

# Justin Vigdor

## A Life Dedicated to Making a Difference

By Rosemary C. Byrne

As described by his colleagues and friends in the New York bar and the Rochester community, Justin L. Vigdor is, among other things, “a Renaissance man,” “an innovator,” “a volunteer extraordinaire,” “an indefatigable leader,” “a model of integrity,” “an extraordinary mediator and negotiator,” “a visionary,” “tenacious,” indeed, “the role model for attorneys everywhere.”

Recipient of the New York Bar Foundation’s Lifetime Achievement Award in January 2014, Justin has been showered throughout his 60-year career with honors, awards and accolades for his inspiring service to his home town of Rochester and his contributions to the legal profession in New York and nationally. I recently had the honor and pleasure of spending time with Justin at his office in Rochester to discuss the *life* which gave rise to that award and just a few of the many *contributions and achievements* which earned those accolades.<sup>1</sup>

### Taking on Challenges at an Early Age

Born in the Bronx, the older son of a lawyer, who had studied law by night and worked in real estate and insurance sales by day, and a stay-at-home mom, Justin’s path to the bar was forged by a set of unexpected circumstances and serendipitous events. As a high school student he showed an aptitude for writing and analytic skills and thought being a lawyer was an “exciting and rewarding thing to do.” During Justin’s second year of undergraduate study at New York University his solo-practitioner father became ill and Justin began going to his office in an effort to keep the practice alive. Fortunately, the LSAT’s were introduced that year and St. John’s Law School initiated a program which permitted those with high LSAT scores to begin legal study after just two years of college. Justin seized the opportunity.

As one of a small minority of Jewish students at St. John’s in the late 1940s, he recalls feeling a bit “like a square peg in a round hole.” Nonetheless, he became President of the Student Body and a law review editor. The latter honor was afforded notwithstanding a “difference of opinion” with the then Dean over his law review case comment criticizing the activities of a Catholic priest and the result in *Terminiello v. City of Chicago*, 337 U.S. 1 (1949). In *Terminiello* the Supreme Court reversed the priest’s conviction on charges of inciting a riot (which had been affirmed by both the District and Circuit Courts) and held that the “breach of peace” ordinance of the City of Chicago (which banned certain types of speech) was unconstitutional. Justin took the opportunity to say and do what he thought was right, a pattern he would repeat throughout his career. He respectfully declined to change the thrust of his comment. He recalls fondly that “an agreeable compromise”

was reached when the Dean judiciously called upon Hon. Milton Mollen (Ret.), then a third year student, to assist.

After receiving a fellowship and an LLM from NYU Law School following graduation from St. John’s, Justin joined the Army and became a member of the Judge Advocate General Corps just after the 1951 enactment of the Uniform Code of Military Justice. He was one of the team of trailblazing JAG attorneys who argued appeals in the newly created Court of Military Appeals. Justin points proudly to the fact that the team “established precedent with virtually every case...[and] really helped to create a jurisprudence” for military criminal trials. Through their efforts, he noted, the Court of Military Appeals adopted a “Miranda” type rule and other procedures governing the admission of confessions years before the U.S. Supreme Court decisions affording such protections.

Justin became something of a trail blazer again when as “a young lawyer from the Bronx” with experience practicing in Washington, D.C., he opted to begin his career in Rochester, NY. Having decided he did not want to practice in New York City and, even though “he had probably never been north of Yonkers,” he researched other alternatives in New York (where he was admitted to practice) and narrowed his choices to Syracuse and Rochester. Still in the service, he was able to “catch a ride on a military transport,” briefly visit both cities for interviews and decided that he and his wife would move to the city of the firm which sent him the first offer. MacFarlane & Harris was first to respond and so began a 60-year “love affair” with the city of Rochester.

### A Lifetime of Service to the Bar and the Community

As we began, I shared with Justin some of the previously mentioned descriptions gleaned from his colleagues and asked how *he* would describe Justin Vigdor. From his reply it quickly became clear we should add “self-effacing” to the list:

I am so flattered [by those comments]. I don’t know to whom you’ve been talking, but obviously to people whose judgment is overly generous. I am a person who has had a very rewarding career over a number of decades. I love the bar. I love the law. I enjoy working with people. From the time I was a young person, even in early high school, I was involved in activities of all kinds, and I always felt I could and should make some sort of contribution. And I just continued that throughout my legal career. I don’t want to be banal

or trite, but I do believe you get as much as you give.... Life goes by so very quickly. If you have the opportunity to make a difference...it's an opportunity not to be wasted. I've always felt I would take such opportunities.

The following small sampling of the programs that Justin has helped to initiate and shepherd to success during his career demonstrates that he has, indeed, seized those opportunities and capitalized upon them. In so doing, he has made a difference in the lives of scores of members of the legal profession and residents of his Rochester community.

