara Beck, wife of the plaintiff William A. Beck, Jr., was a passenger in his automobile. They contend that the defendant Donald Payne operated his employer's motor truck at an excessive speed and without keeping a proper look-out, that he failed to keep the said vehicle under control and permitted it to pass from the northbound to the southbound side of the roadway without giving or sounding any warning, and caused or permitted it to collide with the automobile operated by William A. Beck, Jr., when the latter's car was on its own right hand side of the road-way, all of which negligence is imputed to the defendant Clover-Green Dairies, Inc. as principal.

4. The parties agree that on January 31, 1955, at about 9:00 A.M. the defendant Clover-Green Dairies was the owner of a motor truck which was being driven in a northerly direction on River Road in North Arlington, New Jersey by Donald Payne, one of its employees. They further agree that at that time and place the plaintiff William A. Beck, Jr. was the owner of an automobile which he operated in a southerly direction on River Road and that somewhere on River Road between Sunset and Belmont Avenues the two vehicles came in collision. At the time of the collision the plaintiff Beatrice Barbara Beck, wife of the plaintiff William A. Beck, Jr. was a passenger in the automobile operated by William A. Beck, Jr. The defendant Donald Payne was operating the motor truck as the agent of the defendant Clover-Green Dairies at the time of the accident. The roadway in question was a two lane macadam surfaced roadway without any dividing island, but marked at the center thereof with a dividing white line separating the single line of northbound traffic from the single lane of southbound traffic. The weather was clear and dry. There was a quantity of snow and ice on both sides of the roadway.

5. The plaintiffs contend that as a result of the negligence of the defendants the plaintiffs sustained personal injuries and the plaintiff William A. Beck, Jr. sustained damages per quod and property damage to his automobile. The extent of these injuries have been disclosed in depositions and answers to interrogatories heretofore propounded.

The parties stipulate that the following charges incurred in the care and treatment of the plaintiff Beatrice Barbara Beck are reasonable and were necessary:

a. New York Hospital .....	\$1,722.83
b. Dr. Bronson Ray .....	1,500.00
c. Dr. E. Symes .....	20.00
d. Smith & Smith Ambulance Service	26.00
e. West Hudson Hospital .....	60.70

They also state the property damage to plaintiff's automobile in the sum of \$1,026.25.

6. Plaintiffs request leave to amend their complaint herein so as to increase the ad damnum clause in Counts Two and Four from \$50,000.00 to \$100,000.00.

7. Negligence, contributory negligence, assumption of risk and all items of damage.

8. Defendants have agreed to abandon the defense of unavoidable accident.

9. Plaintiffs offer as exhibits to be marked by consent, photographs of the scene of the accident, survey of highway in the area of the scene of the accident, and photographs showing the damage to plaintiff's automobile.

## Annual Fall Dinner

*Continued from Page One*  
 the Honorable Paul C. Reardon of Quincy, Associate Justice Eugene A. Hudson of the Superior Court will be in charge of the reception.

MR. JUSTICE BRENNAN who has so kindly arranged to bring his "team" up here to our dinner is the chairman of the Committee on Problems of Pre-trial and Calendar Control composed of lawyers as well as judges and his work on that committee has been chiefly instrumental in bringing pre-trial in New Jersey to the highly satisfactory state it has reached. Difficulties were met along the way, of course, and Justice Brennan will tell us about them at the dinner. Some may sound familiar to those who have had experience with pre-trial in Massachusetts.

JUSTICE BRENNAN, who lives in Rumson, was born in Newark, April 25, 1906, the son of William J. and Agnes McDermott Brennan. He got a B.S. degree from the University of Pennsylvania in 1928 and came to Harvard Law School where he received an L.L.B. degree in 1931. He practised law in Newark until 1949 when upon the complete reorganization of the New Jersey courts he was appointed to the superior court and in the next year to the appellate division. In 1952 he was made a justice of the Supreme Court. During World War II he served as colonel on the general staff corps of the U.S. Army and was decorated with the Legion of Merit. In 1928 he married Marjorie Leonard and they have three children, William J., Hugh and Nancy.

