



Hon. Jack B. Weinstein

Senior U.S. District Judge for the Eastern District of New York

by Edward J. Rymsza



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On a chilly, February day, Senior U.S. District Judge Jack Weinstein left the comfort of his intimate chambers on the 14th floor of the U.S. Courthouse in Brooklyn to venture into another, less comfortable part of the borough: the often violent and drug-infested world of the Louis Armstrong housing project in the Bedford-Stuyvesant section. On this particular day, without any fanfare, Judge Weinstein visited this housing project, long known as one of the most treacherous parts of New York City, for the simple purpose of assisting him in sentencing several defendants charged in a multidefendant drug conspiracy. On his own accord, Judge Weinstein wanted to get to know the young men he was about to sentence, all of whom were a product of that dangerous and abusive environment, and the effect those surroundings had on them.

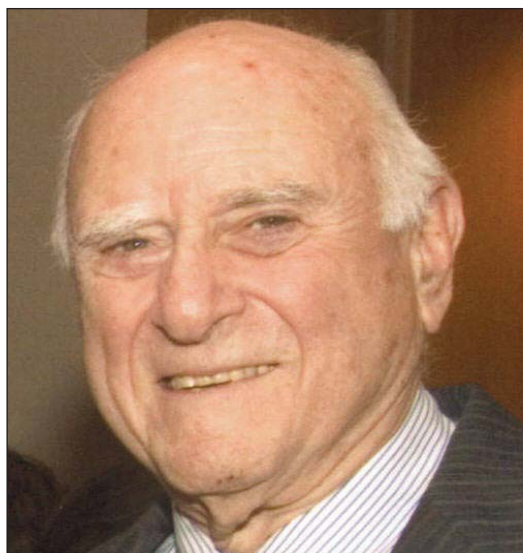
This unconventional and thoughtful undertaking, virtually unheard of among jurists, is hardly a novelty for the judge who wears a business suit in the courtroom instead of the traditional black robe and who prefers sitting at a conference table with the parties instead of peering down from the judge's bench.

To call Senior U.S. District Judge Jack Weinstein a legend is an understatement; for almost half a century, he has long been considered one of the most brilliant, innovative, and thoughtful judges in the entire country.

Jack Weinstein was born in Wichita, Kan., on Aug. 10, 1921. At age 5, Weinstein and his family moved to Brooklyn—and he has left his indelible mark there and across this country for the past 90 years. Weinstein graduated from Abraham Lincoln High School in Coney Island in 1939. During the Great Depression, to help his family, he worked at the freight yard during the day and attended Brooklyn College, part of the City University of New York system, at night.

He received his bachelor's degree from Brooklyn College in 1942. While there, he met his future wife, Evelyn Horowitz, to whom he was later married for more than 60 years until her death in 2012. They raised three children.

During World War II, Weinstein served as a lieu-



tenant in the U.S. Navy from 1943 to 1946. He served as a deck officer and radar equipment officer on board the submarine USS Jallao, where he saw action in the South Pacific. After the war, in the fall of 1946, Weinstein enrolled in Columbia Law School through the benefit of the GI Bill. He graduated in 1948 and has maintained a close and lifelong affiliation with his alma mater. From 1949 to 1950, Weinstein clerked for Hon. Stanley Fuld on New York State's highest court, the Court of Appeals. According to Weinstein, that experience proved to be one of the most important of his professional development and profoundly shaped his own judicial career.

After his graduation in 1948, Weinstein began teaching as an associate professor of law at Columbia Law School. He was a full professor when he was named to the Eastern District of New York bench in 1967. Even after joining the federal bench, he continued to teach at Columbia as an adjunct professor from 1967 until 1998. His love of teaching has brought him to many other law school campuses throughout his career—including Brooklyn Law School, New York University School of Law, and Harvard Law School, to name a few. Over the years, he has taught a variety of classes, including evidence, federal and state civil

procedure, criminal law, corporations, business law, and trial advocacy. A notable former evidence student of his is Supreme Court Justice Ruth Bader Ginsburg.

In addition to teaching, Weinstein had a diverse career in the practice of law. He worked in private practice for a small firm and began an association and partnership with William Rosenfeld. In that partnership, he handled a wide variety of cases, including at the trial and appellate levels. He volunteered for numerous organizations, including the Legal Aid Society criminal division and the NAACP Legal Defense Fund. At the latter, he was part of the litigation team and involved in drafting the briefs for *Brown v. Board of Education*.

