

Tribute

Bankruptcy Judge Stan Bernstein, 79, Passes Away from Covid-19

By Craig D. Robins

Stan B. Bernstein, who sat in the Central Islip Bankruptcy Court from 1996 to 2007, passed away on December 26, 2020 in Atlanta due to complications from Covid-19. Judge Bernstein, who had presided over thousands of consumer and business bankruptcy cases on Long Island, was especially fond of informally talking to those attorneys who appeared before him about non-bankruptcy matters, and was well-liked.

Judge Bernstein first sat as a bankruptcy judge in the Eastern District of Michigan from 1982 to 1984 at the relatively young age of 41. Prior to taking the bench here, the Judge engaged in private practice involving big business transactions and Chapter 11 bankruptcies for several larger law firms in Michigan, California, Arizona and Massachusetts.

The Judge was also taught law for most of the 1980's at Wayne State University Law School and University of Detroit Law School. Shortly after taking the bench here, the judge became an Adjunct Professor of Law at Touro Law School and an Adjunct Associate Professor of Philosophy at Hofstra University. The Judge had a Ph.D. in political science from Harvard and taught full time for seven years before even going to law school.

Although he was very pragmatic about his approach to lawyering, and judicial efficiency and transactional costs were always key points to him, Judge Bernstein was mostly known for his unusual courtroom demeanor. While most counsel knew

very little about other judges' personal lives, the bankruptcy bar came to learn about Judge Bernstein's children, travels, political beliefs, ideology, philosophy, likes and dislikes – just from listening to the judge provide substantial “dicta” and commentary in the courtroom. On any given day, one could expect the Judge to deliver commentary on any number of subjects. His life and experiences were somewhat of an open book.

Unlike most other judges, Judge Bernstein engaged in an unusual but highly appreciated informality with those who regularly appeared before him. This was evidenced by his sincere interest in the lives of the practitioners in his Court, and his habit of routinely teasing counsel in an affectionate way.

Shortly after my son was born in 2000, he noticed I had a small picture album with me and actually grabbed it out of my hands. It contained pictures of my wife giving birth. He genuinely seemed to feel proud about the new addition. Six months later, when my wife had an engagement and I had to look after Little Max, I had no choice but to bring him to an important court hearing. Judge Bernstein insisted that Little Max, in his basinet, be placed on the Judge's desk in the front of the courtroom.

When another attorney who had been out sick for a while due to serious cardiac issues finally returned to court, the Judge took a break during pro-



ceedings to refer him to his own cardiologist. Encouraging parties in contested matters to resolve their issues in an informal environment, he often brought counsel into his chambers which many at-

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torneys found to be a treat.

Judge Bernstein was one part judge, one part father figure and one part professor/teacher. In the “parental mode” he recognized that those who regularly practiced before him were sort of like his “kids” who may get out of line or have disputes with each other. However, he took steps to gently nudge them to “bring them back in line” or persuade them to work out their differences. His passion for teaching was clearly evident in the courtroom as he strived to provide counsel with scholarly commentary on the law and political events.

Indeed, the Judge resigned from the bench in July 2007, which was two years early from his fourteen-year term. He had accepted a full professorial position at John Marshall Law School in Atlanta. He also wanted to be closer to his daughter and grandchildren who had moved there.

Some will remember that the Judge's unexpected announcement in 2007 that he was retiring, was nothing short of a bombshell, as it very closely followed then-Chief Bankruptcy Judge Melanie Cyganowski's very surprising news that she was stepping down from the bench. Thus, two of the three benches in the Central Islip Bankruptcy Court were being vacated at the same time.

In an interview in the Suffolk Lawyer then, the Judge stated, “It's no secret that I had been considering going back to teaching. My colleagues knew that I had been interviewing for a teaching position for a while.” He expressed great excitement then about his new role, where he would teach Bankruptcy Law, Sales, and Secured Transactions.

The 2005 Bankruptcy Amendment Act (BAPCPA) is a topic that the Judge had always been rather outspoken about. The Judge commented that he felt the new laws were demoralizing because they prevented him from being as merciful to debtors in need as he used to be under the old laws. “I think of myself as a helping judge,” he remarked.

Members of the bankruptcy bar expressed their admiration for Judge Bernstein after he announced his retirement. Robert Pryor, a bankruptcy attorney and Chapter 7 trustee who regularly appeared before Judge Bernstein, remarked that Judge Bernstein “was a friend in the courtroom. He didn't have an intimidating presence. Instead, there was a level of informality.”

Michael Farina, another attorney who frequently practiced before the Judge, also previously commented on the Judge's warmth. “I liked how the Judge took the time to learn about and know the attorneys who regularly practiced before him. That's

a very positive thing because you are not just another face in the crowd.”

Mr. Farina continued, “Yet, he never showed any favoritism. Just because he was extremely congenial, didn't mean that he would rule in your favor.”

During retirement, the Judge liked to write poetry, complete New York Times crossword puzzles, translate ancient Greek, learn how to play various instruments, and collect tropical fish. He also loved to engage his grandchildren in topics ranging from Shakespeare to the current political landscape. 🍷



Craig D. Robins Esq.
L.I. Bankruptcy Lawyer
Regular Columnist

Editor's Note: Craig D. Robins, Esq., a regular columnist, is a Long Island bankruptcy lawyer who has represented thousands of consumer and business clients during the past thirty-five years. He has offices in Melville, Coram, and Valley Stream. (516) 496-0800. He can be reached at CraigR@CraigRobinsLaw.com. Please visit his Bankruptcy Website: www.BankruptcyCanHelp.com and his Bankruptcy Blog: www.LongIslandBankruptcyBlog.com