

## Celebrating A Life In the Law

*Art Recovery Legal Pioneer Regarded His Work as a Grand Adventure*

BY THOMAS ADCOCK

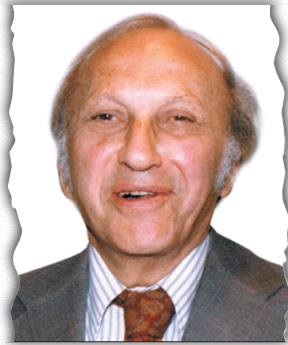
**H**ARRY I. RAND, a vital attorney practically up to the last day of his 92 years and a pioneer in international art recovery law, was mourned this week by lawyers young and old.

In eulogies during a memorial Sunday at the New York Ethical Culture Society, attorneys, one after another, proudly credited their success in law and life to the process of being "Randized," as it is known among a large circle of friends and colleagues around the world.

"The thing about Harry is that he always made sure, by his own example of behavior, to teach you that the day-to-day practice of law is not all there is," Howard N. Spiegler said in an interview.

A partner at Herrick, Feinstein and one of Mr. Rand's principal protégés, Mr. Spiegler added, "This business sometimes prevents you from seeing all the other things in life — the different people you work with, the different cultures. He had a young person's wonderment all his life, and it was infectious."

Mr. Spiegler and his colleague, Herrick partner Lawrence M. Kaye, say they owe their substantial careers in art recovery law to Mr. Rand, whom they each met when they were young lawyers at the now defunct Botein, Hays & Sklar.



**Harry I. Rand**

"To me, he never aged," Mr. Kaye said in his eulogy on Sunday, recollecting a friendship and professional association that began in 1969, when Mr. Kaye, now 58, was a second-year student at St. John's University School of Law. "He just got better, and perhaps this is why I never really believed he would ever leave us.

"Harry always said, as Howard Spiegler likes to remind me, that the law was an adventure," Mr. Kaye continued, "and it was a privilege that he let me and Howard and so many others share that adventure with him."

Adventure abounded in Harry Rand's career, notably during the 14-year battle to recover two paintings by the 16th-century artist Albrecht Dürer for the former German Democratic Republic — communist East Germany. The valuable works had been taken from the Weimar Museum by a U.S. soldier at the end of World War II and sold to a private party in

the United States for \$450.

In the seminal case of *Kunstammlungen zu Weimar v. Elicofon*, a young Mr. Kaye earned his bones in art recovery law by taking Mr. Rand's lead in the fusion of laws of replevin, fraud, theft and commerce. When it ended finally in 1982, mentor and protégé traveled to East Germany to return the paintings to the Weimar Museum.

"I was frightened out of my mind, and I recall Harry, with machine guns leveled at us from all corners, trying to break the ice by making jokes about what might be in our suitcases," Mr. Kaye recounted in his eulogy. "Thankfully, his German was not quite good enough for the border guards to understand.

"And I remember him late at night ... drinking ice cold Russian vodka with Pilsner chasers, discussing taboo political issues while I, the young fellow, could not keep up and went off to bed."

In an address to Herrick litigation associates a few years ago, Mr. Rand, a 1936 graduate of New York University School of Law, outlined a career that began with what he called "a new adventure in remaking America" as a New Deal government lawyer for 10 years during the presidency of Franklin D. Roosevelt.

"We thought we were creating a nation without poverty and with justice for all," Mr. Rand said, according to a transcript of his address. "Unhappily, as you know, we

didn't do too well. Poverty, injustice and unemployment are still very much with us."

After government service, Mr. Rand and a friend threw in together as general practitioners in Washington, D.C., where they began taking on civil service workers obliged to appear before loyalty boards during the McCarthy era, when many government employees were accused of communist affiliation.

"Thousands and thousands of diligent and competent U.S. employees ... were confronted suddenly with charges of acts and statements attributed to them by anonymous, faceless informants," said Mr. Rand. "The informants were never identified. These employees were then compelled to prove that they were not subversive, whatever that might mean. It was a horrible time in Washington, a time of suspicion, fear and ostracism.

"As a lawyer and counsel to these people, I and other lawyers like myself would likewise be subjected to so-called association with left or subversive or disloyal organizations and shunned," Mr. Rand said. "I can remember several occasions, walking down the street, ready to greet somebody whom I had known for years as he approached and suddenly he darted across the street in order to avoid contact with Harry Rand because Harry Rand was representing XYZ before these loyalty security boards."

## Professional Details

Notwithstanding that dark period of U.S. history, Mr. Rand maintained "joy," as he told the Herrick associates, in attending to professional details, which he described as sorting out issues, researching law, and precise phraseology in writing briefs.

"It's not easy to play Pygmalion with what appears so often to be but a lifeless and hopeless project," Mr. Rand said. "But what's surprising is how often one finds just the spark enough to breathe life into the most difficult situations."

Carla Main, a former Herrick associate,



NYLJ PHOTO/RICK KOPSTEIN

## Herrick, Feinstein partners Howard N. Spiegler and Lawrence M. Kaye carry on Mr. Rand's legacy in art recovery law.

recalled in an interview Mr. Rand's elegant manner of speech.

"He had an incredible vocabulary," she said, "and spoke like the way people used to speak on the radio."

His distinctive oratory extended to legal writing, said Ms. Main, of which he was especially proud and quite particular — and insistent that Ms. Main and other young lawyers feel the same about their own writing.

"There was the time I drafted a long brief after one of those long nights, and I misspelled a word," recalled Ms. Main, who now works in public relations. "After reading it, Harry came in with the brief rolled up and hit me over the head with it."

Ms. Main said she reminded Mr. Rand of the humorous episode during his 80th birthday party. Mr. Rand, she said, was aghast. He apologized profusely, concerned that he might have injured a young lawyer. (He had not.)

"I told him, 'Nobody ever cared enough about my writing to hit me over the head,'" said Ms. Main. "And you know, every time I write the word 'sheer' I go to the dictionary

and look it up, just to make sure I get it right for Harry."

## Recent Retirement

Mr. Rand died at his home on Jan. 22, only three months after his failing health forced his retirement as of counsel at Herrick. Until then, according to Mr. Kaye and Mr. Spiegler, he enjoyed long-distance swimming in Long Island Sound and commuted by foot to the firm's offices at Park Avenue and East 33rd Street from his home on West 86th Street.

Mr. Kaye visited his mentor two weeks before he died.

"We talked about life and death," said Mr. Kaye. "He wasn't afraid of death. He'd lived a long and productive life. Mostly we talked about the cases I was working on."

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