

Summoning Chuck Newman: Brilliant Mind, Great and Warm Heart, Generous Engagement With Community

By Simeon H. Baum

An angel of the LORD appeared to him in a blazing fire out of a bush. He gazed, and there was a bush all aflame, yet the bush was not consumed.

Moses said, “I must turn aside to look at this marvelous-great sight; why doesn’t the bush burn up?”

When the LORD saw that he had turned aside to look, God called to him out of the bush: “Moses! Moses!” He answered, “Here I am.”

And He said, “Do not come closer. Remove your sandals from your feet, for the place on which you stand is holy ground.”

(Exodus 3:2 <https://h-nt.org/2020/01/19/the-burning-bush/>)

When the mind is at peace
the world too is at peace.
Nothing real, nothing absent.
Not holding on to reality, not getting stuck
in the void,
you are neither holy nor wise, just
an ordinary fellow who has completed his
work.

Layman P’ang (740-808)[Stephen Mitchell, *The Enlightened Heart, An Anthology of Sacred Poetry* (Harper Perennial 1989; p. 34)].

Meetings with Remarkable Men & Women

Since our formation as a section in 2008, several thousand of us have joined and participated in NYSBA’s Dispute Resolution Section. We gather in the Section’s Fall Meeting and again at the Annual Meeting. We participate in over 13

Simeon H. Baum, former litigator, and president of Resolve Mediation Services, Inc. (www.mediators.com), has played a leadership role in the Bar for nearly three decades relating to ADR, including service as founding chair of the Dispute Resolution Section of the New York State Bar Association. He has served on ADR Advisory Groups to the New York Court system, including Chief Judge DiFiore’s current ADR Task Force. He teaches on the ADR faculty at Benjamin N. Cardozo School of Law. For over two decades he has trained mediators for the New York State Court’s Commercial Division and frequently speaks and writes on ADR.

committees; engage in trainings and CLE programs; write comments and reports; and contribute to the Section’s and Bar’s governance. These are wonderful and meaningful activities—advancing the Bar, developing the dispute resolution field, serving the public, and furthering our professional development as dispute resolvers.

Yet when we stand back—or take a fresh look at what is near at hand—we can see that a true gift of Section participation is encounter, and development of friendship, with marvelous human beings who are drawn to our field. The following exemplifies this gift of friendship, and the wonder of discovering the deep value and impact of those in our midst.

Last month, members of the Dispute Resolution community joined with family and friends brought together by the untimely passing of one longstanding Section member and leader, Chuck Newman. Our Section has responded by creating an annual award in Chuck’s name and honor. We, here, highlight the life and contributions of this member of the dispute resolution community. More than listing his resume, the hope is, with a palate of pastel, to summon Chuck, the Person, in our midst.

A Thumbnail Sketch of Chuck’s Accomplishments

Many of us reading this journal came to know Chuck through his involvement in the dispute resolution community. Well before his involvement in ADR, Chuck began his entry to law with concern for people. He was a Hayes Civil Liberties Fellow during law school, at NYU. Following law school, he was a litigator and eventual partner at Fink Weinberger, spanning business, real estate and matrimonial matters. After a stint in-house with an internet start-up, Chuck resumed his own practice with concentrations in commercial and family disputes.

In the dispute resolution world, Chuck took on a host of leadership roles. Most significantly to members of this Section, Chuck was active on our Executive Committee with leadership in the Mediation and Negotiation committees. He chaired the New York City Bar Association’s Mediation Committee and was on the Boards of the Association for Conflict Resolution and New York State Council on Divorce Mediation. He taught an EEOC mediation clinic at Columbia Law School and convened a monthly speaker’s program for CUNY’s NYC Dispute Resolution Roundtable. He served on a

number of court-annexed mediation panels and was on the SDNY's Mediator Advisory Committee. Chuck stood out as an active member of this dispute resolution community.

Summoning the Man Himself

Beyond this, Chuck was a beautiful human being. He had a brilliant mind, warm heart, and was deeply engaged with his community. Chuck carried humor, wonder, and curiosity into all endeavors. He had a way of making people feel appreciated and supported. He had a kind, delighted song in his voice.

