



IN MEMORIAM

Hon. Ian H. Levin

Magistrate Judge for the Northern District of Illinois

by Diane Rowe



Diane Rowe graduated from Loyola University Chicago School of Law in January 2000, and was a staff writer for Loyola's Public Interest Law Reporter. After graduation, Rowe was a career law clerk to Judge Levin until his retirement from the federal bench in 2006. She went on to clerk for three federal judges, including Judge Joseph S. Van Bokkelen, U.S. District Court for the Northern District of Indiana, for whom she currently works. She currently serves as a board member of the Northern District of Indiana Chapter of the Federal Bar Association. This article is reprinted with the permission of The Circuit Rider, the journal of the Seventh Circuit Bar Association. © 2017 Diane Rowe. All rights reserved.

In March 2016, the Chicago legal community lost an outstanding judge and lawyer with the passing of Ian H. Levin. He was a retired U.S. Magistrate Judge for the Northern District of Illinois, where he served from 1997 to 2006. More recently he was in private practice where he dealt with noteworthy international human rights abuse cases, including a number of Holocaust suits.

Judge Levin's passing is an indescribable loss not only to his devoted family, but to all who knew him and worked with him. Judge Levin was a gifted jurist, blessed with an extraordinary intellect and an exceptional facility for the law, as well as a deep compassion for people. These qualities made him an exceptional judge and lawyer who will be deeply missed.

Judge Levin was born on July 4, 1939, and grew up in the Chicago neighborhood of East Rogers Park. His grandparents were Romanian immigrants. Judge Levin's father, Louis, was a postal worker and his mother, Sylvia, was a homemaker. He attended Sullivan High School, played on the high school basketball team, and was a varsity starter his senior year. Judge Levin also played baseball and was the captain of his high school baseball team. He grew up in a very close-knit family, had many friends, and spent a lot of his time "hanging" with his younger brother, Steven, whom he dearly loved and with whom he had an inseparable bond and shared many cherished memories.

After graduating with a Bachelor of Science in accounting in 1961 from DePaul University, Judge Levin became a certified public accountant that same year. In 1966, he graduated *cum laude* from DePaul University College of Law with a Juris Doctor, and was the valedictorian of his graduating law class. He went on to become the first law clerk to the late Illinois Supreme Court Justice Daniel P. Ward (from 1966 to 1969).

Following his clerkship, he joined the Cook County public defender's office as a felony trial attorney. From 1972 to 1973, he served as chief of the Appeals Division for the public defender's office. He then joined Foran, Wiss & Schultz (later known as Foran



& Schultz), where his practice focused primarily on constitutional, commercial, condemnation, and civil matters. In 1978, Judge Levin moved to Karon, Morrison & Savikas Ltd., where he specialized in defending certified public accountants charged with malpractice. He was appointed as special counsel to the Chicago Board of Election Commissioners in 1987. Judge Levin then went on to serve as a judge for the Circuit Court of Cook County from 1989 to 1997.

Remaining Fair

On May 27, 1997, Judge Levin was appointed as a U.S. magistrate judge for the Northern District of Illinois. In that position, he presided over a number of compelling cases. One case of particular interest to Judge Levin was *United States v. Benevolence International Foundation Inc.*¹ This case was highly publicized in the media and was historically significant because it took place in the aftermath of 9/11. Enaam Arnaout, the head of Benevolence International Foundation (BIF), an Islamic charity, was charged with perjury for lying under oath in documents he submitted in a civil lawsuit claiming that he and his charity had no

involvement in funding military or terrorist activities and only gave to worldwide charitable causes.

BIF's assets had been frozen by the government on the suspicion that it was supporting terrorism. BIF then sued the government denying that it had anything to do with terrorism and asking that its assets be released, asserting that the charity was a faith-based humanitarian organization engaged in charitable work around the world. In his sworn declarations, Arnaout stated that BIF "ha[d] never provided aid or support to people or organizations known to be engaged in violence, terrorist activities or military operations of any nature."² The U.S. government, however, maintained that Arnaout's charity was a financial front for Osama bin Laden's terrorist activities and other terrorism throughout the world.