JUDGE J. WALLACE LEYDEN of the New Jersey Superior Court lives in Hackensack where he began practice with the firm of Mackay and Mackay upon his admission to the bar in 1920, the same year in which he got his L.L.B. from the law school of Fordham University. He was judge of the Court of Common Pleas of Bergen county from 1933 to 1938, a judge of the New Jersey Circuit Court from 1938 to 1948 and upon the reorganization of the New Jersey courts in 1948 he was appointed to the Superior Court. As in Massachusetts, it is a life appointment. Judge Leyden was born in New York city Dec. 5, 1896. He married Dorothy Graham in 1923 and they have two children, J. Wallace, Jr., and Mary Elizabeth (Mrs. Charles E. Walsh).



**JOHN J. BRESLIN, JR.**  
 Plaintiff's Counsel

### The Practical Lawyer

The Practical Lawyer starts on its second year with the October, 1955, issue. It is fathered by the Committee on Continuing Legal Education of the American Law Institute, 133 South 36th street, Philadelphia 4, Pa. It is something different from the ordinary law review and is, we think, worth to the practising lawyer the \$6 a year it costs.

### Carlyle Harris Trial

There are not probably many alumni who remember the Carlyle-Harris trial in New York. Francis Wellman, the assistant district attorney who prosecuted, in his celebrated book, "The Art of Cross-Examination," tells something of the case in recounting his cross-examination of the toxicologist who testified for the defence. Now there is a 25-cent book out, "Surrender to Love", in the Popular Library, which, Anthony Boucher of the New York Times says, is "an intelligent, responsible, abridgement of a trial remarkable alike for the legal talent engaged, for the complexities of the expert medical evidence, and for the tragedy and pathos of the crime itself—the poisoning of an unwanted 19-year-old wife by a 21-year-old medical student." It was a brilliant duel between Wellman and William Travers Jerome who, later having become district attorney, prosecuted Harry Thaw for the murder of Stanford White.

10. Plaintiffs seek no further discovery.
11. Four medical experts, one actuarial expert and one automobile repairman for plaintiffs.
12. No briefs.
13. Open and close in the usual manner.
14. None.
15. Estimated length of trial two days.
16. August 26, 1955 Weekly Call.

**BRESLIN AND BRESLIN**  
 Attorneys for Plaintiffs

By—  
 John J. Breslin, Jr.

## Defendants' Pre-Trial Memorandum

Superior Court of N. J.  
Law Div. Bergen Cty.  
Docket No.

Beatrice Barbara Beck and  
William A. Beck, Jr.

Plaintiffs,

Civil Action

Clover-Green Dairies, Inc.  
a corporation of New Jersey  
and Donald Payne,

Defendants.

Defendants'  
Pretrial Memorandum

This Pretrial Memorandum follows Rule 4:29-1(b) (as amended, effective September 7, 1955) and the numbers of the paragraphs below correspond to the subdivision numbers of that rule.

(1) This is a personal injury and property damage action, based on negligence, and resulting from a collision between an automobile and a motor truck.

(2) The factual contention of the plaintiffs is set forth in their Pretrial Memorandum.

(3) The factual contention of the defendants is as follows:

At about 9:00 A.M. on January 31, 1955 the defendant's truck was being driven in a northerly direction along River Road in North Arlington, New Jersey. About 50 feet ahead of the defendant's truck, a flat body truck, loaded with caskets, was proceeding in the same direction. Ahead of the casket truck there was a car also proceeding in the same direction. These two vehicles and the defendant's truck were moving at a speed of approximately 25 miles per hour when suddenly, without warning or apparent reason, the casket truck stopped or almost stopped. The defendant driver applied his brakes to stop and veered to the opposite side of the road to avoid a possible rear end collision. The plaintiff's automobile, which was proceeding southerly along River Road was about 150 feet north of the defendant's truck at this time and was traveling at a moderate rate of speed. The defendant's truck was practically at a standstill when the left front of the plaintiff's car came in contact with the left front of the defendant's truck.

The defendants deny negligence and assert as against the plaintiff William A. Beck, Jr., the defense of contributory negligence.

(4) The defendants agree to stipulate the following:

(a) The collision between the respective vehicles occurred on River Road, North Arlington, New Jersey between Sunset and Belmont Avenues.

(b) The road was straight and approximately 25 feet wide.

(c) The weather was clear. The center of the road was clear but there was ice and snow banked on either side thereof.

