

Lacy Katzen founder loves the law at 90

Leon Katzen serves as senior counsel at the firm he began in 1950

By WILL ASTOR

"When I was in my 60s," Leon Katzen said, "I was at the top of my game."

The co-founder of Lacy Katzen LLP, who turned 90 on Tuesday, says this more with the air of a man savoring fond memories than of one burdened with regrets.

Though his pace is slower than it was 25 or 30 years ago, Katzen still comes into the firm's Granite Building offices on East Main Street four or five days a week and puts in a full day's work. Other of the firm's attorneys handle much of the legal work for his clients, he concedes, but Katzen maintains a list of regular clients and meets with them often.

Katzen, who the firm lists as senior counsel, is by no means an emeritus figure at Lacy Katzen, Managing Partner Peter Rodgers said.

"Leon has been a mentor to me throughout my career as lawyer and he is an inspiration to others here as well. He has been practicing 66 years and knows every aspect of the law," Rodgers said. "He has a passion for helping his clients. He works hard and he still brings in clients. He is an integral part of the firm."

Katzen and his former partner, Herbert Lacy, now deceased, started the firm in 1950, working out of offices in the Alliance Building downtown and offices manned respectively in Hilton and Bergen by Lacy and Katzen. The partners met at a social gathering shortly after Katzen moved to Rochester from New York City in 1948.

"We hit it off immediately," Katzen said.

Lacy, whose portrait hangs on a conference room wall at Lacy Katzen, died unexpectedly of a heart attack while bicycling in 2004.

It was just the two partners in the beginning. Until Katzen won an unprecedented award in 1954—\$68,000, at that time the

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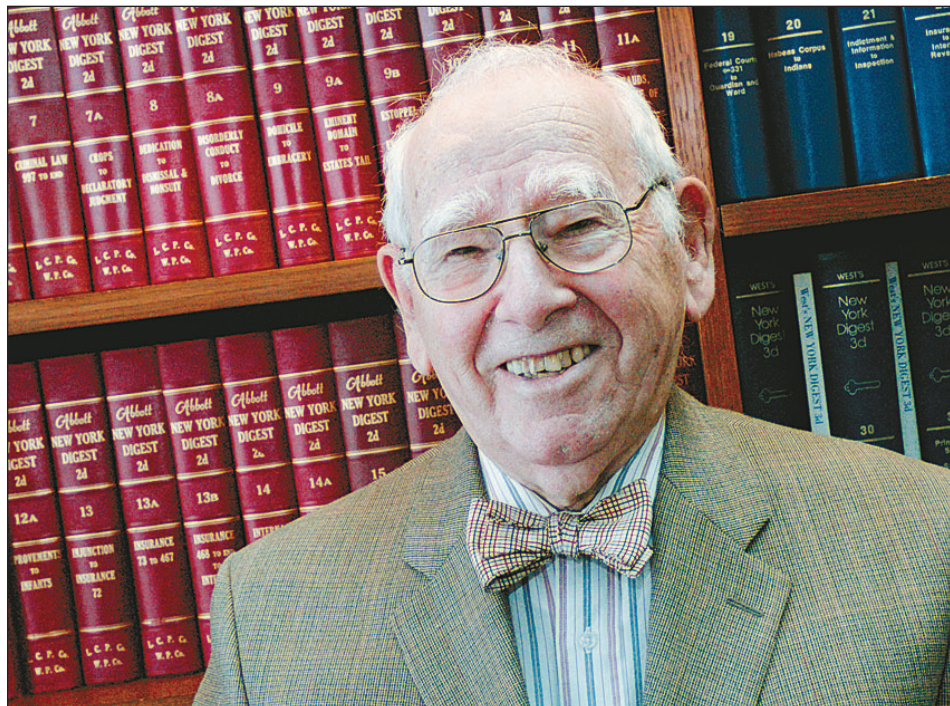


Photo by Kimberly McKinzie

Leon Katzen still comes into the office four or five days a week and puts in a full day's work.

largest cash judgment granted by a jury in Genesee County history—business was scarce.

Until recently, Katzen rode a bicycle to work when weather permitted. He would drive his car from the Summit at Brighton to a friend's house on Park Avenue, park his car and ride his bike downtown. He gave up the bike trip reluctantly. It was not because he felt incapable. Katzen still walks with a spring to his step. But he realized that for a man of his age in the best of health a fall could have serious consequences.