Weinstein also worked for numerous governmental bodies. From 1952 to 1954, he was special counsel to the New York Joint Legislative Committee on Motor Vehicle Problems, where he helped redraft the New York motor vehicle laws. During that time, he also worked as counsel for New York Sen. Seymour Halpern and as a research assistant for the New York Senate. From 1954 to 1958, Weinstein worked as a consultant and reporter for the New York Temporary Commission on Courts, also known as the Tweed Commission. That commission was responsible for the procedural reform of the entire New York judicial system. From 1963 to 1965, Weinstein served as county attorney for Nassau County, N.Y., he oversaw a large staff of attorneys who represented various county departments, including the police and social service agencies.

On Jan. 16, 1967, at the recommendation of then Sen. Robert F. Kennedy, Weinstein was nominated by President Lyndon B. Johnson to the U.S. District Court for the Eastern District of New York. Both New York senators, Kennedy and Jacob K. Javits, accompanied Weinstein to his Senate confirmation hearing. Judge Weinstein recalls he was asked a single question: "Professor Weinstein, did you have a pleasant trip to Washington?" He was confirmed shortly thereafter by the Senate on April 14, 1967.

Over the past half century, Judge Weinstein has presided over thousands of cases. He has never shied away from the difficult case. When asked to identify the most challenging case he has handled over his career, he said, "It was likely the Agent Orange [mass tort litigation] cases." In that 1979 seminal class action, a lawsuit was brought on behalf of veterans of the Vietnam War who were exposed to Agent Orange, a chemical herbicide that was used to reduce foliage on the battlefields of Vietnam. Judge Weinstein presided over the multidistrict litigation. A class settlement was ultimately approved by him on the eve of trial in 1984.

In criminal cases today, Judge Weinstein remains pragmatic, intelligent, and innovative, yet compassionate and respectful of the litigants. He recognizes that sentencing individuals, while often difficult, is often "the best part of the job, because you can help people." That attitude is evidenced in his daily work.

After sentencing, rather than simply completing a

check-the-box statement of reasons, as is the norm, he writes an opinion on every case. He says that he feels compelled to write an opinion so that every criminal defendant knows the basis for the sentence he or she received and so that he can remain consistent and fair. Some of those opinions are well over 100 pages. He also videotapes every sentencing hearing. Judge Weinstein explained he does that so, in the event the case gets appealed, the circuit court can see the real-life impact the sentence has upon the defendant and the defendant's family instead of simply an impersonal, cold record. His judicial philosophy is simple: "Give everyone a fair shot, and open the courthouse doors as much as possible."

All of his notable attributes were on display at a recent evidentiary sentencing hearing in his courtroom on the 10th floor of the U.S. courthouse in Brooklyn. With the defendant who was facing a mandatory minimum sentence of 15 years sitting directly across from him, Judge Weinstein conducted the hearing seated at a conference table in the middle of his courtroom dressed in a business suit. When asked about his infamous, non-conventional attire, Judge Weinstein stated that he "does not think a robe is necessary in a democratic society." He further quipped, "No one was ever mistaken as to who the judge was in the courtroom." He did, however, confess that when his mother would come to visit, he would have the courthouse security personnel notify him so that he could quickly put on his robe to appease her.

During his storied career, Judge Weinstein has also made an immeasurable impact upon law students and lawyers alike through his legendary publication, *Weinstein's Evidence*. He has been the recipient of numerous national awards, including the Medal of Freedom from Harvard Law School, the NAACP Medal, *The National Law Journal's* Lawyer of the Year, and honorary law degrees from various schools, including Columbia and Yale law schools.

When speaking to Judge Weinstein in his corner chambers overlooking his beloved Brooklyn, it is apparent that, at 94 years of age, he shows no signs of slowing down. He goes to the gym every day, composes witty poetry on amusing topics such as Groundhog's Day, and continues to maintain just under a full court docket.

Looking back, Judge Weinstein credits his mother and father as the most influential people in his life. He credits them for his confidence, independence, and innovativeness. When asked the secret to his vigor and longevity, he reveals a simple formula: "good genes and parents and family that love you." There is no doubt he has used, and continues to use, those gifts exceptionally well. ☺