

Goodbye, My Friend

BY ROY SIMON

With the passing of Lazar Emanuel, I have lost a dear friend, a valued advisor, a skilled editor, and an irreplaceable role model. As a tribute to Lazar, I will briefly recount the history of NYPRR, which meant so much to him and which contributed so much to the New York legal ethics community.

One day in December of 1997, while I was sitting in my office at Hofstra, Lazar Emanuel called me. The call came completely out of the blue. I did not know who he was and had never spoken to him before.

Lazar told me he had an idea. He wanted to start a newsletter dedicated to covering professional responsibility matters for lawyers who practice in New York. I had published the first edition of Simon's New York Code of Professional Responsibility Annotated a couple of years earlier and was teaching Lawyers' Ethics at Hofstra every year, so I was immediately interested. But I warned him that a newsletter on legal ethics might be a hard sell. A professor in Detroit had started a newsletter a few years earlier and it lasted exactly one issue. The only legal ethics newsletter that had shown any staying power was the ABA/BNA Lawyers Manual on Professional Conduct Current Reports, which had the vast financial and editorial resources of the ABA and BNA behind it.

Lazar was undaunted. We exchanged a few ideas by email, then set up a meeting at Lazar's offices in Larchmont in January of 1998.

Lazar was a gentleman to his core, and had a striking appearance, with neatly combed white hair. He greeted me cordially, then ushered me into a conference room to show me a mock-up of his proposed newsletter. The copy where the articles should have been was some strange Latin writing, which Lazar said was a publishing industry convention for mock-ups. The only part that was legible was the name of the publication. "I've decided on the name," he said. "It will be called New York Professional Responsibility Report."

After some discussion about how to market the newsletter, we went to lunch and Lazar told me about his long and varied career. He had worked as a lawyer for many years as a founding partner of the highly regarded intellectual property firm of Cowan, Liebowitz & Latman, then spent some time in radio and other business pursuits. When I met him, he was involved in a number of publishing ventures (including the prolific works of his son, Steven Emanuel, author of the Emanuel Outlines and other study aids well known to law students everywhere). Lazar was also running The Highlands Company, the publisher of the Highlands Ability Battery, described on the Highlands website as "the gold standard among assessment tools measuring individual abilities." I was impressed with Lazar's work ethic, his wide ranging experience, and his confidence that NYPRR would be a success.

I signed on as Chief Editorial Advisor. My responsibilities were to suggest topics, to recruit authors, to write occasional articles myself, and to do some editing here and there. Lazar (with the able assistance of Kim Mumola and Chris O'Hara) would take care of everything else – dealing with authors, editing the articles, designing the layout, working with the printer, keeping track of subscriptions, handling the

finances, and all of the other details necessary to compose and publish a viable and reliable newsletter.

The first issue of NYPRR appeared in April of 1998, and the lead story was my article entitled, "Do I Have to Save Those Old Files?" I remember that article well because the first issue became a promotional issue, and Lazar distributed thousands of copies to New York lawyers as a way of acquainting them with NYPRR. For a few months, I was a kind of month-to-month tenant in the lead article space in NYPRR, but gradually NYPRR became a part of my life -- a regular part of my monthly routine. Lazar was the driving force behind my dedication to NYPRR.

Toward the end of every month, Lazar would send me an e-mail asking about my plans for the coming months. "What do you have up your sleeve for November?" or "What's on your mind for the June issue?" he would write. Often, I called him in response to these e-mails and we would discuss some possibilities. I would suggest a topic or two and he would always approve, encouraging me to choose whichever topic I considered the most interesting. He gave me complete freedom to write about whatever caught my fancy. And he gave me complete editorial freedom to say whatever I wanted to say. He was a great believer in freedom of speech, and not once did he attempt to sway or censor my ideas.

But Lazar was not passive. He was an active but gentle editor. If he did not understand what I said, he would correct it, or raise a question in the margin. He also reflected a strong education in the fundamentals of grammar, catching and correcting all of my grammatical mistakes, and clarifying my meaning in the process.

Often, I would call Lazar to discuss a draft I had sent him. Did he think I was too harsh on the judges who had written the opinion that was the focus of my article? Was my criticism of the Rules of Professional Conduct fair? Did the article flow properly? Was my conclusion justified? He always gave me his candid opinion. That was part of his character. He was a keen observer, and said what he thought. But his criticism was always constructive. He had critical judgment, but he was not a critical person.

Given all of Lazar's other active pursuits, he devoted a remarkable amount of time to NYPRR. He usually returned my initial draft within 24 hours--sometimes even the same day--and seldom took more than 48 hours. He also wrote dozens of articles himself. (See the excerpts from Lazar's articles elsewhere in this issue.) And he recruited many talented outstanding legal ethics authors for NYPRR, including (among others) Ron Minkoff, Hal Lieberman, Bruce Green, Jeremy Feinberg, Stephen Gillers, and Sarah Diane McShea, all of whose tributes appear in this issue. Lazar also recruited the late Stephen Krane and the late Mary Daly to write many articles for NYPRR -- and I have no doubt that they would have felt honored to write their own tributes to Lazar if they were still with us.

Despite all that he had to juggle -- not only at NYPRR but also with his family and his many other personal and professional pursuits -- Lazar was a stickler for punctuality. He published 163 issues of NYPRR over more than thirteen years, and every one of them came out on time.

Lazar was also an innovator in continuing legal education. Around 2000, Lazar successfully applied to the New York State Continuing Legal Education Board for accreditation to offer CLE credit in the Ethics and Professionalism category to readers of NYPRR. Each month, Lazar wrote twenty questions to determine whether the test taker had been paying attention while reading the issue. Writing the questions was tricky. It was probably the most difficult part of publishing the newsletter. But Lazar produced those

questions month after month after month — approximately 3,000 questions over the life of the newsletter.

Finally, Lazar was a role model for living a busy and productive life and for focusing on the highest standards. He meant a great deal to me personally. I have just retired from teaching law and am beginning the second phase of my career. Lazar showed that a person can work productively long after the usual age for retirement, and can continue to invent and innovate and create. He also showed that professional responsibility never goes out of style. Of all of the things that he did after reaching his golden years, Lazar put his greatest professional energy into elevating the ethics of lawyers. When I think of Lazar, I think of the uplifting words of Justice Frankfurter in *Schwabe v. Board of Bar Examiners*, 353 U.S. 232 (1957):

One does not have to inhale the self-adulatory bombast of after-dinner speeches to affirm that all the interests of man that are comprised under the constitutional guarantees given to 'life, liberty and property' are in the professional keeping of lawyers.... From a profession charged with such responsibilities there must be exacted those qualities of truth speaking, of a high sense of honor, of granite discretion, of the strictest observance of fiduciary responsibility, that have, throughout the centuries, been compendiously described as 'moral character.'

Lazar exemplified that moral character. It was a privilege to know and to work with him. I will miss him dearly.

Roy Simon is a Distinguished Professor of Legal Ethics Emeritus and has just published the 2012 edition of Simon's New York Rules Of Professional Conduct Annotated (available from West).

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