### **Establishing the AI Sigl Community of Agencies**

At the suggestion of a partner at his firm, as a young lawyer, new to Rochester, Justin joined the board of the Day Care Training Center for Handicapped Children (subsequently named the Mary Cariola Children's Center) and soon became its president. At that point its mission was to ensure that education would be available to children with developmental disabilities who were not then admitted to public schools.

In 1962, working with representatives of six other agencies that provided human services to various categories of disabled adults and children, Justin expanded that mission and spearheaded the effort to co-locate the agencies and thereby coordinate and facilitate the delivery of services to special needs populations. The concept was met with strong resistance from existing, well-established Rochester charities which instead urged the various providers to merge and sought to use the "power of the purse" and principles of "*noblesse oblige*" to control the extent, nature and delivery of services to those in need in the Rochester community. Resisting the efforts to force a merger, and with Justin's guidance and leadership, the coalition developed a plan not to merge but to bring the agencies together under one roof (the site of an abandoned psychiatric center purchased for \$1 from the State) with shared services. Justin was one of the leaders in the effort to raise the capital to make the plan a reality, despite efforts of some in the Rochester charitable community to discour-

## **Highlights of a Lifetime of Service and Achievement**

Recipient—New York State Bar Foundation Lifetime Achievement Award (2014)  
President—New York State Bar Association (1985)  
President—New York State Bar Foundation  
President - Monroe County Bar Association (1977)  
President—Monroe County Bar Foundation  
Spearheaded creation of NYSBA Senior Lawyers Section & First Section Chair (2009 – 2011)  
Chairman of the Board—Rochester Fringe Arts Festival  
Member—New York State Bar House of Delegates  
Member—American Bar Association House of Delegates (1984-1996)  
Life Fellow—New York State Bar Foundation & American Bar Foundation  
Founder & First Chair of the IOLA Fund  
Official Referee of the New York State Commission on Judicial Conduct  
New York State Uniform Law Commissioner (1 of 5)  
Life Member—National Conference of Commissioners on Uniform Laws  
Past President & Director of AAA of New York State  
Past President—AI Sigl Community of Agencies  
Past Chair—Partners Foundation of AI Sigl Community of Agencies  
Numerous Community Service Awards, including Rodenbeck Award for Service to the Community and Legal Profession, Nathaniel Award for Community Service and Professional Accomplishments  
First recipient of "Justin L. Vigdor Senior Lawyer Award" created by Monroe County Bar Association

age or derail the project. The result was the AI Sigl Center, which as "the AI Sigl Community of Agencies" now includes six member agencies and several affiliated human service organizations that provide services on six campuses to over 55,000 Rochester adults and children with special needs and disabilities.

Justin's description of why he undertook the challenge provides a window into the measure of the man:

RB: You were a young lawyer, starting in a practice, relatively new to Rochester, with a wife and small children to support. You might have opted to focus on yourself and your business. Why would you choose to challenge the Rochester establishment?

JV: Well, at that time...it became clear to me that it was important...and that [the establishment charities] were really being

obstructionist and that they were not acting in the interests of the people who needed [help], that they were acting in their own established ways of thinking that whatever we say is right and whatever we do is right....

I was interested in this. When I get interested in something and I believe in it, I'm not going to walk away if people become obstructionist. I will see if I can find a way around it.... [T]here are some people who can think of a thousand reasons why something cannot be done. And other people who can think of one reason of how you can do something.... It's so easy to say you can't do it, it shouldn't be done, it can't be done. If it's worth doing you try to find ways of doing it.

### **Developing the Telesca Center for Justice**

As President of the Monroe County Bar Association in the late 1970s, Justin began an effort to apply the concepts developed for the Sigl Center to the delivery of civil legal services in Rochester. As it emerged over time, the idea was to co-locate the four major service providers—the Empire Justice Center, the Legal Aid Society, Monroe County Legal Assistance Center and the Volunteer Legal Services Project—in a single building, also housing the Monroe County Bar Association and the Foundation of the Monroe County Bar, in the heart of downtown Rochester. The service providers would benefit from economies of scale and staff. Their clients would have easy access to the services they needed in a single location close to the courthouse rather than seeking help from “agencies that were scattered all over town” and often difficult to reach. The mission of the project—enhancing the delivery of civil legal services to Rochester residents—was enthusiastically received. Converting the idea to a reality, confronting the problems of lease expirations, geography, funding, as well as finding affordable space and convincing Boards comprised mostly of lawyers of the benefits of the project would require nothing short of logistical and legal wizardry.

It took almost two decades for the stars to align and for Justin (with the help of many others) to do his magic. The Monroe County Bar Association, the Foundation of the Monroe County Bar and the four service providers agreed to co-locate and to renegotiate their leases to a common expiration date. With Justin's leadership and skills of persuasion and negotiation, they came to an agreement all parties could accept.

