



Hon. Leonard D. Wexler

U.S. District Judge, Eastern District of New York

by Joanna Seybert



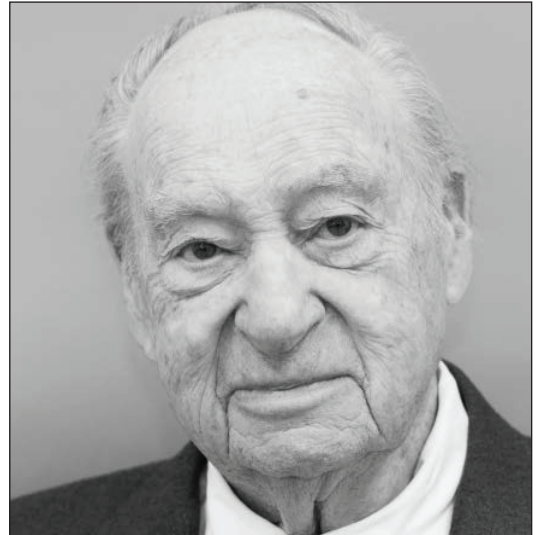
Judge Joanna Seybert was appointed to the United States District Court on January 12, 1994, after nominations by Presidents George H.W. Bush and William Clinton. She currently sits in the Eastern District of New York Central Islip Courthouse and has been a Senior Judge since January 13, 2014.

Some would say that Judge Leonard D. Wexler was a curmudgeon in the courtroom. I would have probably agreed with them especially back when I tried a case for Nassau County before him in Uniondale. He dismissed the case against the County in the middle of the plaintiff's tearful testimony about losing her Gloria Vanderbilt jeans after she was arrested. Fast forward a decade later to when I joined the bench and began meeting Judge Wexler for morning coffee with the other WWII vets, Judges Thomas C. Platt and Arthur D. Spatt—both Navy veterans—on the eleventh floor of the Central Islip courthouse in 2000. The coffee was terrible, but the conversation was sensational.

Judge Wexler drank copious amounts of coffee—at least ten cups a day down from the twenty cups he drank in previous years—and always brought milk to share with me. The Navy vets drank their coffee black. We all met at 8:30 every morning and discussed current events, the law, and of course the mistakes that the Second Circuit made in reversing us. If you skipped coffee, you did not know what was going on. As Judge Wexler said, we were all different ages and from different backgrounds with different points of view, but we all got along.

He was born in Brooklyn, entered the U.S. Army as a private, and came out a war hero having received two Bronze Stars and a Purple Heart after being shot. He took advantage of the G.I. Bill and graduated from Indiana University in 1948 and New York University School of Law in 1950. After graduation, he worked for Siben & Siben and eventually started his own criminal defense firm. He would often say that he was better paid as a student than when he first started as a lawyer. After starting his own firm, his career took off. He was the first civilian lawyer to defend a soldier in Vietnam on a murder case and got an acquittal.

Judge Wexler was appointed to the federal bench by President Ronald Reagan in 1983 and always carried a full case load. He loved being in court and would lament the days without trials. He tried an incredible number of cases especially in June when the Touro Law School students would join him as externs for the twenty plus civil cases marked ready for trial.



Lawyers enjoyed his quick rulings and no nonsense approach. Trials were conducted in record speed and no jury charge lasted more than an hour. There was no crying in his courtroom!

Although he was not computer savvy, his favorite cases involved Intellectual Property and his favorite was *Fonar v. General Electric*, 902 F. Supp. 330, a patent infringement case involving the invention of the MRI. Another memorable case involved 75 members of the Pagan motorcycle club indicted on RICO charges. The defendants were all arraigned together in the ceremonial courtroom at the same time. Other significant cases included: *USA v. University Hospital of the State University of New York*, 575 F. Supp. 607, *United States v. John Musacchia*, affirmed by the Second Circuit at 900 F.2d 493, *Farmland Dairies v. Commissioner of the New York State Department of Agriculture and Markets*, 650 F. Supp. 939, and *Shain v. Ellison*, 53 F. Supp. 2d 564.

Judge Wexler developed “The Program” in criminal cases and would adjourn a jail sentence for several years. In over eighty cases the defendants were able to avoid re-arrest, and due to a change in the guidelines or the law, receive sentences of no jail time. There were only four failures in over twenty years.

For those of you who never met Judge Wexler let

me assure you that he was never “old” because he always carried himself as someone forty years younger than he was. Last January he and his wife, Barbara, accompanied us to the New York City Ballet on a cold blustery night, and we had trouble keeping up with him. Other than being shot in the leg during a battle the day before the Battle of the Bulge, he was never in the hospital, never took medication, and never wore glasses or exercised.

Judge Wexler was the ultimate Long Islander and a part of every inch of granite in the new courthouse. Without his dedication, the Long Island Courthouse might never have been built.

Upon his and Barbara’s return from two weeks in Egypt, he died suddenly at home. He was 93 years old. He and his wife were married for sixty-five years, and she showered him with her lovely paintings in his chambers. Their youngest son Bill Wexler, an attorney, lived six houses away from his parents and would have lunch at least once a week with his dad in the court’s cafeteria.

Judge Wexler cared deeply for the Court, his colleagues, and the lawyers and parties who appeared before him. He was direct, never intimidated, and never missed a day in court. He shall be truly missed. ☉

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upon the court as an institution, and to the inherent challenges in her responsibility as a judge of the Eastern District of New York—a judicial district that spans two courthouses, 26 Article III judges, 16 magistrate judges,

and encompasses more than 300 employees consisting of law clerks, support staff, deputies, and marshals—to name a few. ☉

Bianco Profile *continued from page 21*

Bianco’s anniversary of his appointment to the Bench.

Judge Bianco has had, and will continue to have, a profound impact on the lives of many people, in many contexts. His family, his students, his law clerks, his congregation, and the public at large who he serves dutifully in his judicial role are all beneficiaries of his good work. We are indeed fortunate to have him in the Eastern District of New York. ☉

Endnotes

¹Comments from *The Robing Room*, <http://www.therobingroom.com/District>.

²*Id.*

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