At the probable cause hearing, the government first introduced evidence establishing that in 1995, BIF "representatives delivered an X-ray machine and \$3,225 to Chechen guerillas or freedom fighters for military operations in Azerbaijan."³ The government next presented evidence that "during or after February 2000, a website dedicated to the cause of the Chechen freedom fighters in the military fight or jihad in Chechnya posted donation links on the website for [the BIF] (and only one other charity) as a trustworthy aid organization to donate money to the Chech[en] mujahideen (holy warriors) or freedom fighters for the military operations in Chechnya."⁴ There was also related evidence that "during or around the same February 2000 period, BIF wired \$685,000 to its account in that vicinity or region."⁵

In reviewing the government's evidence regarding the X-ray machine, the \$3,225 used by the Chechen mujahideen in their war activities in Chechnya, and the evidence surrounding the \$685,000 in money transfers, along with other circumstantial evidence in the case, Judge Levin concluded that there was probable cause to believe the offense of perjury charged in the criminal complaint had been committed by the defendants. In reaching this conclusion, he inferred from the crucial pieces of the government's evidence that Arnaout and his charity were linked to overseas violence and military operations, contrary to Arnaout's claim in his sworn declarations.

Judge Levin next determined that Arnaout posed a substantial risk of flight and should be detained pending trial. In assessing Arnaout's chances of fleeing, Judge Levin noted that this was not a simple perjury case, but "a perjury charge in the context of a terrorism financing investigation," and reasoned that "given the post 9/11 climate in this country, regardless of defendant's actual guilt or innocence of all this, the natural tendency has to be for defendant to apprehensively feel he's in a difficult and opprobrious situation, from which flows an incentive and risk for flight."⁶ Coupled with the fact that Arnaout faced a lengthy prison sentence, had family in Saudi Arabia, and also had an extensive international network of contacts, Judge Levin determined that Arnaout should be detained pending his trial. Ultimate-

ly, Arnaout pled guilty to a racketeering charge and admitted that he illegally diverted thousands of dollars from his charity to support Islamic militants in Bosnia and Chechnya. Notably, Judge Levin masterfully and fairly conducted the Arnaout hearings even though a tense climate permeated the courtroom and heightened court security measures were in place.

A True Gentleman

Judge Levin was very important to this writer both professionally and personally. He was an amazing legal mentor and became a lifelong friend and colleague who hired me to fill his career law clerk position. I still consider it one of the great honors of my career that Judge Levin selected me to be his career law clerk. And, as anticipated, the clerkship turned out to be a unique experience. I look back on it as a "dream job."

Since this was also my first legal position, I benefited immensely from Judge Levin's tutelage as he guided me through the inner workings of the law and legal profession. In addition to sharing his comprehensive knowledge and insightful wisdom about what it takes to be a well-respected, successful lawyer and judge, he instilled in everyone who worked with him the very highest level of ethics, honesty, compassion, and respect for the laws of our country.

One of the greatest gifts Judge Levin bestowed upon me was his belief in me and my ability to be successful. His belief in me helped to shape much of my own view of myself and what I was capable of achieving both professionally and personally.

Judge Levin was unique in that he deeply cared about others as individuals, including his colleagues on the federal bench and his staff. He treated his staff with the utmost kindness, compassion, loyalty, and respect. Judge Levin was a true gentleman who focused his attention on helping others. In this regard, Judge Charles P. Kocoras, a colleague and one of Judge Levin's closest friends commented, "There are, as you know, many laudatory things to say about Judge Levin. They are hard to categorize, but one that is always with me is how fond he was of his friends and co-workers, attentive to their concerns, and forever loyal to their welfare. We are examples of that." Judge Levin's commitment to our welfare made a difference in all of our lives and has, I believe, made us better not only as professionals but also as people.

Not surprisingly, Judge Levin was a highly respected jurist in the Chicago legal community. He was a dedicated, skilled magistrate judge who worked diligently to render fair and impartial judicial decisions. The hallmark of his judgeship was his ability to be impartial, consider all sides of a controversy, and make proper well-reasoned judicial decisions. Judge Levin took his judicial role very seriously and understood the impact his decisions would have on others. He consistently reached appropriate decisions in his cases and worked laboriously toward that goal. His dedication to the law, demeanor, and impeccable reputation earned him the well-deserved respect of not only the

attorneys who appeared before him but also the respect of the legal community as a whole.

