

1999

Judge Frank X. Altimari - A Reminiscence

Michael L. Orenstein

Follow this and additional works at: <http://digitalcommons.tourolaw.edu/lawreview>



Part of the [Law Commons](#)

Recommended Citation

Orenstein, Michael L. (1999) "Judge Frank X. Altimari - A Reminiscence," *Touro Law Review*: Vol. 15 : No. 4 , Article 9.
Available at: <http://digitalcommons.tourolaw.edu/lawreview/vol15/iss4/9>

This Tribute to Judge Frank X. Altimari is brought to you for free and open access by Digital Commons @ Touro Law Center. It has been accepted for inclusion in Touro Law Review by an authorized editor of Digital Commons @ Touro Law Center. For more information, please contact ASchwartz@tourolaw.edu.

JUDGE FRANK X. ALTIMARI - A REMINISCENCE

Honorable Michael L. Orenstein¹

It was a little over thirty-four years ago, on a rather cloudy day, that I arrived at the railroad station where Judge Altimari, or soon-to-be Judge Altimari, was campaigning to become a judge of the Nassau County District Court. I arrived a couple of minutes before him, and when he arrived, the sun appeared. It was perfect, because over the next thirty-four years the sunshine continued.

We really did not see each other for the next five years because he became involved with some litigation about a tie vote in that 1964 election campaign. Subsequently, he took office on January 1, 1966, as a judge of the District Court of Nassau County. Little did I know that a few years later, we would be together daily for the next twelve to thirteen years. I became the luckiest person in the world when he chose me as his law secretary at the Nassau County Court.

Judge Altimari was that rare person who was equally at home as a student of the law, a teacher of the law and a teacher of life. He was not only a scholar, but a scholar who also understood the psyche of people. His decisions were not only learned and erudite, but also crafted with the pragmatism and the realities of life. Each day I witnessed his extraordinary ability to bring lawyers and litigants together to resolve their disputes because of this unique blend of intellectual capacity and practicality.

We know that he was not reticent or hesitant to voice his opinion. But when you look back at those instances and on those occasions where that occurred, you find that he was a judge who was not satisfied with doing only justice. He strongly believed that justice was not always found in case law, a statute, or a rule or regulation. He said to me, "at times the law can be cold, inhumane and illogical." So he tempered justice with compassion and mercy.

¹ United States Magistrate Judge, Eastern District of New York.

Let me give you just three examples. As a Nassau County Court judge, he presided over the case of a woman who killed her boyfriend. She pled guilty to manslaughter in the first degree. The probation report, however, showed that this woman had been hospitalized as a result of severe beatings by that same boyfriend, not once, not twice, not three times, but a half a dozen times. On two of those occasions, his beatings caused miscarriages. Finally, the boyfriend returned to her apartment and threatened her again. She went to the night table, grabbed her grandfather's antique pistol, and shot him. In those days, if you remember, in the early '70s, no one ever heard of the "battered woman's syndrome." But Judge Altimari, because of his compassion, understood and sentenced her to probation with several conditions.

On another occasion – and again this occurred in the early '70s when possession and the sale of marijuana were serious crimes – he arraigned a 17-year-old woman, an unwed mother. The Judge, having read the pretrial report, asked, "[w]here is your baby?" She replied, "[w]ell, I left the baby with a friend." It was obvious that this young woman could not post bail or find a way of getting anyone to come in to post bail for her. The Judge nevertheless released her on her own recognizance so that she could reclaim her child. We are still looking for her to this day.

Judge Altimari also sentenced with tough love. I remember one defendant who he sentenced to a four-year term. The defendant was not pleased as you might expect. But two years later, the defendant sent a letter to Judge Altimari. It was a thank-you note in which she revealed that she had received her high school graduate equivalency diploma, taken college extension courses while in jail, and was about to be paroled. She wanted him to know that she was applying to college to earn her degree.

Judge Altimari loved each and every one of his law clerks and secretaries. He nurtured them, not just as lawyers, but as human beings. He taught us about life. He treated us as members of his family. We shared joyous and blessed events, and we cried together in times of sorrow. He wrote, in a thank-you letter to

his law clerks and his secretaries, after celebrating his tenth-year anniversary as a federal judge:

“I write one letter of appreciation only because as I have said so often – I love each one of you equally – although for different reasons – not unlike my love for my very own children.”

A few years ago he began to sculpt in stone. His works are exquisite. In addition to busts of family members, there were many religious works, and his passion for not only life but for religion is clearly and unabashedly reflected. Recently, he completed a work memorializing the Holocaust, entitled “Zachor,” the Hebrew word for “Remember.” His sculpture is at Touro Law School in Huntington, New York and a copy is also on display at St. Bridget’s Church in Westbury, New York. The work is his personal message to all that man’s inhumanity to man should never be repeated.

But another work of sculpture was not completed. It is Lady Justice, a work which will grace the rotunda of the new courthouse in Central Islip that will open this December. It is fitting that Lady Justice should not be finished, because he believed that the quest for justice is never complete.

To that end, let me give you a very short anonymous vignette, because I think that it would be Judge Altimari’s message to all of us and I think it is relevant. It is entitled “Mind the Light.”² In New York Harbor, between Manhattan Island and Staten Island, there is a sunken shoal called Robbins Reef. A small lighthouse stands there, and for many years the keeper was an elderly widow. One day she told her story to a reporter, who shared it with the world.

“I was a young girl living at Sandy Hook, New Jersey,” she said, “when I first met my husband, he was keeper of the Sandy Hook Light, and took me there as his bride. I was happy there, for the lighthouse was on land and I could have a garden and raise flowers. Then one day we were transferred here - to

² A TREASURY OF COMFORT 223, 224 (Sidney S. Greenberg, ed., 1975).

Robbins Reef. As soon as we arrived I said to my husband, 'I can't stay here! The sight of water wherever I look makes me too lonesome. I won't unpack.'" But somehow all the trunks and boxes got unpacked.

She continued, "four years later, my husband caught cold while tending the light. The cold turned to pneumonia and they took him to the infirmary on Staten Island. I stayed behind to tend the light. A few nights later, I saw a rowboat coming through the darkness. Something told me the message it was bringing. The man in the boat said, 'We're sorry, Mrs. Walker, but your husband is worse.' 'You mean he's dead,' I answered, and there was no reply."

"We buried my husband on a hillside on Staten Island. Every morning when the sun comes up I stand at a porthole and look across the water toward his grave. Sometimes the hill is green, sometimes it is brown, sometimes it is white with snow. But it always brings a message from him – something I heard him say more than anything else - just three words: 'Mind the light!'"

It is now our job to "mind the light" of the law.

Judge Altimari's love permeated all of his relationships and it instilled and imbued them with beauty, joy, and quality. A man of his caliber is most difficult to find. I will forever have my memories of his laughter, his sensitivity, and his generosity, his love of life, his devotion to and love of his wife, Angela, and his four children, Anthony, Vera, Nicholas and Michael, and his love of my family. Judge, I miss you.