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Tribute to Alvin B. Rubin as a Practitioner

*Harvey H. Posner**

It is my distinct privilege to pay tribute to Alvin B. Rubin in his role as an esteemed colleague at the Louisiana bar, and more particularly as an active practitioner and a fellow member of the Baton Rouge Bar Association.

Perhaps, however, I, as possessor of a unique coign of vantage, may be permitted to indulge in a bit of prologue—for Alvin and I were close lifelong friends (as his wife, Janice, and I continue to be). Each one of the three of us was born and raised in Alexandria, Louisiana. Theretofore, Alvin's father and mine, as bachelors just prior to World War I, had roomed and boarded at the same guest house in that city. And even earlier, Janice's paternal grandfather had befriended my father as an enterprising young man and had been primarily responsible for my father's having settled in Alexandria and having established himself in business there.

During our boyhood, Alvin's family and mine resided only a few blocks from one another. His family lived directly across the street from the tennis courts in Mockingbird Park—which proximity accounts for Alvin's early and abiding zeal for the game of tennis (but, suffice it to say, not his ultimate career in other courts). He and I attended, a grade apart, West End Grammar School, religious school, and Bolton High School; we both played clarinet in the high school orchestra and worked together on the high school newspaper, to which Alvin contributed a humorous column of note. Each of us came to LSU in the mid-nineteen thirties, played in the cadet band (under the direction of the colorful and renowned Colonel Castro Carazo), entered the College of Commerce (now the College of Business Administration), and in due course enrolled in the six-year combined (condensed) commerce and law curriculum, which had just come to be offered. Alvin was one of the first students to complete this accelerated course of study (whereas I, on the other hand, after experiencing only one semester of this exacting

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* Senior Partner of the Baton Rouge firm of Watson, Blanche, Wilson & Posner; B.S. in business administration from Louisiana State University, 1939; attended Louisiana State University Law School (1939-1941), member of the Louisiana Law Review; served four and a half years in The United States Army (1941-46); LLB/JD Tulane University School of Law, 1946.

curriculum, opted out and went on to complete the regular four years of business school before continuing pursuit of law school studies). Alvin and I roomed together in the law school dormitory during our junior year in law school; the Great Depression having persisted, we had no compunction about wearing one another's clothes.

Of course, Alvin, who had manifested utmost brilliance and consistently earned the highest grades in the class, went on to become editor-in-chief of the Louisiana Law Review (Volume IV, 1941-1942), a member of LSU's inaugural class of the Order of the Coif, and valedictorian of the illustrious graduating class of 1942. (At that time it was customary for the senior class to elect its valedictorian and thereby to officially recognize the student with the highest academic record, but in 1942, it is sad to note, one of the other members of the class had the audacity to attempt to have himself, rather than Alvin, designated as valedictorian; happily, this ignominious move was unceremoniously squelched.)

Graduating from law school soon after our country's entry into World War II, Alvin enlisted in the United States Army and in due course came to serve as an officer in the European Theater of Operations. In February 1946, after his release from military service as a captain, Alvin and Janice were married and shortly thereafter they decided to make Baton Rouge their home. Thereupon, Alvin became an associate attorney with the highly-regarded firm of Sanders & Miller, which in later years became Sanders, Miller, Downing, Rubin & Kean.

As would be expected, Alvin was the consummate lawyer, extremely skilled and accomplished. The scope of his practice was vast, for he was versatile and had a voracious appetite for work; his capacity was virtually insatiable. The alacrity and thoroughness with which he would accomplish every task could be awesome—indeed his proficiency in the practice of law could be challenging, if not intimidating, to some of his colleagues. (In his law firm, Alvin's tutelage of recruits was likened to "boot camp" in the marine corps.) He was a speed reader, and the degree to which he could retain all that he perused was truly remarkable. He was widely recognized for his legal expertise in many fields of practice, but those in which he unquestionably attained preeminence were federal estate and gift taxation, wills, trusts, estate planning, and corporate law. He also became renowned as an arbitrator.

He engaged in relatively little litigation, but, when he did, he was infinitely well prepared for trial. Alvin was exacting and demanding of himself, and he expected others to measure up to his own standards when they were involved in cases with him, whether as ally or opponent.