Awards and Worthy Causes

Judge Levin received a number of prestigious awards during his career. On Nov. 9, 1999, he received an award for “Outstanding Achievement in the Judiciary” from the Illinois Association of Attorney-Certified Public Accountants. A second award, given to him on May 8, 2001, was the DePaul College of Law Alumni Service Award for “Outstanding Service to the Judiciary.” In 2004 and 2005, Judge Levin received additional awards for exemplary and outstanding judicial service. He was also honored for his judicial work and many outstanding achievements when Sullivan High School inducted him into its Prominent Alumni program.

After Judge Levin retired from the federal bench in 2006, he chose to practice law and focused on helping people who had been victims of human rights abuses. At attorney Elliot Samuel’s request, Judge Levin joined a team of lawyers who were pursuing reparations for Holocaust victims and their heirs. In one federal lawsuit, they alleged that the national bank and a private bank colluded with Nazi officials to steal the assets of Hungarian Jews. A second lawsuit alleged that the Hungarian State Railways stole the belongings of Jews transported to Auschwitz and other death camps in 1944. In an interview, Judge Levin stated that the litigation constituted “a worthy cause for my people.” After the Court of Appeals for the Seventh Circuit ruled that the plaintiffs must first pursue a remedy in Hungary’s courts, Judge Levin and his co-counsel pursued the cases overseas.

Judge Levin’s work led to an invitation from the lead attorney, Robert Pavich, in the cases to join his Chicago law firm, Pavich Law Group P.C., as of counsel. In addition to the Holocaust lawsuits, Judge Levin and Pavich worked on other international human rights law cases, including one suit accusing private American military contractors of aiding in the genocide of Serbs in Croatia and another suit accusing India’s government of oppressing Sikhs. They also filed two amicus briefs with the U.S. Supreme Court in *Kiobel v. Royal*

Dutch Petroleum Co.,⁷ urging the Court to allow victims of genocide or other high crimes against humanity that were committed abroad to seek redress in American courts under the Alien Tort Statute.

Devotion to Family

This review of Judge Levin’s life would be incomplete without mentioning the incredible love and devotion he had for his entire family and that they had for him. He was married to Cyrelle—the love of his life—for 44 years until she passed away in 2009. Judge Levin adored his younger brother, Steven, for whom he had the utmost love, affection, and fondness. His undying love and affection for his son, Lonny, his daughter, Ellian, and his grandchildren, Jake and Sophie, are forever memorialized in the countless photographs he had displayed in his chambers and the affectionate way in which he spoke about them. Judge Levin often spoke about other members of his extended family, with whom he was very close. And to this day, every one of them is deeply affected by his passing.

In sum, the legacy of Judge Levin is that of a brilliant, reasoned, fair, and approachable judge, who touched the world in a special way through his love and devotion to his family, his commitment and determination to helping others, his many charitable and kind acts, and his desire to make a difference in the world. Those of us whose lives he touched are enriched for having known him and being part of his life. He will never be forgotten and will be missed every single day. ☺

Endnotes

¹*United States v. Benevolence Int’l Found. Inc.*, 222 F. Supp. 2d 1005 (N.D. Ill. 2002).

²*Id.* at 1008.

³*Id.*

⁴*Id.*

⁵*Id.*

⁶*Id.* at 1006-07.

⁷*Kiobel v. Royal Dutch Petroleum Co.*, 133 S. Ct. 1659 (2013).

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Feb. 26, 2007).

¹³*Evans v. Ottimo*, 469 F.3d 278 at 282 (2d Cir. 2006); but see *In re Soliman*, 515 B.R. 179, 185 (Bankr. S.D.N.Y. 2014) (questioning the conclusion of *Evans*).

¹⁴*Evans*, 469 F.3d at 281 (citing *Kaufman v. Eli Lilly & Co.*, 65 N.Y.2d 449, 455-56 (N.Y. 1985)).