Katzen and his wife of 62 years, Betty, lived in a large house in the Park Avenue area for some 40 years, raising four children. If truth be told, Katzen said, he would have preferred to stay in their old house, but he could see keeping up with it had gotten to be too much of a strain for Betty, who is four years his junior.

Katzen said that for as long as he can remember he wanted to be a lawyer. Never, even as a small child in the Bronx,

where he was born and raised and as a 9-year-old in 1927 saw Babe Ruth and Lou Gehrig play at Yankee Stadium, did he nurse ambitions of becoming a cowboy, a fireman or a ballplayer.

"I don't know why," Katzen said. "But there were two others on my block that became lawyers. One became a (state) Supreme Court judge, Billy Kappelman."

So sure was Katzen of his calling to the bar that he left City College of New York a year short of graduating to attend Brooklyn Law School.

"I don't think you can do that anymore," Katzen said.

World War II

Not long after he graduated from Brooklyn Law and passed the bar in 1942, Katzen was drafted. After a short course in the U.S. Army's Officer Training School, he went to England and then on to France and Germany to fight in World War II as a captain commanding 139 men in a heavy artillery unit.

"The war changed me," Katzen said. "Before the war, I was easygoing. After the war, I was not so easygoing. They sent us to England on a fast boat so we wouldn't get torpedoed. They told us we needed to get along quickly and we got along.

"When we got to England my men said: 'We don't know why we're here. What are we doing here?' When we got to France, my men said: 'What are we doing here? We don't want to be here.' We crossed the Rhine into Germany. We went over the Remagen Bridge. The Germans had blown it up but they did not knock it down. We had heavy equipment, a 33-ton tractor, an eight-inch Howitzer. We could only go over one at a time.

"And when we got to Germany my men said: 'We don't want to be here. Why are we here?' Then we came to Dachau. It was two days after it was liberated. There were still inmates behind barbed wire. What my men saw changed their attitude totally. From that point on, nobody asked why we were there."

Katzen was wounded in combat. The war was drawing to a close and the German air force, the Luftwaffe, supposedly had surrendered. Apparently no one had told the pilot of a German fighter jet, the first jet Katzen had seen, who flew so low over the field where Katzen's battalion was encamped that he still can recall the features of the man's face.

Because the Luftwaffe was supposed to have stood down, American soldiers were under orders not to shoot at German planes. One of Katzen's soldiers, a corporal, shot at the jet anyway. Katzen thought the no-shoot order was stupid, but he ran across the open field to order the man to hold fire. A shell from the jet hit near Katzen sending several pieces of shrapnel into him. Katzen, who did not think he was seriously injured and wanted to stay with his men, begged not to be sent to the field hospital. He stayed and was awarded a Purple Heart. The shrapnel was never removed. He thinks it worked its way out.

When the war ended in 1945, Katzen, who like most World War II enlisted men was signed up for the war's duration, mustered out of the Army as soon as he could.

"They told me I could go home or stay and be automatically promoted to the rank of major in three more weeks," Katzen said. "I went home."

First law practice

Katzen set up a solo law practice in an office in Midtown Manhattan at 40th Street and Broadway. He had worked in restaurants as a college student and knew union restaurant workers from before the war.

Most of his practice centered on deals involving luncheonettes. A lot of people were buying and selling leases on luncheonettes at the time, Katzen said. Some were buying to operate the restaurants. Some were hoping to make a quick profit by selling the lease and fixtures to another operator.

Katzen met Betty, whose maiden name is Heller, in New York City about a year after getting out of the Army. He said he knew she was "the one" when he saw her. Betty hailed from Buffalo and was a Cornell University graduate. Her father had been involved in the management of Michaels Stern & Co., the Rochester clothing firm whose former factory, now converted to condominiums and offices, still stands on North Clinton Avenue. Two years after they were married, the couple moved to Rochester.

When he is at work, Katzen calls his wife several times a day, interrupting whatever he is doing when he feels an urge to check in with her.

Leon and Betty Katzen have four children.

"Our children were all born and brought up in Rochester, but none of them stayed here," Katzen said.

The Katzens' eldest, Joshua, 59, is a lawyer and commercial real estate investor in Boston. Mollie is the next eldest. She is a food expert based in California, who is most widely known as the author of "The Moosewood Cookbook." David Katzen is retiring as horn player with the Boston Philharmonic to take up a college music teaching position in Arizona. Ezra, the youngest, is also a lawyer. He moved to Israel 10 years ago, where he became in-house counsel to a high-tech firm that subsequently went public.