With the “legal” structure in place, there remained the challenge of paying for the build out, moving costs and other expenses and assurances required for long term below market rate leases at the new location. Justin went from negotiator to fundraiser as Chair of the Partnership for Equal Justice. The result—a campaign that had an

original goal of \$1.2 million has raised almost \$2.4 million. The Telesca Center has now become a national model, recipient of the ABA Harrison Tweed Award in 2008 and other awards for innovations in fundraising and the delivery of legal services.

The project took several years of Justin's time and energy. Once again the inquiry was “why did you do it?” and the response was yet another reason to engage in a life of community service:

Well, I did it because I honestly believed it was worthwhile. It was something we had been talking about for years and years. And to me it was manifestly clear that such a center would be a great value to the legal community and to the nonlegal community and to the needy, the public in need of legal services. And it was very clear that it was just worth doing and we had some momentum and we just kept pushing with it.

### **Founding the NYSBA Senior Lawyers Section**

Justin may well be considered the “founding father” of the NYSBA Senior Lawyers Section. In June of 2006, then NYSBA president Mark Alcott tapped Justin to chair a newly created Special Committee on Senior Lawyers. President Alcott charged the Committee with providing “opportunities to utilize the expertise of senior lawyers,” developing programs and services to enhance their professional growth (including career transitions, pro bono activities and networking), as well as their quality of life and professional, financial and retirement planning and “acting as a voice of senior lawyers within the Association and the Community.” The Committee was also asked to examine whether it should recommend the creation of a Senior Lawyers Section.

As part of its initial work, in the Fall of 2007 with Justin at the helm, the Committee conducted a massive survey of almost 16,000 attorneys, over the age of 50, regarding attitudes toward retirement, planning and preparation for retirement, viewpoints on community service and pro bono work, the efficacy of a Section dedicated to the needs of senior lawyers and what services these “seasoned lawyers” might want from such a Section. Almost 2,300 responses were received and tabulated.

The result was one of the most far-reaching and comprehensive studies and reports on the attitudes of senior lawyers toward their work, retirement and other personal and life planning issues done to date.<sup>2</sup>

Having received the analysis and recommendations set forth in the Special Committee Report, in November, 2008, the NYSBA House of Delegates approved the creation of a Section dedicated exclusively to the needs and interests of senior lawyers—one of the first of its kind in the country. Justin was named its first chair. Today, the Senior Lawyers Section is one of the fastest growing sections of the NYSBA

and over 2,000 members enjoy its meetings, CLE programs and this very magazine.

Justin underscored the need and value of the Section:

I was aware of the demographics of the bar, the fact that people were getting older, that we had a whole generation now that are baby boomers....

I think the need [for] the Section was twofold. One, it was a need on the part of the [NYSBA] itself to keep senior lawyers active, dues paying, involved members, who could contribute in one way or another to the profession, rather than drifting off because they were drifting off from their practices. So that's the association benefit.

The lawyer benefit is that there are a number of issues and services that seniors could benefit from that the association could [address] or help provide. Things like discrimination against elders, mandatory retirement issues, travel and recreation, opportunities and knowledge about pro bono—many of the things that the Senior Lawyers Section does today—articles about [seniors'] personal investments, their own personal estate planning, their own personal retirement planning...and I thought that that was something that really didn't exist in a package. There was some here, maybe some there and some somewhere else. But to bring them together in one package for the senior lawyer, I thought, had value.

## Launching the Rochester Fringe Festival

In 2010, at an age when most attorneys are rejecting anything “on the fringe” and are actually contemplating traditional retirement, Justin took on a new challenge. He agreed to spearhead an effort to develop the initial First Niagara Fringe Festival, an idea proposed by University of Rochester President Joel Seligman. A self-described “all-out, no holds-barred, multidisciplinary visual and performing arts festival,” the Fringe was seen as a way to build on Rochester's rich cultural history and infrastructure and to revitalize the City.

Justin, who admits he's “a guy who can't sing, can't dance, can't act, can't play an instrument,” was asked to head a group whose members do all those things. Once again, he helped turn an idea into a reality! Bringing together several of Rochester's cultural and educational institutions, as well as philanthropic organizations and government representatives, in 2012 under Justin's leadership as Chairman of the Board, the not-for-profit Fringe Festival had its debut. Over 32,000 people enjoyed a five-day festival featuring more than 120 productions. One year

later, the Fringe doubled its length and offered the 50,000 attendees 360 performances in 28 Rochester venues. This year, over ten days the Fringe will present 380 shows, of which approximately 125 (plus a number of outdoor performances) are absolutely free.