¹⁵*Id.* at 281-82. The Second Circuit has also noted that issue preclusion “is a flexible doctrine” whose application depends upon “general notions of fairness involving a practical inquiry into the realities of the litigation.” *Denton v. Hyman (In re Hyman)*, 502 F.3d 61, 65-66 (2d Cir. 2007) (applying New York law to determine whether issue preclusion should be invoked in a § 523(a)(4) defalcation action).

¹⁶*Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998) (emphasis in original) (finding reckless or negligent conduct will not satisfy § 523(a)(6)’s willful requirement).

¹⁷*In re Stelluti*, 94 F.3d 84, 87 (2d Cir. 1996).

¹⁸N.Y. EXEC. LAW § 296(1)(a); N.Y.C. ADMIN. CODE § 8-107.

¹⁹*Moore v. Houlihan’s Rest. Inc.*, 2011 WL 2470023, at *3 (E.D.N.Y. May 10, 2011).

²⁰*Mihalik v. Credit Agricole Cheuvreux N. Am. Inc.*, 715 F.3d 102, 108-10 (2d Cir. 2013); *Williams v. N.Y.C. Hous. Auth.*, 872 N.Y.S.2d 27, 38-39 (N.Y. App. Div. 2009).

²¹*Sotomayor v. City of New York*, 862 F. Supp. 2d 226, 258 (E.D.N.Y. 2012) (a plaintiff must link the adverse employment action to a discriminatory motivation in order to prevail under the New York City law), *aff’d*, 713 F.3d 163 (2d Cir. 2013).

²²N.Y. EXEC. LAW § 296(7). In order to establish a *prima facie* case for retaliation under New York state law, a plaintiff must demonstrate “(1) she engaged in protected activity; (2) the employer was aware of this activity; (3) the employer took adverse action against the employee; and (4) a causal connection exists between the protected activity and the adverse action.” *In re Goldberg*, 487 B.R. 112, 124 (Bankr. E.D.N.Y. 2013). New York City Law prohibits employers from “retaliat[ing] or discriminat[ing] in any manner against any person because such person has ... opposed any practice forbidden under this chapter.” N.Y.C. ADMIN. CODE § 8-107(7).

²³*Goldberg*, 487 B.R. at 124 (quoting *Board of Educ. of New Paltz Cent. Sch. Dist. v. Donaldson*, 839 N.Y.S.2d 558, 561 (N.Y. App. Div. 2007) (analyzing the New York state law)).

gramming has also featured discussion and analysis of the barriers disabled individuals face to live free from violence and to participate fully in our democracy. And each spring, the chapter, along with the federal court and the legal community, works with high school students through the Open Doors program, where chapter members visit classrooms to engage with students about events and issues in the law, such as Justice Thurgood Marshall's life and legacy and the Reconstruction Amendments to the U.S. Constitution.

The Minnesota Chapter is proud of its long-standing celebration of and commitment to diversity and inclusion in the federal bar. These principles are written into the chapter's charter and board resolutions and are built into its governing structure. Never one to stand still, the chapter this year formed a task force of leaders across the federal community to create an action plan for continuing and strengthening that commitment in the future. Through the ongoing efforts of the FBA, the MHBA, and other organizations involved in the federal court system, events like the Latino Legal Experience in Minnesota will continue to inspire current and future members of the profession and promote diversity and inclusion within the federal bench and bar.

Conclusion

The Latino Legal Experience in Minnesota event began as a collaborative aspiration among the MHBA, the Minnesota Chapter of the FBA, and the U.S. District Court for the District of Minnesota. By the time the planning was complete and the program featuring Justice Sotomayor had concluded, it became an inspiration to the talented Latino students in attendance. The success of this program and the other MHBA pipeline initiatives that preceded it are unmistakable. But the work is not done, and the MHBA and its partner organizations will continue to support students and attorneys on their paths to success. In order to truly make a difference locally and nationally, and to use pipelines as a means to build the strength of diverse professionals and promote equality and justice for all, our profession as a whole must commit to these efforts. Whether your pipeline initiative involves individuals mentoring students or a complex large-scale project, the results are impactful, necessary, and worth the investment. In the end, the return on investment justifies the effort it takes to effectively organize, plan, and execute pipeline initiatives. Without a doubt, there is no better value you can receive than making a positive impact on the life of a young student and increasing the number of men and women graduating high school, going to college, or advancing in their profession. This is what the MHBA is doing to try and make a difference. What can you do to help stock the pipeline? ☺