(d) The following expenses incurred by the plaintiffs were necessary and reasonable as to amount:

I. New York Hospital .....	\$1,722.62
II. Dr. Bronson Ray .....	1,500.00
III. Dr. Symes .....	20.00
IV. West Hudson Hospital .....	60.70
V. Ambulance Services .....	26.00
VI. Damage to Auto .....	1,026.50

(e) Ownership and operation of the truck is admitted by the defendants.

(f) Either party may use a certified copy of any part of the hospital records of the New York Hospital without formal proof or the production of the original record.

(5) The claims as to damages and the extent of injury have been set forth in answers to interrogatories and said answers are incorporated herein.

(6) The defendants do not desire to amend their pleadings.

(7) The legal and factual issues raised by the pleadings are:

(a) Negligence of the defendants.

(b) Contributory negligence of the plaintiff, William A. Beck, Jr.

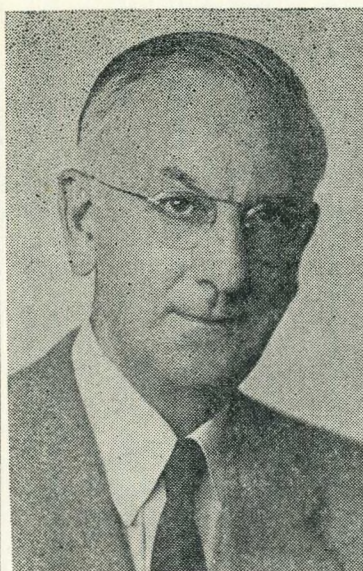
(c) The nature, extent and duration of the injuries and disability of the plaintiff, Beatrice B. Beck.

(d) The nature, extent and duration of the loss of services of the plaintiff William A. Beck, Jr.

(e) The nature, extent and duration of the injuries and disability of the plaintiff William A. Beck, Jr.

(f) The amount of the automobile damage.

(8) As the denial of negligence embraces the defense of unavoidable accident the defendants waive that separate defense.



CHARLES W. BROADHURST  
Defendants' Counsel

### "The Greer Case"

Our good friend, Judge David W. Peck, Presiding Judge of the Appellate Division of the New York Supreme Court, First Department, who was the speaker at our Fall Dinner in 1953 and who received an honorary degree from Suffolk University in June, 1954, has blossomed out as an author. He has written a fascinating tale, crowded with human interest, of the Greer case, in which he first became interested when it came before his court on appeal. He made many interesting observations of the research, trial preparation, tactics and techniques of the lawyers in the case. Simon and Schuster, 630 Fifth Ave., New York 20, N. Y., are the publishers and if you order direct from them you get the professional discount, making the price \$3 net.

Judge Peck says in his introduction:

"When a judge writes a book that is not a law book an explanation is indicated. There is a double reason why I was moved to report the Greer case in book form.

"First, it satisfied my liking for mystery stories laid in a court setting. When the case on appeal came before the court over which I preside, I found that reading the record was not a legal chore but an absorbing reading experience. Here in truth was more drama, mys-

### Suffolk Man Judge In Maine

Leo J. Poirier of Van Buren, Me., Suffolk Law '42, was appointed judge of the municipal court in Van Buren by Governor Muskie on September 7 and assumed his duties on September 16. He succeeds Judge Harry C. McManus who held the office for 16 years. Judge Poirier is a native of Van Buren and practised in Ashland, Me., for two years after his graduation from Suffolk, but opened an office in Van Buren in 1944 and has practised there since that time. He is married to the former Pauline Cyr of Van Buren and they have three children.

tery and conflict, pathos, irony and even humor, than one could dream up. The real-life characters — lawyers and witnesses, the woman who bore a son in poverty and obscurity, abandoned him, married into wealth and social prominence, spent her life half in fear and half in hope that her son would turn up, and died leaving a fortune to be sought in search of her heir—were more interesting than characters that might be encountered in fiction.

"Second, the case provided an excellent example of trial lawyers' work, of their problems in meeting a baffling case, of their resourcefulness, skill and untiring effort in discovering evidence, uncovering the truth and presenting a case in court. Their craftsmanship and creativeness, imagination and integrity, combined with the romance of the case, gave me both a professional pride and a personal pleasure in telling the story.

