

Marc Zimmerman Yom Kippur Reflection 5774

I am speaking this afternoon because I violated a rule of which I was apparently unaware: When you get a call in your office from Rabbi Gropper or Rabbi Frankel during the month before their summer sabbatical to a far-away place in a year the high holidays fall very early, you may want to consider letting the call go to voice mail.

I was asked to do two things today which I do not often do: talk about myself; and discuss how commandments in the section of Leviticus Chapter 19 we chant this afternoon guide my day to day actions in the workplace. Plainly, Rabbis Gropper and Frankel believe I have more than usual to atone for this year. That said, I ask for your forgiveness and for you to bear with me for just a few minutes, during which I hope to strike some meaningful, resonant chord with you.

I am Marc Zimmerman. More importantly, I am Dana Zimmerman's husband and Zachary, Jesse and Eli's dad. We live in Rye Brook, and have been formally affiliated with Community Synagogue for 5 years -- but Dana grew up here and became a bat mitzvah on Rabbi Rothman's watch, so we have been around the Synagogue for a long time. Since my kids are young, my main responsibilities are as a driver, coach, fan, cook, seventh, fifth and second grade tutor, dispute resolver, occasional voice-raiser and, of course, a bank. In my spare time, I am a management-side labor lawyer responsible for keeping businesses out of trouble and on the right side of labor, civil rights, wage and hour and other employment-related rules. My day job is far less complicated than my night and weekend gig.

In reflecting on how I have evolved as a Jew, I view my story as exemplary for how very ordinary it is; but that it still puts me here today with the honor of offering a brief D'var Torah on Yom Kippur. So, at least for today, I have come a really long way.

One of my earliest memories of being Jewish was walking in to a shul in Queens for the high holidays with my grandfather when I was 5 or 6 years old. It was a rectangular sanctuary, and his seats were way up at the front. We got there a little after the service started, so getting to the seats was a whole production down the aisle -- carefully orchestrated by my grandfather so he could proudly parade me in. I remember three things about the experience: (1) there were no other kids there; (2) I had no idea what was going on in the service, other than that I had to stand up and sit back down very often; and (3) that my grandfather was as happy as could be, so in a bored and not-sure-why kind of way, I was happy too. My boys are here now, as are some of their grandparents, so from generation to generation, history repeats.

I remember my bar mitzvah as something I worked very hard for, and as an especially proud time for my parents and grandparents. Mostly, though, I remember it as marking the beginning of my regular attendance at High Holiday services. I admit to not really understanding every part of the services -- which were almost entirely in Hebrew, but I was a Hebrew School educated kid who could read and follow what was going on, I liked being there and I enjoyed the feeling of being connected. Fast forward to today, I still like being here, and feel even more connected as I have a fuller understanding of the service, I come here with many of my friends and my family and because I am fortunate to count my Rabbis and Cantor as friends.

So let's talk Torah. The section of Leviticus Chapter 19 we chant on Yom Kippur afternoon emphasizes our personal obligations to be holy in our own dealings with one another. The section is known as "The Holiness Code" and begins: "The Lord spoke to Moses saying 'Speak to the whole Israelite community and say to them: You shall be holy, for I, the Lord your God, am holy,'" using the word "kadosh" as meaning "regarded as holy." The text goes on to provide some guidance as to how we too can be "regarded as holy" like God -- a very big ticket item. I read it to say the emphasis on being holy is to strive to narrow the gap between God's perfection and our more imperfect limitations by making sure to do the things many take for granted -- such as being ethical, moral, humane, honest, sensitive and considerate -- or more directly, just being good people.

This stirs up the stereotypical paradox -- the Jew is commanded to be holy, but the Jewish lawyer is destined to the very un-holy "what's the difference between a lawyer and a insert your nasty creature here" joke. I will try to reconcile these issues.

When I was sworn in to the New York bar in 1995, a judge (I wish I remembered who) spoke to the group of a hundred or so of us and said: "People, just promise yourselves you will be good to each other. Your clients can yell at each other just fine. They don't need to pay you to yell at each other too, and the whole thing gives me a headache." I don't know whether he was Jewish, but for sure his values were. For the past 18 years, that is how I have approached, and continue to approach, my professional relationships and daily interactions, and find it is not at all inconsistent to be a valuable counselor, a tough negotiator and a good litigator and still be professional, decent and ethical, among other positive adjectives.

I approach my role as a business advisor, and find that Jewish values and legal principles often run on the same track. I often say bad employers have a lot more to worry about than good employers, same as I tell my kids bad decisions usually make for worse consequences than those that follow good decisions. Whether by improper wage payments, unequal treatment of employees, uneven application of rules and policies, or a host of other wrongs, many workplace issues I deal with are rooted in employers failing to adhere to basic Jewish values and a failure to be "holy."

A few lines we chant resonate specifically with my line of work and correlate directly with legal principles. I'll give you three.

In verse 13, we are commanded "The wages of a laborer shall not remain with you until morning." No one should be made to work for free, so we are morally bound to pay what we owe for someone's work when we owe it. Similarly, federal and state laws set forth strict rules regarding how to calculate wages due and when they must be paid. If you do not follow the rules and get caught, you not only have to pay the wages due, but may be punished by having to pay double, or more, of the actual unpaid wages.

In verse 14, we are commanded "You shall not insult the deaf, or place a stumbling block before the blind; you shall fear your God." So we are commanded not to deal less favorably, or act improperly towards, the disabled (or perhaps more broadly, those less fortunate than you). The law similarly protects the disabled by requiring reasonable accommodations to permit equal access to the workforce as able bodied workers.

In verse 15, we are commanded "You shall not render an unfair decision; judge your kinsman fairly." So we are required to treat others evenhandedly across the board. I urge clients to strive for uniform application of rules relating to their workforce. Making consistent decisions and affording the benefit of sensible doubt prevents both Jewish injustices in our decision-making processes and legal injustices that result in problematic decisions based upon sex, race, religion, disability, age or other legally protected bases.

Interestingly, both the Torah and secular legal principles do not suggest adherence to these values because it is the right thing to do, but rather require it -- in one venue because God tells us to do so to be holy, and in the other because the law sets forth penalties for violating them. The concepts really are the same: whether we like it or not, we follow the rules and no one gets hurt; but God forbid you don't, you risk the consequences.

So I am up to a pretty interesting and fun part of my story. It is the part where our oldest son, Zachary, will become a bar mitzvah in March, and being 12 years old, secretly thinks I know very little about anything. Jesse, my next oldest, is 10, so he still correctly thinks I know everything about everything. Eli is 7, so he could care less what I know, as long as he gets his way all the time. Either you know what I am talking about, or you will. As parents, Dana and I continue to work the zone defense as best as we can.

To tie it all together, while nothing is certain, I am banking on that being on the right side of things Jewishly, making good decisions, being good people and striving to be holy -- and instilling those important values in my boys -- increases the likelihood of a good life and, God willing, a happily ever after.

Shana Tovah, I hope you are having an easy and meaningful fast.