

# Remembering Honorable Florence Perlow Shientag (1908-2009)

~ NYWBA Founder, Past President and Benefactor ~

*New York Women's Bar Association Founder and Past President **Honorable Florence Perlow Shientag** passed away in October 2009 at the age of 101. She led an extraordinarily rich and accomplished life, and she continues to be an inspiration. She championed and supported the Association and women attorneys throughout her 75 years of membership. Through her remarkable bequest of \$250,000 to the NYWBA, she has ensured that we will benefit from her vision and generosity for years to come.*



Florence Perlow was born in 1908 and grew up in New York City, the youngest of four children. Her father, who had studied law but never practiced, died in 1935. Her mother went back to school late in life, earning a Ph.D. and practicing as a psychologist.

Judge Shientag received her Bachelor of Science from New York University in 1929 and her LL.B. degree from the New York University School of Law in 1931. After the standard internship then required of aspiring lawyers, she was admitted to the New York bar in 1933.

She began her career as a Law Secretary to the Honorable Fiorello LaGuardia, Mayor of New York City. She adored Mayor LaGuardia and had a variety of duties on his staff, from drafting legislation to investigating appointees for office, to sitting in for the Mayor at hearings. A photo the Mayor signed to Florence has the inscription, "City Hall has not been right since you left."



*Florence Perlow (second row, fourth from the right) seated immediately behind Mayor Fiorello LaGuardia (first row, third from left)*

In the 1930's, New York bar associations did not allow women to be members. In 1934, when she was a recent law graduate and newly admitted, Judge Shientag was one of a handful of women attorneys who gathered together to form the New York Women's Bar Association. In 1935, she was a signatory on the Association's Certificate of Incorporation, which established the NYWBA as a "full service bar association" with all the required incorporation provisions, plus the additional provision to work to "define and elevate the status of women."

In 1937, the New York City Bar finally voted to allow the admission of women, and in 1938 Judge Shientag was in the first group of 13 women lawyers admitted as members.

After she left the Mayor's Office, she became a law clerk for Thomas Dewey, who was then a Special Prosecutor in New York County. In 1941, she was appointed a Judge of the Domestic Relations Court. (These Courts were later restructured and transformed into the NY Family Courts.)

In April 1941, she was elected NYWBA President for 1941-42. The U.S. entered World War II during her term, and she and the NYWBA rose to the occasion. The NYWBA partnered with the American Women's Voluntary Services (whose then-Chairman was NYWBA Past President Jenet Kaplan Brown) to open and staff a clinic to provide urgent legal services to military personnel and their families who could not afford counsel.



The NYWBA also joined with other bar associations to create a joint War Committee, so "attorneys and judges [could] make their contribution toward solving problems caused by the war." (*NY Times*, 3/19/42.) The committee had more than 75 active members, and Judge Shientag was named to the 17-person Executive Committee that set policy and prioritized the group's efforts. The War Committee provided legal advice on numerous issues, including the scope of the legal authority of air raid wardens and others who supervised civil defense activities; and the rights of attorneys entering military service to protect their private practices and assets for when they returned from duty, while ensuring their clients receive representation while they were away.



*NYWBA Officers (1941-42) meet at Judge Shientag's Apartment*

In 1943, she became an Assistant United States Attorney for the Southern District of New York. She was the first female federal prosecutor New York, and one of the first in the country. During her nine years with the U.S. Attorney's Office, she handled a wide variety of civil and criminal matters, including prosecutions for illegal attempts to profiteer during the war, mail fraud cases involving defective products sold across state lines, insurance fraud prosecutions, counterfeiting, etc.



*Attorneys in U.S. Attorney's Office, Southern District of New York (1952)*

In 1952, Judge Shientag established a solo practice specializing in domestic relations and the representation of artists and others whose First Amendment rights were at risk. She eventually opened additional offices in Florida, London, Rome and Paris.

Over the years, Judge Shientag continued to be active with the NYWBA, New York County Lawyers' Association and New York City Bar, and she chaired committees for each association. She was the first woman elected to the NYCLA Board (1942-49), and she chaired the NYCLA Committee on Domestic Relations, which issued a scathing report in 1952 on the extent of child neglect and abuse, the paucity of social services and shelter available, and the deplorable lack of staff and infrastructure within the Domestic Relations Courts to address these issues.

In 1953, she took on a precedent-setting case involving the French film *La Ronde*, which had been declared "immoral" and banned by the NYS

Board of Regents, which governed film licensing. On behalf of her client, the film's distributor, she argued that the standards used by the Regents were vague and unconstitutional under the First Amendment right to free speech and the Fourteenth Amendment bar on the states unlawfully taking property. A critical issue was whether the government could "pre-censor" a film before it was shown, and this issue was complicated by a 1915 decision in Ohio that had held that movies were not entitled to the protections of the First Amendment. The trial court, Appellate Division and NY Court of Appeals all upheld the ban.