These qualities, as a human being, manifested in Chuck's extraordinary openness and his mentorship and support for others in our field.

Bravely Remaining Engaged

When they grew aware of the swift resurgence of his illness, Chuck and his wife Libby did not shrink from this new aspect of reality. Honoring Chuck's deep engagement with community, they reached out and let people know what was going on. As a consequence, Chuck remained connected throughout. People responded to this connection with an outpouring of love.

The Burning Bush

A story exemplifying friendship might call for a personal tale or two. Roughly a week before his passing, I had the opportunity to speak with Chuck for an hour. It was a very sincere and essential conversation. Chuck let me know that he is a Katz's pastrami Jew. He had given strict instructions to Rabbi Rothberger—a hospice chaplain whom Chuck befriended and who, despite Chuck's formal atheism, spoke at the gravesite—to make no mention of a deity.

Despite this mandate, a Biblical image comes to mind: the Burning Bush. Moses was in the desert. Suddenly he saw that an ordinary bush was aflame. It was burning but not consumed. He realized that the ordinary place was extraordinary. He was, so to speak, on holy ground, encountering transcendence. Going beyond the locked-in, humdrum, insensitive state. Transcendence of this kind can be new eyes, new relationship, giving, relating.

I remember when Chuck was first ignited by the mediation flame. We had known each other for over a dozen years, when our children were together in different schools. He was a good person, very generous in his service in school communities. Devoted to his family. He was also a rough and tumble litigator. Then, he attended a three-day training for Commercial Division mediators that Steve Hochman and I presented. After the training, Chuck invited me to lunch. He was charged with enthusiasm, having seen an entirely different way of approaching conflict, people in conflict, con-

flict in people, and conflict resolution. Chuck said he was thinking of getting more deeply into the mediation field. He wanted my opinion on how he would do.

One might have wondered. Chuck was a talker. He was a very heady, strategic, strong-minded, goal-oriented, planful guy. He was a critical thinker—in the good sense. How he would do with flow and spontaneity, with listening, receiving, just supporting, being the ocean?

Like the burning bush, two decades later, it was stunning to see how Chuck's passion developed into great leadership in the dispute resolution field. When news of Chuck's illness went out, letters poured in—thanks to the S.D.N.Y. ADR coordinator, Rebecca Price; one of our Section leaders, Carmen Rodriguez; our Section's chair, Ross Kartez; and others. The halo around Chuck became apparent. Letter after e-letter thanked Chuck for his leadership, mentorship, and mediation insights. This bush was afire.

Warm Recognition: The Dispute Resolution Section's Chuck Newman Award

During our last phone call, Chuck and Libby shared with me how much these letters meant to him. He mentioned that he was proud of the kind letter Jack Himmelstein—one of the mediation field's visionaries known for the Understanding-based approach to mediation—recently sent him.

Last month, NYSBA's Dispute Resolution Section, led by Ross Kartez, voted to create an annual award in Chuck's name to be given to a person in the field who exemplifies Chuck's brilliant mind, great and warm heart, and generous engagement in the community.

The Heart of a Mediator

Shifting from strong-willed, purposive brainiac, Chuck made it a hallmark in his facilitation of our commercial mediation trainings to quote Sequoia Stalder's saying that the mediator does not have to be the smartest person in the room. Rather, said Chuck, the mediator must awaken the genius in the parties. He loved the quotations from the *Tao te Ching* that we use during these trainings—particularly noting that the best leader does not direct people but learns to follow them.

Despite his avowed atheism, Chuck displayed nearly saintly qualities of giving, attention, relatedness, connecting, helping, mentoring, appreciating others—and living with love, wisdom and compassion. He supplemented these ideal qualities with deep vision that included wonder and awe. During our last call—which was a bit like *My Dinner with Andre*, that Louis Malle film featuring Wally Shawn and Andre Gregory—Chuck shared his image of ultimate significance: being on a winding road in the woods by Jackson Hole, Wyoming,

turning the bend and seeing it open up to a full, awesome vision of the Grand Tetons. Such a powerful image, not only the majesty of the Tetons but also the subtlety of what a difference it makes to take the curve, emerge from woods, and see the majesty that has been there all the time. Change in perspective, the burning bush.

