





## LEGAL DEFAMATION

*When Major Media Provides the Outlet for Courts to Disparage Their Critics*


by Zena D. Crenshaw



Many who challenge government misconduct through legal proceedings amass a virtual warehouse of related papers or files. I certainly have my stash and have seen the similar treasure troves of others, cluttering the floors and counter-tops of their homes and/or offices. These items are simultaneously among our greatest strengths and weaknesses as they substantiate our intricate accounts of horrendous injustice. In fact, our evidence becomes so overwhelming after compounding over years, sometimes decades of adjudication, that no one is willing to thoroughly sift through and understand it but us and our apparent adversaries. Herein lies the problem.




Effective advocates limit their presentation of protracted cases to a relatively few salient points that support them or capitalize on the sheer volume and perhaps complexity of such cases to obscure critical issues when it benefits them to do so. The outcome depends primarily on the competence and integrity of their fact finder or adjudicator as that impacts the level of attention given the matter, another important consideration. Whatever the ruling, it may be subject to good faith challenges. This writing does not lament how any one or a collection of cases were resolved, *per se*. Instead it focuses on the prospect of legal decisions, ostensibly based on prior findings that were simply never made. It seems the New York Law Journal extensively covered such a case in reporting the reciprocal disbarment proceedings of Israel Weinstock by the Southern District of New York Grievance Committee.



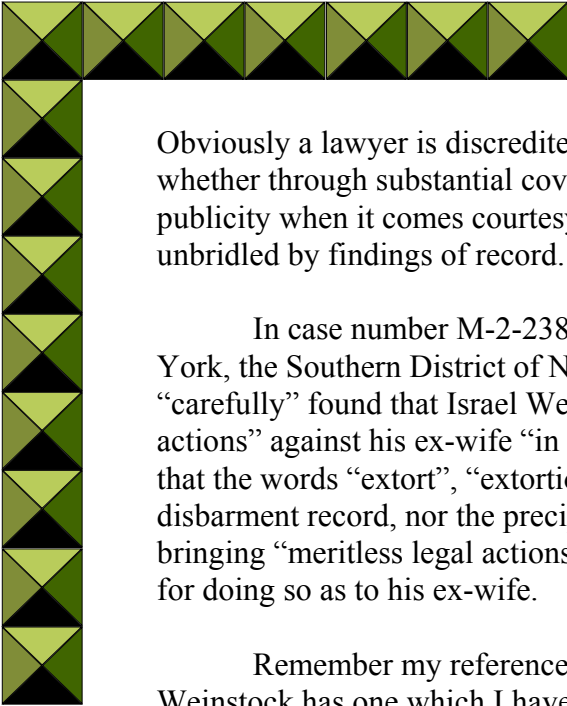


Israel Weinstock is the namesake for federal legislation proposed by National Judicial Conduct and Disability Law Project, Inc. (NJCDLP), a nonprofit legal reform organization combating abuses of the American legal system that are facilitated by judicial misconduct. Soon after it was founded in January of 2005, NJCDLP submitted what was coined “The Weinstock Act” [see: [www.njcdlp.org/TheWeinstockAct.html](http://www.njcdlp.org/TheWeinstockAct.html)] for consideration by every member of Congress. The proposal seeks to create some procedural protections for lawyers and judges facing disciplinary charges for allegedly maligning one or more judicial officers. Israel Weinstock was not disbarred for challenging the judiciary, but seeks to expose its alleged role in covering up a multi-million dollar fraud that a New York jury reportedly recognized [see: [www.lawyerfraud.com](http://www.lawyerfraud.com)].

The details of Weinstock’s case implicate some influential lawyers and judges as well as a phenomena that Dr. Judith Lewis Herman of the Harvard Medical School describes:



In order to escape accountability for his/her crimes, the perpetrator does everything in his power to promote forgetting. Secrecy and silence are the perpetrator’s first line of defense. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence him absolutely, he tries to make sure no one listens.



Obviously a lawyer is discredited when his or her professional discipline becomes public, whether through substantial coverage or a brief comment. Imagine the debilitating effects of that publicity when it comes courtesy of major media and quotes scathing judicial proclamations, unbridled by findings of record.

In case number M-2-238 before the U. S. District Court for the Southern District of New York, the Southern District of New York Grievance Committee (SDNYGC) claims to have “carefully” found that Israel Weinstock used “extortionate threats”, and brought “meritless legal actions” against his ex-wife “in order to harass and maliciously injure her.” Weinstock contends that the words “extort”, “extortion”, and/or “extortionate” do not appear anywhere in his disbarment record, nor the precipitating trial record. He denies being previously accused of bringing “meritless legal actions”, prompting the question of why he was purportedly disbarred for doing so as to his ex-wife.

Remember my reference to virtual warehouses of papers and files? Well, Israel Weinstock has one which I have seen. Drove of people could converge on it like a swarm of worker bees, intent on confirming or refuting his characterization by the SDNYGC. All involved could be dumfounded by the utter lack of basis for sullyng him with such charges. No action in defamation would lie as a result. All members of the SDNYGC are immune from liability for such claims which are hardly available against the prestigious New York Law Journal for merely reporting their legal decision. How convenient – except for Israel Weinstock, other government critics, and those unpopular people subject to legal action that major media is free to publicize. We are prime candidates for what is essentially legal defamation that is usually vindicated by appeals as effectively as bells are un-rung.

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