

Remarks

Shirley S. Abrahamson
Chief Justice
Wisconsin Supreme Court
P.O. Box 1688, Madison, WI 53701

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My colleagues on the bench and in the bar. Distinguished guests.

I am honored to participate in this celebration of Judge Myron Gordon, a native son of Wisconsin. Born in Kenosha, a graduate of the University of Wisconsin-Madison and the Harvard Law School (1942), he practiced law in Milwaukee from 1942 to 1950, and was a judge in Wisconsin until his retirement.

I came to know Myron Gordon in 1964 when he was a Justice of the Wisconsin Supreme Court. By that time he had been a state court judge for 14 years.

Myron became a judge in Milwaukee County Civil Court in 1950. He was 31 years old, then the youngest judge in Milwaukee County. From 1954 to 1961 he served as a Milwaukee county circuit court judge, thus serving 11 years on the trial bench in Milwaukee. At age 43 (that is, in 1961), he was elected a Justice of the Supreme Court of Wisconsin and served in that position from 1962 until 1967.

I started practice in Wisconsin in 1964 and I came to know Justice Gordon because my senior law partner—Gordon Sinykin—was a good friend of Myron's. I heard tales of Myron and would on occasion meet him with Gordon and have the opportunity to chat. Chatting with a justice was pretty heady stuff for me, a young law firm associate. Now, of course chatting with a justice is old hat for me, and I treasure days without conference.

Myron Gordon, Gordon Sinykin, and I had a bond—other than the law and in spite of our age differences. The three of us were native born Americans of Eastern European parents, not very well educated, not affluent immigrants. Our parents were committed to this country, where the Statue of Liberty said they were welcome, where the constitution said they were entitled to due process and the equal protection of the law, where they and their children could live safely, free from pogroms, where they had the right to vote, and where they had the opportunity to earn a livelihood. In America their children could be educated and have more opportunities than they ever had.

When Myron went to the University of Wisconsin the tuition was \$33 a semester, and he made his way through school by doing menial jobs—as did Gordon Sinykin. (I worked at Macy's in NYC and in the library.)

Myron Gordon lived the dream of Eastern European Jewish immigrant parents. How proud his parents must have been of his academic successes—Phi Beta Kappa, scholarships, a Masters degree, a law degree.

Myron Gordon always remembered his roots and was committed to equal justice for all. He brought to the court his rich background of family values, scholarship, culture, and learning.

When Myron Gordon was on the Supreme Court, several prominent Madisonians wanted to nominate him for membership in a private eating club that discriminated against Jews. They wanted to eliminate religious discrimination and selected Myron Gordon and Gordon Sinykin as their nominees because Myron and Gordon were above reproach. Myron understood the publicity that would ensue (which was not pleasant) and ill will that might follow (and it did). Neither he nor Gordon needed to be a member of the club—it added little if anything to their lives. But discrimination should be battled wherever it raises its head. And if Myron and Gordon were asked to lead the battle, they would do so. A small win, but every little win makes a difference. As Robert Kennedy said—“Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance. . . . Few men are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle or great intelligence.”

And Myron Gordon’s win to eliminate religious discrimination set the stage for a battle a decade later to open the same doors to women. Myron Gordon understood that we must continue to fight the good fight to open doors for all.

Justice Gordon’s first published opinion on the Supreme Court was a proceeding to construe a will, to determine whether it disposed of after-acquired property effectively. His last published opinion related to the terms upon which the State Conservation Commission could abandon condemnation proceedings.

In between these two opinions, Wisconsin Supreme Court Justice Myron Gordon authored 201 majority opinions, 15 concurring opinions and 45 dissenting opinions, participating in over 1,000 cases. Justice Gordon wrote well-researched, well-reasoned opinions.

He was well respected and admired as an excellent trial and appellate judge. That should come as no surprise. What is a surprise is that every biographical sketch of Judge Gordon describes him as a “picturesque writer.”

With a large case load and a broad spectrum of issues that come to the court, ranging from slip and fall, to divorce, to bridge construction, to worker’s compensation, to product liability, to homicide, to auto accidents, to paternity proceedings, to insurance,

just getting through the docket is a significant challenge. Writing understandable opinions is a gift. And Justice Gordon had the gift. And his opinions are often fun to read—or at least parts thereof. He would often intersperse his opinions with poetry or some literary allusion.

In a case determining the powers of the commissioner of insurance, Justice Gordon began the opinion quoting Shakespeare—“I pray for no man but myself. Grant I may never prove so fond, to trust man on his oath or bond.” Justice Gordon’s opinion continued—“The reluctance to trust one’s fellowman which Shakespeare noted . . . has given rise to the bail bond business.”

In the days of fault-based divorce, the Green Bay trial court denied a husband’s petition for a divorce. With an understanding of marriage and the trials and tribulations of life, Justice Gordon set the stage for overturning the trial court and granting the divorce with the following two sentences: “Every marriage contains a romantic story, and every contested divorce portrays a tragic one. This particular saga is an especially melancholy tale.”

In what many would consider a “dry” case involving a settlor’s release of interests to obtain federal estate tax advantage, Justice Gordon began his opinion quoting Samuel Butler—“For justice, tho’ she’s painted blind is to the weaker side inclin’d.” You know who’s going to win that one without even reading the rest of the opinion.

In a case challenging the right of district attorneys to issue arrest warrants, Justice Gordon quoted Cicero—“We are in bondage to the law in order that we may be free.”

Poetry, literature—yes. Footnotes—No! Myron Gordon once quipped that “[i]f judicial opinions had Blue Cross, they could go to the hospital and have their footnotes removed.”

In 2001, the State Bar of Wisconsin awarded Myron Gordon its Lifetime Jurist Achievement Award. He was honored by his Wisconsin lawyer colleagues as an impartial judge who could see the human factor. He was honored for independent judgment, a commitment to the rule of law, a sensitivity to civil rights, integrity, insight impartiality, fairness, and clarity and quality of written opinions. The award was well deserved and Myron Gordon was an honor to the Wisconsin bench and bar.

Myron Gordon was as demanding of himself as of others and judged himself as forthrightly. His legacy is a commitment to quality and an abiding sense of values and personal responsibility. As Rabbi Swarsensky of Madison said many years ago—“The highest ideal for a human being in our tradition is to be a Mensch—human and humane. He who fails to be that has missed the mark.” Myron Gordon hit the mark.

For his qualities as a judge and as a good human being we remember him and honor him today, with respect and affection.