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## REMARKS DELIVERED ON THE OCCASION OF THE PRESENTATION OF THE FORDHAM STEIN AWARD TO JUDGE EDWARD WEINFELD

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# REMARKS DELIVERED ON THE OCCASION OF THE PRESENTATION OF THE FORDHAM- STEIN AWARD<sup>1</sup> TO JUDGE EDWARD WEINFELD

## Introduction

*John D. Feerick\**

The legal profession has always expected its members to adhere to a high standard of integrity and service. That standard is embodied in our Code of Professional Responsibility,<sup>2</sup> exhorted in our classrooms, and monitored by the bench and bar alike.

One decade ago, in the aftermath of a very difficult period for the conscience and reputation of the legal profession, the Fordham-Stein Award was endowed for the purpose of providing the profession and society with a sterling example of professional integrity and leadership.<sup>3</sup> The mandate was to search the profession nationwide each year and to select a person whose selfless contribution to the public good exemplified the quiet performance of thousands of others whose dedicated work adds life, vigor and substance to our democracy. Fordham Law School accepted that charge, and in each succeeding year, through a distinguished selection committee, has spent several months inviting nominations and supporting statements from attorneys and jurists throughout the land.

The criteria used by the selection committee to determine the Award recipient set a high standard. The recipient must have promoted the advancement of justice and brought credit to the profession. However, there is another criterion that I find most appropriate to the person we honor tonight. The Prize is given each year to a member of the legal profession whose work exemplifies outstanding

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\* Dean, Fordham University School of Law.

1. These remarks were delivered on November 1, 1984 on the occasion of the presentation of the Fordham-Stein Award to Judge Edward Weinfeld.

2. MODEL CODE OF PROFESSIONAL RESPONSIBILITY (1980).

3. The Fordham-Stein Award was established as a national prize to render public recognition to the positive contribution of the legal profession to American society. This prize honors individuals whose personal commitments and achievements bring credit to the profession, and thereby gratefully commends the vigilance and nobility of spirit of the bench and bar. Previous recipients include: 1976, Henry J. Friendly; 1977, Edward H. Levi; 1978, Warren E. Burger; 1979, Wade H. McCree, Jr.; 1980, Archibald Cox; 1981, Warren M. Christopher; 1982, William H. Webster; 1983, Potter Stewart.

standards of professional conduct. For more than three decades, Judge Weinfeld has, indeed, set the standard for the federal judiciary. He is, without question, one of the great judges of our time. His fourteen-hour days and six-day work-weeks are the stuff of legend at Foley Square.<sup>4</sup> His passion for work stems from his deeply held and often stated conviction that "every case is important."<sup>5</sup> His well-reasoned opinions and courteous, even-handed courtroom demeanor have won him the admiration of his colleagues on the bench and the respect of all who have presented cases before him. He has gained the special devotion of his former law clerks who extol the time spent in his chambers as the finest of legal educations. They speak with warmth and respect of his "incredible dedication" to mastering the facts of each case,<sup>6</sup> for within the facts lies the touchstone of justice.

Judge Weinfeld's former clerks—many of whom are now respected and influential members of the legal community in their own rights—manifested their great admiration and affection for the Judge by endowing a chair in his honor at his alma mater, the New York University School of Law. The first occupant of that chair is with us tonight, the distinguished dean of that law school, Norman Redlich. Dean Redlich, although I am still a relative newcomer to the company of law school deans, in just two years I have come to understand the immense pride you must feel in an alumnus such as Judge Weinfeld. It is a pride in which all of us in the legal profession are privileged to share.

To quote your tribute to him on the occasion of the dedication of the 1980 volume of the Annual Survey of American Law, he is "a person of unquestioned integrity, calmness under pressure, sensitivity to personal relationships, and uncommonly good judgment."<sup>7</sup> In reviewing Judge Weinfeld's long and legendary career, it is clear to me that he is a person who has found his place in our world. His roots are in New York City; a product of the lower east side and the city's fine public schools. He was practicing law by the age of twenty-one. He distinguished himself in the 1938 New York State Constitutional Convention<sup>8</sup> and did pioneer work in New York State

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4. The United States District Court for the Southern District of New York is located at Foley Square in New York City.