Judge Shientag's petition for *certiorari* to the U.S. Supreme Court was granted, and the case was heard with another matter involving the censorship of the film *M*. She personally briefed and argued the case before the Supreme Court, and in a unanimous opinion by Justice William O. Douglas, the Court struck down the ban and the distinction between movies and other forms of communication.

"Motion pictures are of course a different medium of expression than the public speech, the radio, the stage, the novel, or the magazine. But the First Amendment draws no distinction between the various methods of communicating ideas. ... [E]very writer, actor, or producer, no matter what medium of expression he may use, should be freed from the censor." *Superior Films v. Dept. of Education*, 346 U.S. 587 (1954).

Protection of the right to freedom of expression was very important to Judge Shientag, not only as a legal matter, but because she was an



artist herself and a patron of the arts. Her home was filled with art, and she was a great friend to many artists, including the sculptor Henry Moore, and most especially Pablo Picasso, whom she knew well and visited regularly. Indeed, when his daughter Maya had a child, Judge Shientag was named godmother. Judge Shientag's paintings and sculptures may not have been as famous as

her friends', but she won an award for one of her sculptures, and being an artist gave her a unique perspective on the potential impact of the law in this field. As a result, she was invited to chair the City Bar's Section on Law and the Arts, which under her leadership held distinguished lectures on the rights of artists, the laws affecting art, new media, etc.

In 1954, Judge Shientag ran a feisty but ultimately unsuccessful campaign to become a member of the NY State Senate. She was endorsed by an extraordinary array of people, including Eleanor Roosevelt, Mayor Robert Wagner, Margaret Truman, and many other luminaries of the day.



The list of Judge Shientag's honors and service is daunting. By Presidential appointment, she served as a member of the National Commission on Wiretapping and Electronic Surveillance, which the *NY Times* noted "was created to review Federal and state wiretapping practices [and] is expected to begin looking into the Nixon Administration's use of so-called national security wiretaps, some of which have become a focal point of the Watergate scandals." She was a Director of the United Nations Development Corporation. She was a referee in disciplinary proceedings before the First Department, chaired numerous political campaigns, was a member of corporate boards of directors, and was an invited guest at the inaugurations of many U.S. Presidents.

Judge Shientag also served on the NYS Task Force on Women in the Courts, and when its report was issued, she stated:

*"In the fifty years that I have been practicing law, there has been a lessening of the dismissing and intolerant attitude towards women lawyers. This significant improvement is due to the performance and demonstrated ability of women in our profession. Brains have no sex."*

An unusually attractive woman, Judge Shientag had strong opinions about women. As she said in a quip to a British tabloid, "Being a career woman is no good if you finish up as an imitation man. I believe women should look, feel, smell like women." On the other hand, she was a mentor to women, as she demonstrated in the same tabloid when she said that solicitors in Britain should "give their briefs [cases] to women barristers whenever possible."

Her mentoring of women lawyers was not limited to lip service, as she often committed resources to ensuring that women succeed. She regularly contributed funds to help defray NYWBA Presidents' expenses and covered the costs of programs and events. She frequently invited women attorneys to a complimentary lunch or dinner to get to know them and give them free advice on how to get ahead in what was still "a man's world."

In 1977, then-President Myrna Felder asked her to organize NYWBA Law Day celebrations. As Ms. Felder recollected:

"Florence, who had practiced in the Inns of Court, suggested a trip to London, which we called "Law Day in Legal London". We had a week without compare. Through her friends and connections, we were received by the Lord Chief Justice; met with the Lord Mayor of London; watched a trial in the Courts of Chancery and met with the Trial Judge; sat in the House of Commons for debate; traveled to Runnymede for a joint ceremony with the British Bar; were entertained by the Head of the Bar Society and by other members of the British Bar in their homes. On the final evening, Florence had arranged through Senator Jacob Javits for us to host a reception at the United States Embassy to reciprocate the hospitality extended to us during our stay – complete with a caller announcing each honored guest like something out of the movies. It has been thirty-three years since the trip, and it remains as vivid in memory as when we had just returned."



Judge Shientag later established and funded a contest for law school students to write scholarly essays on issues of Constitutional law, with the winning student receiving a \$5,000 scholarship. The scholarship amount was later increased to \$10,000. Many students benefited from the opportunity to research and write on topics that go to the core of our nation's fabric.

When the NYWBA became a founding chapter of WBASNY, Judge Shientag was a great supporter, and she tried to never miss an NYWBA Annual Dinner or WBASNY Annual Convention.

Judge Shientag was a great friend and supporter of the Women's Bar and its members, and she believed in the fair and equal administration of justice. We have all benefited from her influence, and her indomitable spirit and legacy live on in all of us.