Chuck loved and found ultimacy in Nature. He also deeply loved people. Rather than say a blessing over the bread, Chuck believed in blessing the bread makers. People.

Martin Buber's teaching of *I & Thou* captured Chuck's recognition of the extraordinary richness and truth that is found not in a metaphysical zone, but in relationship with the living person encountered in his or her wholeness. The person who is not a thing, not a category, not a number among numbers, not to be used. The person who is not seen in the light of the world or others, but, boundaryless—in whose light everything is understood.

Chuck was a deep humanist. He understood that the Person is a locus of Truth. Perhaps, after all, this Kabir verse would have resonated with him:

Are you looking for me?
I am in the next seat.
My shoulder is against yours.
you will not find me in the stupas,
not in Indian shrine rooms,
nor in synagogues,
nor in cathedrals:
not in masses,
nor kirtans,
not in legs winding around your own neck,
nor in eating nothing but vegetables.
When you really look for me,
you will see me instantly—
you will find me in the tiniest house of time.
Kabir says: Student, tell me, what is God?
He is the breath inside the breath.

(<https://www.goodreads.com/quotes/16836-are-you-looking-for-me-i-am-in-the-next>.

Apparently from *The Kabir Book – Forty-Four of the Ecstatic Poems of Kabir*, Robert Bly, trans.

<https://agochar.livejournal.com/26252.html>).

Music & the Mediator—Beyond Direction; Silence and Sound; Cultivating Harmonious Expression of Others

Loving people, Nature, service in dispute resolution. Chuck also was transported by music. He was the proud holder of tickets to the Philharmonic that he inherited from his mother and aunt. At one point, when space was tem-

porarily reduced, the Philharmonic wrote to Chuck that he would retain good seats as a longstanding ticket holder since 1963. Chuck wrote back to correct the record. The tickets dated to 1946. The Philharmonic agreed to 1950 and declared him to be the longest standing ticket holder. Chuck rejected the notion that this was a compromise. Rather, it was a good and full resolution.

Chuck, as a mediator, loved to observe that the conductor of the symphony orchestra was the only person who made no sound. This was exemplified in a recent concert featuring Dudamel, the animated Venezuelan conductor on whom the Netflix show, *Mozart in the Jungle*, was based. Dudamel danced in harmonious relationship with music and orchestra. He lived the music.

A Vision for the Dispute Resolution Field

During our final call, I pressed Chuck for his vision, seeking to learn of a moment of deep and transcendent wholeness. I asked Chuck whether he had ever seen it all come together. Emblematic of his love for the dispute resolution field and its members, Chuck said he imagined all of the proponents of the various orientations, strategies and styles of mediation together in a single gathering. Not unlike what happens in our Section meetings. Not unlike this moment as all of you read this reflection on Chuck.

In thinking of this image of the burning bush, and the wonder that was revealed as Chuck, we can take a moment, with Chuck's cue, to marvel at the scintillating wonder of this dispute resolution community of colleagues. Each of us is interwoven and inter-reflecting. Seen deeply, we issue staggering brilliance.

We speak, at times, of missing the forest for the trees. Yet, also, by developing generalities in order to navigate law, the business of law, and life itself, we risk missing the trees for the forest. We might ask ourselves of one another: Who is this tree—who is this person—who stands before us?

There is merit in pausing long enough really to see the wonder of this one tree. We may next then truly marvel at the staggering brilliance of this living and transcendent forest of ADR practitioners, embedded as we are in the wondrous association of NYSBA, embedded as we are—each of us—in the broader and more intricate, marvelous, life of this world.

Thank you, again, Chuck, for all you gave, for all you were, and for prompting this moment to remember you and reflect on our community.

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