"It is the story of the search and the woman behind it, as it unfolded in the courtroom, as the witnesses told it, as the documents uncovered by a diligent digging of counsel disclosed it. It is also a story of lawyers matching wits for a high stake, of their ingenuity and assiduity, and of what goes on behind the scenes of a court drama."

(9) The defendants desire to offer into evidence and have marked as an exhibit the following:

(a) A map drawn to scale showing the scene of the accident.

(b) Three photographs of the scene of the accident.

(c) Three photographs of the defendant's truck taken after the accident and before any repairs were made.

(10) The defendants do not require any further discovery.

(11) The defendants will call three medical experts.

(12) No briefs.

(13) Open and close in usual order.

(14) None.

(15) Estimated length of trial 1½ to 2 days.

(16) Weekly Call. 1955.

CHARLES W. BROADHURST  
Attorney for Defendants

## New Jersey Pre-Trial Rules

### RULE 4:29. THE PRETRIAL CONFERENCE PROCEDURE

#### 4:29-1. Pretrial Conferences

(a) In every contested action except an action for divorce or nullity of marriage, and only as may be practicable in an action brought in a summary manner under Rule 4:85, the court shall direct the attorneys for the parties to appear before it for a conference in open court to:

(1) state and simplify the issues to be litigated and to amend the pleadings accordingly;

(2) obtain admissions of fact and of documents that will avoid unnecessary proof;

(3) limit by agreement the number of expert witnesses;

(4) specify all damage claims as of the date of the conference;

(5) consider such other matters as may aid in the disposition of the action.

(b) At the pretrial conference it shall first be determined if the case is to be transferred to the county district court as provided in Rule 4:3-4. If the case is to be so transferred an appropriate order of transfer shall be entered and it shall be discretionary with the court as to whether the conference is to be continued and a pre-trial order entered. If the case is not to be transferred the pretrial conference shall continue and the court shall make a pretrial order reciting the action taken at the conference, which order shall recite specifically:

(1) A concise descriptive statement of the nature of the action. (For example: Pedestrian-automobile, intersection, negligence, personal injury; pedestrian, personal injury, public sidewalk, negligence, nuisance action; landlord-tenant, common hallway, personal injury, negligence action; action for breach of contract; action on a book account; action for possession of land; action under the Mechanics Lien Act; action for specific performance; etc.).

(2) The factual contention of the plaintiff as to the liability of the defendant.

(3) The factual contention of the defendant as to nonliability and affirmative defense.

(4) The admissions or stipulations of the parties with respect to the cause of action pleaded by plaintiff or defendant-counter-claimant.

(5) All claims as to damages and the extent of injury, and admissions or stipulations with respect thereto, and this shall limit the claims thereto at the trial. Where such claims have been disclosed in depositions or answers to interrogatories they may be incorporated by reference.

(6) Any amendments to the pleadings made at the conference or fixing the time within which amended pleadings shall be filed.

(7) A specification of the legal issues raised by the pleadings as amended or to be amended which are to be determined at the trial.

(8) A specification of the legal issues raised by the pleadings which are abandoned.

(9) A list of the exhibits marked in evidence by consent.

(10) If leave is granted to make any further use of discovery proceedings by way of additional interrogatories, dispositions or otherwise, such fact shall be stated as well as any time limit imposed for the completion thereof. Such leave at this state is undesirable and should be granted only in the most exceptional cases.

(11) Any limitation on the number of expert witnesses.

(12) Any direction with respect to the filing of briefs.

(13) When a consolidated action, or an action which includes a third-party suit, a counterclaim, a cross-claim, or where there are several plaintiffs or defendants separately represented by counsel, the order of opening and closing to the jury at the trial.

(14) Any other matters which have been agreed upon in order to expedite the disposition of the matter.

(15) The estimated length of the trial.

(16) When the case shall be placed on the weekly call.

Such order shall be signed by the court and attorneys for the parties, and when entered, becomes part of the record, supersedes the pleadings where inconsistent therewith, and controls the subsequent course of action unless modified at or before the trial or pursuant to Rule 4:15-2 to prevent manifest injustice. The matter of settlement may be discussed at the side-bar, but it shall not be mentioned in the order.