5. *The Former Clerks to Judge Weinfeld*, N.Y.L.J., May 11, 1983, at 30, col. 1.

6. *Id.* at 1, col. 4.

7. 1980 ANN. SURV. AM. L. xii.

8. The New York State Constitutional Convention met in Albany from April 5 through August 26, 1938. The history of the 1938 Constitutional Convention

public housing during the administration of his good friend, Governor Herbert Lehman.<sup>9</sup> Yet, it is difficult to recall him as anything but the sage of the southern district—and it is impossible to imagine that fine bench without his presence. Judge Weinfeld has taken the position of district judge, and through near-total dedication to the task, he has more than filled it, he has graced it. His influence touches the judiciary throughout the United States. By honoring him tonight we send a message to those in and outside the legal profession that it is his version of success that we value: quiet devotion to the administration of justice.

I have said that Judge Weinfeld's dedication is "near-total." It should be noted that his passion for the law is not quite all-consuming. He does take pleasure in other things, such as long, brisk walks across the Brooklyn Bridge in weather that would wither most other people. Now past his eightieth year, he still enjoys a Saturday morning game of tennis—before going to his chambers to begin the day's work, of course. Far more important than any diversion is the special place reserved for his family—his wife, Lillian, and his children, Ann and Fern. The lion's share of his love, if not always the majority of his time, belongs to them. We in the legal community thank them for their graciousness in sharing him with us. In fact, we must thank Mrs. Weinfeld for enhancing our community in her own right. Rarely do his former law clerks speak of Judge Weinfeld alone. Without exception, they warmly recall the family-like affection they enjoyed with the Judge and Mrs. Weinfeld.

On October 24, 1984, Justice Sandra Day O'Connor of the Supreme Court of the United States honored us at Fordham Law School by attending the dedication ceremonies of the school's new wing. In her thoughtful address, she reminded us that the law is a

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and its proposed amendments is available in the REPORTS OF THE N.Y. STATE CONSTITUTIONAL CONVENTION, 1938, vols. 1-12. The debates and proceedings of the Convention are available in N.Y. STATE RECORD, JOURNAL AND DOCUMENTS, 1938, vols. 1-5.

9. Judge Weinfeld was New York State Housing Commissioner from 1939 to 1942. See 1980 ANN. SURV. AM. L. ix. In 1939, the New York State Legislature enacted the Public Housing Law, L. 1939, ch. 808 (current version at N.Y. PUB. HOUS. LAW §§ 1-228 (McKinney 1955 & Supp. 1984-1985)). See also STATE OF N.Y., PUBLIC PAPERS OF GOVERNOR HERBERT H. LEHMAN 27-28 (1939). Governor Lehman's Annual Message to the Legislature on January 4, 1939, described the state's new long-range housing plan. This plan was expressed in the new constitutional provisions which granted the state and its subdivisions "broad and effective financial powers which enable[d] them to build decent homes for families of low income, and to clear, replan and reconstruct slum areas." *Id.*

social profession, one in which moral imperatives must be as compelling as legal precedent and in which technical expertise is an unworthy goal if not linked with true sensitivity to human needs.<sup>10</sup> Judge Weinfeld has never lost sight of the social aspect of our profession. His actions on the bench are always human and humane. He has insisted that society is served best when judges simply work fairly and diligently to resolve conflicts between individuals. For thirty-four years he has done exactly that—and he has done it impeccably well. As Justice William J. Brennan, Jr. remarked on the occasion of the dedication of the Edward Weinfeld Chair at the New York University Law School:

I can assure you that these descriptions of Judge Weinfeld are enthusiastically shared by the members of the Supreme Court of the United States. We must forever be grateful and in his debt for having lived greatly in the law. For he has left indelible marks of progress in the shaping of the law toward the service of human needs and aspirations.<sup>11</sup>

I am proud to present to you, Judge Weinfeld, the 1984 Fordham-Stein Award.

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10. N.Y. Times, Oct. 25, 1984, at B4, col. 4.

11. Unpublished remarks made on May 12, 1983 (available at New York University School of Law, Development Office).