



For Hank Greenberg, 'Law is the bedrock of a free society'

By Joan Fucillo

Hank Greenberg always knew he would be a lawyer. Aside from an unrealistic desire to be a pro basketball player, Greenberg never wavered in his commitment. More than 30 years in the practice has increased his passion for the law and lawyering, and his belief of the importance of law – and lawyers.

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— Hank Greenberg

Greenberg. “Lawyers right wrongs, improve lives, make society better.” Few other professions afford so many “opportunities to help people in need.”

“Being a lawyer is a gift,” Greenberg said. “You are part of an impactful, consequential and influential profession. Lawyers shaped the foundations of our state and

nation. History has shown that an independent legal profession is an indispensable bulwark of a free and democratic society.” Greenberg believes that being a lawyer also comes with the civic responsibility to address issues that others cannot or will not.

Greenberg discussed the still-common misconception that because the law is the province of thinkers and requires not only see-

ing both sides of an issue but also being able to argue either side, it is all head and no heart. But, he believes, what lies at the center of the law is a passion for justice. It is the engine that impels lawyers to right wrongs and seek societal progress.

Greenberg cites Oliver Wendell Holmes, Jr., on that subject. In an 1886 lecture to college students on

the “Profession of the Law,” Holmes stated: “The law is the calling of thinkers. But to those who believe with me . . . that to know is not less than to feel, I say – and I say no longer with any doubt – that a [person] may live greatly in the law as well as elsewhere. . . that there as well as elsewhere he [or she] may wreak [themselves] upon life, may drink the bitter cup of heroism, may wear [their] heart out after the unattainable.”

Compromise: The Lawyer’s Art of the Possible

Unfairly, in recent years, the term “compromise” seems to be redefined to mean “capitulation.” Yet, Greenberg opined that the art of creating consensus or finding common ground is central to the work of lawyers – solving problems. Thus, lawyers are deeply trained in the art of compromise, which includes rigorous review of the issue at hand and the work to understand both sides. This, he added, “is essential to bringing both sides together to solve a problem.”

Greenberg bemoaned the steep decline in the number of lawyers serving in the New York State Legislature. Having fewer mem-

bers trained in the art of problem-solving and consensus-building has made it more difficult to reach agreements and resolve complex public policy questions. A legislature shackled by an inability to find common ground does not fulfill its most basic functions and does not meet the needs of the citizens it serves.

Learning Law in Literature, History

Reading is Greenberg’s main avocation. He is a history buff – a founding member of the Historical Society of the New York Courts – but his interests are wide ranging. His reading life includes fiction and nonfiction with a large dose of contemporary literature. Even reading a not-so-great book is a learning experience. If Greenberg has one piece of advice for young lawyers, it is: “Read. Read widely, read deeply. It will broaden your knowledge and make you a better lawyer.”

Moving the Needle

Greenberg spent much of his career in public service. He is a former counsel to the New York State Attorney General, general counsel for the New York State Department of Health, and federal prosecutor. Among other govern-

ment posts, he also served as a law clerk to then-Associate Judge (later Chief Judge) Judith Kaye of the New York Court of Appeals.

Greenberg is now happily settled at Greenberg Traurig in Albany (he is no relation to the Greenberg for whom the firm is named). But he still takes on government assignments. These projects require Greenberg's full skill set – passion, perseverance and pragmatism – and offer no expectation of a “win” or even a solution. But he takes the opportunity to serve and move the needle in the right direction.

In 2013, Greenberg was appointed chair of a commission to study and make recommendations regarding the Albany County Charter. When Greenberg and his colleagues started their work, they were surprised to learn that the county did not have an administrative code. Over the years, changes and additions to administrative laws were simply added to the charter. The commission's final report proposed a number of technical changes and strongly recommended a complete charter overhaul, creation of a publicly accessible administrative code, and a streamlined Albany County Legislature, which has more members than the New York City council. The county approved many of the technical changes. Greenberg's service on the commission was pro bono, and he noted that “it's remarkable how much good you can do if you're willing to work for free.”

Greenberg also has a deep interest in New York's educational system. In 2014, on the recommendation of Governor Cuomo, the State Commissioner of Education appointed Greenberg to serve as Fiscal Monitor for the troubled East Ramapo School District in Rockland County. Two years earlier, the Commissioner appointed Greenberg special investigator to conduct a complete review of the Education Department's processes for receiving, reviewing and investigating reports of alleged improprieties involving student assessments. In both investigations, Greenberg delivered reports with recommendations to the State's Board of Regents that resulted in regulatory reforms.

Lawyers Need to Educate the Public

Greenberg is concerned that “many citizens lack sufficient knowledge about constitutional norms that are the foundation upon which our democracy and justice system is built.”

“The rule of law,” he added, “is a sine qua non for ordered liberty. Without it, we will lose the freedoms that are the hallmark of our country.”

“In the absence of civic education,” said Greenberg, “a citizen is prone to dismiss the Constitution, indeed the rule of law, as unimportant.” Greenberg warned that this lack of knowledge has led to a miscomprehension of the roles of each branch of government – legislative, executive and judicial – in making, implementing and interpreting the law. It has also made the judiciary subject to political attacks and diminished respect for the law and lawyers in general.

Greenberg believes lawyers should be engaged in their communities, to weigh in on the important issues of the day and help educate

the public. “As a profession, we have to reach out to our fellow citizens, to students in high schools, and even earlier. Our system and society are not perfect by any means, but we

must be heard. The goal of our legal training is not only to become an accomplished technician, but also a person of practical wisdom and judgment devoted to the pub-

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need to help people understand what has worked for over 200 years, how the law is the bedrock of a free society. Lawyers get this intrinsically; it's in our DNA.”

“We need lawyers and their voices now more than ever,” Greenberg emphasized. “It is quintessentially our moment. The law is such a vitally important profession and the voice of lawyers

lic good. These also are the qualities of true statesmen and stateswomen, which are sorely needed in these challenging times. We must seize every opportunity to spread the word.”

Fucillo is NYSBA's senior messaging and communications specialist.

A Son of the Borscht Belt

Henry “Hank” Greenberg (he says no one ever used his given name except his mother) grew up in South Fallsburg, New York, a hamlet in Sullivan County about 90 miles north of New York City. It was a tiny community – there were only 80 or so students in his high school graduating class – but it had an outsize influence in two seemingly disparate areas: the law and entertainment.

Sullivan County was the hometown of two chief judges of the New York Court of Appeals: Lawrence H. Cooke, who served from 1979-1984, and Judith S. Kaye, who served from 1993-2008. Greenberg knew Cook and Kaye well, serving as the latter's law clerk from 1988-1990.

South Fallsburg was in the heart of the “Borscht Belt,” an enormously popular vacation destination in the decades following World War II. Each June, communities in the southern Catskills exploded with seasonal residents, tourists, and some of the biggest names in entertainment. It's a way of life that has since disappeared, but for 50 years it was the place to be for a certain population of New Yorkers.

The summer residents were largely of Eastern European descent, part of the great wave of Jewish immigration earlier in the century. They formed tight-knit communities in the New York City area, and towns and villages like South Fallsburg became their summer haven. Once school was out for the summer, entire families moved to the Catskills, often staying in the same lodgings year after year.

In the early 1980s, when Greenberg worked summers as a bellhop at the old Concord Hotel, the Borscht Belt era was fading, but he still got to help entertainers and other celebrities with their luggage. He even had his picture taken with Bob Hope. It is said to be one of only a few photographs of Greenberg swinging a golf club.