In Memoriam

The Eulogy Delivered
By Schnader Chairman David Smith
At the Services for Jerome J. Shestack
On August 21, 2011

A few hours after Jerry died, there was a spectacular thunderstorm, with lightning flashes that more than equaled the finale of any fireworks display. My wife, Gayle, turned to me and said: "Jerry's already making waves in heaven." It was a comforting thought.

We have all seen the obituaries evidencing confusion about Jerry's age. You can't blame the press. There has long been confusion about Jerry's age, even within the Shestack family. For example, it has to be 10 or more years ago that his wife, Marciarose, called me late at night a few weeks before Jerry's birthday and asked: "Do you remember that birthday party you and Gayle gave Jerry? What year was it and how old did we say he was?"

For the record, Jerry turned 88 this past Feb. 11.

There is a short documentary about Jerry on Youtube that was made in 2008 when Jerry received the Gruber Justice Prize. In the documentary, Jerry quotes John Barrymore: "A man is not old until regrets take the place of dreams."

Jerry was never old. As recently as last Thursday, Jerry was talking about returning to work at Schnader to create a new program to mentor yet another generation of young lawyers.

The pursuit of justice

Jerry identified as the guiding principle of his life the biblical command: Tzedek, tzedek tir dof. Justice, justice shall you pursue.

Robert Kennedy observed in a speech in 1966: "The future does not belong to those who are content with today, apathetic toward common problems and their fellow man alike, timid and fearful in the face of new ideas and bold projects. Rather it will belong to those who can blend vision, reason and courage in a personal commitment to the ideals and great enterprises of American Society. Our future may lie beyond our vision, but it is not completely beyond our control. It is the shaping impulse of America that neither fate nor nature nor the irresistible tides of history, but the work of our own hands, matched to reason and principle, that will determine our destiny. There is pride in that, even arrogance, but there is also experience and truth. In any event, it is the only way we can live."

That, I think, is a fitting description of Jerry's long and distinguished career. (Actually, I think Jerry would prefer one of Friday's headlines: Jerry's long and "legendary" career.)

The list of Jerry's efforts to right wrongs is well known and too long to recite here. The list includes:
• Admission of women to Harvard Law School, while still a student there. His pursuit of women's rights continued throughout his career.
• Admission of Blacks to Louisiana State University Law School, where he taught right after graduating from Harvard Law School.
• Overcoming resistance to United States Supreme Court integration orders through the creation of the Lawyers' Committee for Civil Rights Under Law and his service as the Lawyers' Committee's first executive director while continuing to practice law at the Schnader firm. (The front page of the Lawyers' Committee web site has been redone to honor Jerry.)
• Focusing the attention of the world on the plight of political prisoners such as Andre Sakharov and Nelson Mandela and the formation of a United Nations working group to investigate disappearances under repressive regimes while serving as the U.S. Ambassador to the United Nations Commission on Human Rights.
• His leadership of the ABA Section on Individual Rights and Responsibilities, the International League for Human Rights, Lawyers Committee for Human Rights, Amnesty International and others.

I have left out the presidency of the American Bar Association and Jerry's deep involvement in federal judicial selection, his efforts in the world Jewish community, such as his presidency of this synagogue and his stewardship of the Jewish Publication Society, and other secular activities such as the presidency of the American Poetry Society.

Was he really only 88?

A mentor to all

What I really want to discuss today is Jerry as a mentor. That topic is near and dear to my heart, as a long-time beneficiary of Jerry's mentoring efforts. And I would be willing to bet that a super-majority of those in this room would similarly self-identify as beneficiaries of Jerry's mentorship. Even more than his many named achievements, Jerry's passion for mentorship will be his true legacy.

A few years ago, Jerry wrote an article that was published in the Stetson Law Review titled Pursuit of the Good Life in Professionalism. The article might just as well have been titled "The Shestack Guide to Mentorship of Young Lawyers." In it, he advocates the adoption of personal "standards to which all of us can aspire and which most of us can achieve, if the necessary commitment is made."