(c) For failure to appear at a pretrial conference or to participate therein or to prepare therefor, the court in



## Judge Viola



Governor Herter has made no more popular appointment to any position that his selection of M. Edward Viola, Suffolk Law '23, as judge of the Third District Court of Eastern Middlesex at East Cambridge. Judge Viola was serving his third year in the Executive Council when appointed and had served two stretches as assistant district attorney of the Northern District, prior to his election to the Executive Council. While not confining his practice to the criminal side of the court he had an outstanding reputation both as a prosecutor and defender of persons charged with serious crimes. His appointment to the judgeship requires his withdrawal as defense counsel (and from all practice of law) in the murder involving Dominick Bonomi, 34-year-old Scituate contractor held in the recent slaying of his wife.

Mr. Viola first served as an assistant district attorney in this county from 1935-36 and later from 1947-52.

He is a native of Cambridge and was graduated from Cambridge High and Latin School in 1917. He was graduated from SUFFOLK UNIVERSITY and from Suffolk Law School in 1923 with a Bachelor of Laws Degree.

He lived in Everett before coming to Medford in 1938 and after residing in Medford 10 years, moved to Arlington.

His law practice has been in partnership with Max Singer, 19 Whittier road, Medford, with offices in Boston.

He is a member and past president of the First District, Middlesex Bar Association; vice-president, Massachusetts Trial Lawyers Association; past president, Justinian Law Society; member of council, Middlesex Bar Association; member, Massachusetts Bar Associ-

ation, Ancient and Honorable Artillery Company and Medford Lodge of Elks.

He is married to the former Anna Bond of Everett. They have two sons, Edward M., 27, student at Boston University Law School and clerk employed at the Attorney-General's office and Sgt. Lawrence, 22, stationed with the 35th Infantry Regiment in Honolulu.

The older son, a Harvard University graduate, served overseas in the Navy with the rank of lieutenant. His brother, who served in Korea, previously completed two years at St. Michael's College, Winooski, Vt.

With Judge Viola's appointment there now are 14 Suffolk Law men who are district court judges, as follows:

Daniel J. Gillen, Municipal Court of the City of Boston.

John F. Gilmore, Municipal Court of the Charlestown District.

John W. MacLeod, District Court of Chelsea.

M. Edward Viola, Third District Court of Eastern Middlesex.

William H. Henchey, Fourth District Court of Eastern Middlesex.

George E. Dewey, District Court of Marlborough.

H. Edward Snow, District Court of Natick.

Herbert D. Robinson, District Court of Western Norfolk.

Harry Kalus, Second District Court of Plymouth.

Richard Comerford, District Court of Leominster.

C. Edward Rowe, District Court of Eastern Franklin.

Henry F. Duggan, District Court of Peabody.

A. Vincent Kelleher, District Court of Newburyport.

Thomas J. O'Malley, District Court of Springfield.

its discretion may make such order with respect to the imposition of costs and counsel fees and with respect to the continued prosecution of the cause, including dismissal, or of the defense thereof, as is just and proper.

(d) Illustrative forms of notice of pretrial hearing and of pretrial orders to be followed are set forth in the Appendix of Forms.

(e) Whenever trial briefs are ordered at a pretrial conference the order shall specify to which judge or other court official they shall be submitted and within what time. Where it appears that the trial will be presided over by a judge other than the pretrial conference judge, the latter shall file a copy of the pretrial order with the Assignment Judge or such other person as he may designate. It shall be the responsibility of the Assignment Judge in such cases to make appropriate arrangements so that it may be determined after the briefs are received whether the action is one which requires study in advance by the trial judge. If so, a day certain shall be fixed and the action assigned to a particular trial judge for disposition, such assignment to be at least 2 days in advance of the date so fixed.

#### 4:29-3. Conference of Attorneys; Pretrial Memoranda

The attorneys shall confer before the date assigned for the pretrial conference to reach agreement upon as many matters as possible. Each attorney shall prepare and submit to the court at the pretrial conference a memorandum statement of the matters agreed upon and of the factual and legal contentions to be made on behalf of his client as respects the issues remaining in dispute, including specifically a detailed statement as to damages for the purpose of assisting the pretrial judge in determining whether the action should be transferred to the county district court pursuant to Rule 4:3-4.