

WEIL

HISTORY OF
A CULTURE





Supreme Court Chief Justice William Rehnquist swearing in new justice Ruth Bader Ginsburg as husband Martin Ginsburg and President Bill Clinton look on.
(Photo by Dirck Halstead/The LIFE Images Collection via Getty Images/Getty Images)

And the support from the male partners was both real and tangible – especially from Marty Ginsburg, the head of Weil’s premier Tax Department. Ginsburg is, of course, best known not for being the foremost tax mind of his generation but rather for being Mr. Ruth Ginsburg, husband of the second woman ever to be named to the United States Supreme Court. As portrayed in a landmark Hollywood film in 2018, their story as husband and wife transcended the traditional gender roles and societal expectations of the time. Marty maintained singular focus and vision for Ruth becoming a Supreme Court justice despite the odds and the tremendous sacrifices that would need to be made – including his own career at Weil with the move to Washington, D.C.

“Marty used to tell me in a totally honest way that someday Ruth was going to be on the Supreme Court,” recalls retired Tax partner Kenny Heitner. “The admiration and respect and love that he had for his wife was unparalleled.”

The Firm mobilized behind the cause – in fact Weil was co-counsel with the ACLU in Ruth Ginsburg’s first case before the Supreme Court in 1971. And Ira Millstein actively helped Ginsburg navigate the arduous process of getting to the rarefied halls of the nation’s highest court. First, in 1980, Ginsburg would need to be nominated by President Jimmy Carter to become a judge on the U.S. Court of Appeals for the District of Columbia. Through his work at the Business Roundtable, Millstein knew several Senate Republicans, including Orrin Hatch of Utah, a member of the Judiciary Committee. Marty Ginsburg believed that Hatch wouldn’t support his wife’s nomination because of her perceived feminism, but that his mind might be changed if he actually met her in person.

So Millstein arranged for Hatch to have lunch with him and Ruth Bader Ginsburg. Millstein excused himself after ten minutes, came back two hours later and found the two in close discussion. The Judiciary Committee

passed Ginsburg’s nomination by a vote of 8-1, and she was easily confirmed by Congress.

When Bill Clinton became the first Democrat to nominate a Supreme Court justice in 26 years, he surprised the public by picking the quiet and scholarly Ginsburg. She had received bipartisan support – in fact, Hatch had suggested her as a candidate. And he asked for Millstein to testify at Ginsburg’s Congressional nomination so that the story of Hatch’s earlier support would be a part of the public record.

On July 23, 1993, Millstein testified on behalf of Ruth Bader Ginsburg. At this time, Millstein was serving on the New York City Bar Association Committee on Diversity, and he spoke not just of her integrity and non-ideological scholarship but also to the issues of deep, ingrained gender bias and inequity that plagued our society and the legal profession.

“Practicing now for almost 45 years, I’ve watched the Bench and Bar become populated with women, but ever so slowly, and with a good deal of room for improvement,” he said. “Asking ourselves how we’re doing with gender and race, the answer is: We’re trying – but probably not hard enough – and there are ways we can improve.”

“How does our profession overcome this?” he continued. “Only by training ourselves actively, and sensitizing ourselves to dealing with race and gender in a diverse workplace. But actually making progress is even more important . . . The Bar’s task is to make diversity acceptable and commonplace in our firms; the Executive and Legislative Branches should do likewise for the Judiciary.”

Ruth Bader Ginsburg’s nomination was confirmed by a vote of 96-3.