Seldom did his competence not prevail. However, one nonsuccess do I recall quite vividly: Sometime in the late nineteen fifties, Alvin and I were associate counsel for respective codefendants in a petitory action. We, together with plaintiffs' counsel, were driving from Baton Rouge to Laurel, Mississippi, in order to take the depositions of two

elderly prospective witnesses. Running a little late for our appointment with the court reporter and these witnesses in Laurel, we were prompted to exceed slightly, ever so slightly, the speed limit applicable to an inviting stretch of straight but hilly Mississippi highway. All seemed to be going well until, descending from the crest of a scenic knoll, we observed in the valley just ahead a band of highway patrolmen who were manning a net (sometimes referred to as a "speed trap") for unwitting traffic violators. Much to our chagrin, we had been clocked, and so we were awaited. Accordingly, we were pulled over and duly interrogated, following which humiliating procedure a trooper led us down a narrow dirt road through the woods some distance to an obliging justice of the peace seated in a nondescript pickup truck parked under a shade tree. During this trek, the occupants of our car (of which I was the unheeding driver) had unanimously chosen Alvin to be the advocate to adroitly explain our dilemma and extricate us from this unseemly situation. Although Alvin mustered all of the persuasion of a seasoned criminal attorney, his impassioned entreaties to this honorable court proved to be of no avail. Only after a disproportionate fine had been assessed and paid (the justice complacently deposited this cash in a sinister cigar box beside him on the seat of his truck), were we allowed to proceed belatedly on our way to Laurel.

Despite the demands of an extensive practice, Alvin contemporaneously taught a myriad of courses at the LSU Law Center during his twenty years of practice (and for twenty-three years more after he ascended the bench in 1966).

Alvin was a creative and spirited member of the East Baton Rouge Bar Association. It was he who led the Association to sponsor the Legal Aid Society, which he then proceeded to organize and nurture in the Old State Capitol building. (This bar-sponsored facility provided legal aid to the indigent and was the forerunner of the present government-sponsored Capital Area Legal Aid Services.)

Alvin also pioneered and established the Lawyer Referral Service of the Baton Rouge Bar Association.

The Estate and Business Planning Council of Baton Rouge is another product of Alvin's fertile mind. During the early nineteen sixties, he brought together a group of attorneys, certified public accountants, chartered life underwriters, bank trust officers, and university faculty members who were actively interested in the work which the name of the coalition describes, and he then set up the framework for the present organization, which provides a fruitful meeting ground for the respective professionals involved in such vital planning.

In a satirical vein, Alvin concocted the self-proclaimed Society for the Advancement of the Science of Law Office Management (familiarily known by its acronym SASLQM). This was an informal group of representatives of some of the larger law firms in Baton Rouge, which met periodically to exchange ideas and discuss policies looking toward

the improvement of the administration of the firms to which the respective members belonged. However, interest in this organization waned shortly after Alvin became a judge and was no longer available to provide the requisite leadership.

Seemingly, anyone as engrossed as was Alvin with a very busy practice and absorbing bar association activities could hardly have found the time to author such significant publications as those to which we would now advert.

Early in his practice, Alvin and one of his partners, Ben R. Downing, Jr., prepared a set of guidelines for title abstracters working in Baton Rouge. This compendium proved so useful to all Louisiana abstracters that it has been included in an ancillary volume of West's Louisiana Statutes Annotated.

Following the adoption of the Trust Code in 1964, Alvin, with the aid of Janice, produced the Louisiana Trust Handbook. This manual, featuring model forms and thoughtful commentary, has served as an invaluable tool for countless practitioners, as well as others who are interested in matters pertaining to Louisiana trusts.

After the Code of Civil Procedure was enacted in 1960, the revered Henry George McMahon, Boyd Professor of Law and Dean of the Law School, and Alvin collaborated to bring forth the comprehensive and indispensable set of illustrative pleadings and judicial forms which are published as Volumes 10, 11 and 12 of the Code of Civil Procedure segment of West's Louisiana Statutes Annotated. The co-authors' notes to these pleadings and forms are clear, concise, and exceedingly scholarly. No Louisiana practitioner can very well do without the benefit of these adjuncts to the code. (Volumes 10 and 11 appeared while Alvin was still in practice; Volume 12 came out after the death of "Dean Mac" and after the commencement of Alvin's judgeship.)

Incredible as it might seem, Alvin still found time and energy to give unstintingly of himself to his community and to his synagogue. So great was his involvement in civic and charitable work that in 1962 he received the coveted Golden Deeds Award, which is bestowed annually by the Inter-Civic Council of Baton Rouge. (In 1969, after he had ascended the bench, he was the recipient of the annual Brotherhood Award presented by the Baton Rouge Chapter of the National Conference of Christians and Jews.)

Alvin served as secretary of the United Givers Fund (now the Capital Area United Way) in Baton Rouge for the first six years after its creation in 1952. At the close of virtually every meeting held by the board of directors of that agency during his secretaryship, Alvin would amaze everyone by immediately handing to the executive director of the organization the handwritten minutes which he had formulated (in detail and to perfection) during the course of that meeting (in which he had also actively participated). In every endeavor, he utilized his time most efficiently.

Alvin Rubin was indeed a practitioner of extraordinary talent and a great humanitarian. He was a giant in his profession. He was held in the highest esteem by all who had the privilege of knowing him and being associated with him as a practitioner at the Baton Rouge Bar. His passing has left a decided void in our ranks.