When the Katzens first moved to Rochester, Leon Katzen had no definite prospects. He worked for a while in another lawyer's office before partnering with Lacy. Until the case with the \$68,000 jury award came along, Katzen had never argued a case in court.

In that case, Katzen represented a 23-year-old woman who had been seriously injured when the car she was a passenger in was hit by a New York Central Railroad train. The case was in some ways clear-cut. The operator of a manually run signal mistakenly had lifted the gate when a train was coming. Still, a substantial money verdict was not guaranteed, Katzen said. Many believed jurors would not be willing to risk offending the powerful railroad. And Katzen was an outsider in the semi-rural county. After the trial was over, Katzen said, he heard one juror admitted to initially doubting that she could trust the word of a Jewish lawyer, but she had been won over by Katzen's courtroom presentation anyway.

His Bergen practice was not doing that well, Katzen said. Rent was cheap. He was paying \$5 a month to rent space in the Village Clerk's office. But there was not much business. He and Lacy wanted to land the case badly, but so did a lot of other local lawyers. The injured woman was incapacitated with a bad head wound. Her parents interviewed several lawyers. After they met with Katzen, the mother thanked him for his time and asked him to send a bill. Katzen was not encouraged.

"I drove back to the office and I told Herb, 'We didn't get the case,'" Katzen said.

Two weeks later, the family hired him. As he was preparing the case, Katzen arranged for the injured young woman to spend time at his house. He wanted to get to know her. At the time, doctors were not sure how well she would recover. She is now a college professor living in New England, Katzen said. They have stayed in touch. She is no longer a client; she became a family friend.

The case was a turning point for the firm.

"After that verdict, everybody wanted Lacy Katzen," he said.

By 1963, the firm was doing well enough to build a new office in Corn Hill. The firm had maybe a dozen employees by then. Another lawyer in the Alliance Building, Harold Rappaport, owned property on Plymouth Avenue and suggested to Katzen that he and Lacy buy it and build there. The area, then known as the Third Ward, had yet to see the extensive renovations it has since enjoyed and it was not exactly fashionable.

Katzen proposed to Rappaport that he partner with Lacy Katzen in the new building. Rappaport agreed and the new structure, which still stands under different ownership, went up at 228 S. Plymouth Ave.

At first Lacy Katzen occupied only one floor of the two-story structure. Later it expanded to both floors.

In the 1980s, the firm outgrew the Corn Hill building and moved to the Granite Building, which it bought with Harris Beach PLLC. In the late 1990s, Harris Beach moved most of its offices to Perinton.

Katzen is committed to staying in the city, so the firm has no plans to move, Rodgers said. The firm employs more than 80 and has some 25 lawyers.

A litigator

Katzen enjoyed litigation. He took criminal cases as well as civil. One criminal case in the mid-1980s was reported widely by the local press, which dubbed it the Baby Donna Case. Katzen keeps a scrapbook of the clippings.

It involved a mother and her teenage daughter from out of the area who were in Rochester for college interviews. The

daughter was pregnant but had apparently hidden her condition from her mother. While they were on their way to the airport, the daughter said she had to go to the bathroom. They stopped at a hotel, where the daughter gave birth in a women's room stall and left the baby in the toilet. A hotel worker heard the baby crying and rescued the newborn. The mother and daughter were arrested. Katzen defended the mother, winning acquittal of attempted murder charges against then First Assistant Monroe County District Attorney Charles Siragusa.

Siragusa, now a federal judge in Roches-

ter, was then known as a crack prosecutor with a long string of murder convictions.

When he won the verdict, Katzen said, "The criminal lawyers were aghast. I hadn't tried a lot of criminal cases."

He misses trial work, Katzen said. He gave it up because his hearing is not what it used to be. If he could, he would still be in court.

Katzen's cell phone rings. It is his 26-year-old grandson, Reuben, Ezra's son. He is calling from Israel, where he is an officer in the Israeli Navy. He calls regularly.

In a week, Reuben will be in Rochester to

attend a gala planned in honor of Katzen's 90th birthday. More than 200 guests—family friends and colleagues—are slated to attend, a big affair that Katzen was not sure he would be comfortable with.

"They'll be coming from all over," from Boston, California and Arizona, he said. "At first when they told me about it, I thought, 'I don't want this. What do I need this for?' Then I thought, 'It will be a chance for Betty to see her family and that will be very good for her.'"

Katzen beams, satisfied.

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