Endnotes

¹Members of the Steering Committee included Gerardo "Jerry" Alcazar, Ann Anaya, Zuri Balmakund, Judge Luis Bartolomei, Bryan Browning, Judge Jeffrey Bryan, Judge Leonardo "Lenny" Castro, Judge Michael J. Davis, Judge Tamara Garcia, Judge Tony N. Leung, Lariss Maldonado, Roger Maldonado, Judge Ann D. Montgomery, Judge Dan Moreno, Melissa Muro LaMere, Tara Norgard, Aleida Ortega Conners, William Otteson, Rebecca Parks, Nelson Peralta, Judge Peter M. Reyes, Esteban Rivera, and Lola Velazquez-Aguilu.

²MINN. HISPANIC BAR ASS'N, www.minnhba.org (last visited Mar. 29,

2017).

³Nancy Hartzler, *Minnesota's Hispanic Population: Five Interesting Trends*, MINN. COMPASS (Oct. 2014), www.mncompass.org/trends/insights/2014-10-02-hispanic-population-trends.

⁴Western Interstate Commission for Higher Education, *Projections of High School Graduates Through 2032*, KNOCKING AT THE COLLEGE DOOR (Dec. 2016), knocking.wiche.edu.

⁵Sarah E. Redfield, *Hispanics and the Pipeline to the Legal Profession: AKA Lawyers Don't Do Math*, 3 HNBA J. L. & POL'Y (2011).

⁶"The Infinity Project's mission is to increase the gender diversity of the state and federal bench to ensure the quality of justice in the Eighth Circuit. The Infinity Project seeks to advance this mission by ... [c]reating public awareness for the lack of and importance of gender equity on the bench and the availability of qualified women candidates; [e]ngaging senators and other decision-makers on the issues of gender equity and the need for appointment of women to the Eighth Circuit bench and pipeline state courts in the region; and [s]erving as a clearinghouse for candidates who have indicated an interest in serving on the Eighth Circuit bench and pipeline state courts in the region." About The Infinity Project, INFINITY PROJECT, <http://www.theinfinityproject.org/about> (last visited Mar. 29, 2017).

⁷Minneapolis Foundation, *Kindergarteners Ready for School*, ONE MINNEAPOLIS, www.minneapolisfoundation.org/OneMinneapolis/Home/How/readyforschool (last visited Mar. 29, 2017).

⁸JOYCE PRESCHOOL, www.joycepreschool.org (last visited Mar. 29, 2017).

⁹To view some of Longoria's works, visit jimmylongoria.com. See also Jackie Bussjaeger, *Stillwater Artist Presents Artwork to Supreme Court Justice*, LOWDOWN (Oct. 28, 2016), www.presspubs.com/st_croix/article_fdad8198-9d28-11e6-bcb7-6fdccce482cc.html (for information about his Palas de mi Alpa artworks).

¹⁰The MHBA is similarly incredibly grateful for the contributions and efforts of the court staff, including Rebecca Parks; MHBA steering committee chairs Lola Velazquez-Aguilu, Ann Anaya, and Judge Peter Reyes; and FBA Minnesota Chapter President Tara Norgard. The dedication of these individuals was critical to the event's success.

¹¹To view the banners, see www.mnd.uscourts.gov/LatinoLegalExperience/banners/index.html (last visited Mar. 29, 2017).

¹²Video: Someone Like Me Can Do This (Legal Filmworks Unlimited), vimeo.com/180668463 (last visited Mar. 29, 2017).

¹³Samuel King, *Justice Sotomayor Meets with Local Latino Students*, Fox 9 (Oct. 18, 2016), www.fox9.com/news/212297314-story.