Jerry's called his first standard the "craft tradition." He says: "To be happy in our profession requires one to regard lawyering as a profession. ... To be sure, comfort, even affluence, is something we all want. But if that is all there is, and all we gain, I believe it ultimately provides very little satisfaction ...."

"Satisfaction in our profession comes from viewing our practice as a calling that elicits ideals, pride, and ethical responsibility; a profession with a craft tradition that shapes our work with balance and precision, hewn to purpose; a profession that values dispassionate analysis and
embraces civility and elegance, rejects sloppiness and flaw, employs self-discipline and sets limits, even upon the fierce desire to win.

"A tradition that understands that one apt word or phrase can clarify an issue or avoid a calamity, or convert contention into consensus. A tradition that savor the fine tuning, the feeling of rightness – a tradition that has ideals, pride, nobility, guts and honor."

Those of us who had the privilege of working with and being mentored by Jerry in the practice of law can attest to many long nights and weekends working side-by-side with Jerry (no one working with Jerry could ever work harder than he worked), mastering the facts, honing arguments, perfecting the logic, shortening sentences, finding just the right words and phrases to present a client's cause - and the enormous satisfaction that comes from doing that to the best of our abilities.

Jerry's second standard is called "Being Involved in the Human Struggle" that underlies each of our engagements.

He says: "The melding of human concerns with the law is part of the worthwhileness and joy of our profession." Jerry was not just a gladiator for his clients' causes. He was a trusted friend and advisor – as well as a world-class gladiator.

The third standard is "a commitment to justice and the rule of law."

Jerry explained: "Justice protects liberty and human rights; it advances equality, fairness, and a civil society. Justice is the fundamental end of a democratic society. Lawyers, above all, have the opportunity to make a limping legal structure work for justice, secure an independent judiciary, champion our nation's liberties and be part of the struggle to advance human worth and dignity."

Jerry's mentor Bernie Segal called that "the higher calling of the law." Jerry lived that higher calling every day of his adult life.

And finally, Jerry's fourth element is pro bono service.

As Jerry put it: "a life that is not involved in some manner of correcting injustice, by alleviating suffering or aiding the desperate or needy, lacks a crucial element for a fulfilling life."

Kindness that lingers a lifetime

Jerry's passion for mentoring went well beyond the legal profession.

It began with his family, where he and Marciarose mentored one another for more than 60 years, each counseling the other and editing one another's speeches and presentations, and Jonathan and Jennifer, both of whom have found fulfilling careers and rewarding family lives that made Jerry very proud.
It also included an extended family comprised of Jerry's mentees and their families. I want to conclude with an excerpt of an e-mail my daughter Rachel sent me when I told her Monday night that Jerry would not regain his health. Rachel wanted me to pass it on to Jerry, but this will have to substitute for that. She wrote:

"I'm hoping you can pass on some of what I want to say.

"Jerry made me believe I was magical when I was a kid. Whether it was showing me off at the Seders by having me do portions in Hebrew, or quizzing me at break-fast on Yom Kippur, he was always there to reinforce for me that exercising my mind and investing in my intellect was a constant process, and that those around me would nurture and support me.'

"I will forever be grateful for his "support" during the Friday night service for my bat mitzvah. Sitting in the back, covering his mouth, and chanting my solo loud enough to drown out the shakiness in my own voice, until he was convinced I could handle it on my own. He redefined for me what it means to be Jewish - his pride in my education inspired my own pride.

"I looked forward each year [on Rosh Hashanah] to the moment when he would come by and say he had a seat next to him, and would I like to come sit with him. It wasn't really Rosh Hashanah until I got to sit with him. He is also the one who modeled for me the difference between dogma and spirituality.

"He is, to some extent, my Rabbi Hillel, and I am forever grateful for the time and attention he lavished on me.”

Jerry, you will be sorely missed.