Earlier this year the Fringe was one of five recipients of the Rochester Community Champions Award given to organizations and individuals that inspire others to make Rochester “a great place to live and work.”

Although Justin clearly believes the Festival will benefit the community and “improve the vibrancy and viability of the downtown,” his motivation for undertaking this project is also somewhat more personal. For Justin, working on the Fringe is “something new and challenging;” it's “rejuvenating.” But it was the word “fun” which permeated Justin's discussion of his involvement in the Fringe. The years almost slipped away as Justin gleefully described the “food truck rodeo” at which Board members would evaluate the food trucks, decide which to invite and where to put them during the festival.

Yet, it is equally clear that “it's not all fun” and Justin's responsibilities are not purely ceremonial. In a city with scores of community groups and cultural activities competing for grants and philanthropy, Justin admits that the challenge of continuing to finance the Festival is one of his greatest concerns.

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For Justin, his work and success on these four projects, the earliest of which he began as a lawyer in his twenties and the latest of which he initiated almost six decades later, are among his greatest professional accomplishments. His wife of 62 years, Louise, and his closely knit family of four children and eight grandchildren (ranging in age from 8 to 32), and a first great-grandchild on the way, are his personal joy.

Our discussion returned to motivation. Noting that Justin's 60+ years of service to the Rochester community, as well as to the bar and the legal profession, made him “a model of community service,” I asked if he could shed light on, or explain, the source of this dedication to volunteerism and giving back.

Chastising me for being too flattering because he was really “not that noteworthy,” Justin explained:

Although I don't see myself as particularly religious, or observant, and I'm certainly not a student of Torah or Talmud, one of my guiding principles comes from the ancient Jewish tradition of commitment—*Tikkun Olam*. Roughly translated “Repair the World.”

The thought is that human beings are living in an imperfect world and must do whatever they can to repair the world... and that human beings are obliged to do something, if they can do something,

about all of the things that they see around them—the needs, the poverty, the illness, the disarray.... It certainly isn't going to do the job. We cannot fix all the problems. We cannot eliminate disease and poverty. But if *you are able* to do something to help, *you should* do something to help. And that something can be a variety of things. It can be contributing time, contributing money, contributing counsel, [or] educating others about the need to do that...

I believe that as lawyers, as people, our job is to do whatever we can to make this world a better place. I guess you could say that I have carried this precept, this value, with me throughout my life.

Working to assist the developmentally disabled, facilitating access to civil legal services for Rochester residents, spearheading a program to provide options and opportunities for his colleagues in the NY bar as they mature in their careers and in their lives, and overseeing an arts festival helping to revitalize Rochester's downtown for the "fun" of it, might not be considered *pro bono* activities under New York rules. Perhaps they should, but that is a debate for another time and another forum. They are all, however, the essence of making a difference, making the

world a better place—Tikkun Olam—the lifeblood of Justin Vigdor.

Justin is clearly a senior lawyer who has made a difference. As one of his former partners eloquently put it, "Justin's life is not measured in chronology, but in accomplishments." By that measure, Justin Vigdor is certainly more than an octogenarian. Indeed, he may well be ageless!

### Endnotes

1. Although there is insufficient space in these pages to discuss in detail Justin's remarkable list of honors and contributions, a sampling of them is included in the accompanying side bar.
2. New York State Bar Association, 2008 Senior Attorney Survey, Perspectives on the Seasoned Attorney (the "Special Committee Report").

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## About the Senior Lawyers Section

As people are living and working longer, the definition of what it means to be a senior continues to evolve. The demographics affect us all, including lawyers. In July of 2006, the New York State Bar Association formed a special committee to recognize such lawyers and the unique issues that they face. As the result of the work of this committee, the House of Delegates approved creation of the first Senior Lawyers Section of the New York State Bar Association.

Lawyers who are age 55 or older have valuable experience, talents, and interests. Many such senior lawyers are considering or have already decided whether to continue to pursue their full-time legal careers or whether to transition to a new position, a reduced time commitment at their current position and/or retirement from a full-time legal career. Accordingly, the Senior Lawyers Section is charged with the mission of:

- Providing opportunities to senior lawyers to continue and maintain their legal careers as well as to utilize their expertise in such activities as delivering pro bono and civic service, mentoring younger lawyers, serving on boards of directors for business and charitable organizations, and lecturing and writing;
- Providing programs and services in matters such as job opportunities; CLE programs; seminars and lectures; career transition counseling; pro bono training; networking and social activities; recreational, travel and other programs designed to improve the quality of life of senior lawyers; and professional, financial and retirement planning; and
- Acting as a voice of senior lawyers within the Association and the community.

**To join this NYSBA Section, go to [www.nysba.org/SLS](http://www.nysba.org/SLS) or call (518) 463-3200.**