

THE
AMERICAN LAWYER

'This Is Deeply Personal': S&C's Shenker, Forced Into a Bomb Shelter, Speaks on Connections to Israel, the Way Forward

By Patrick Smith

October 19, 2023

Joseph Shenker, senior chair of Sullivan & Cromwell, was in Israel on Oct. 7, celebrating Simchat Torah, as he has done many times before. Shenker has a deep and long-running connection with Israel. That connection now finds outsized influence as he, and the rest of the world, watch the fallout of the Hamas attacks and the conflict that continues to batter the region.

As Hamas unleashed a brutal attack on the civilian population of Israel bordering the Gaza strip, slaughtering people at a music festival, in towns and taking hostages back into Gaza, Shenker was in his Jerusalem synagogue's bomb shelter, just on the backside of the president's residence, as the events unfolded.

It was a scenario that brought back memories of past conflicts, specifically the 1973 Yom Kippur War, during which Shenker was a teenage student taking a gap year in Israel. But the latest conflict came with a new level of terror.

"This felt similar, but instead of military targets, it was on civilians," Shenker said in an interview. "This was more hair-raising, more chilling. You had terrorists marauding in the countryside, shooting and decapitating people. You had missile attacks on areas that were not used to them."

Shenker emerged unharmed from his shelter and is back in the United States. His oldest grandson, who is 18, is currently doing a gap year in Israel, attending the same school Shenker did many years ago. His grandson was, as of this writing, still in a bomb shelter, almost two weeks out, conducting his studies with his classmates.



Photo: Ryland West/ALM

Joseph Shenker, senior chair of Sullivan & Cromwell.

Shenker, as many are, is now in a position to both seek support for Israel while not fostering an environment bent on revenge that causes further civilian suffering. He is one of a number of lawyers who are balancing their day-to-day legal practice along with organizing support for Israel and closely watching the war events.

More than 1,600 attorneys signed a statement last week in support of the country's right to defend itself and condemning the Hamas attacks as terrorism.

Law.com reported last week that individual partners at Kirkland & Ellis have pledged a donation total of more than \$1.5 million for charitable organizations and relief efforts. Meanwhile, more than 100 Quinn Emanuel Urquhart & Sullivan partners have pledged a total of \$300,000

in charitable donations to groups that support Israeli hospitals, ambulances, paramedics and others, while Paul, Weiss, Rifkind, Wharton & Garrison is encouraging lawyers and staff to donate to relief organizations and matching donations up to \$1,500 annually.

Greenberg Traurig maintains the largest presence of a U.S. or global law firm in Israel, noted Richard Rosenbaum, executive chair of the firm, with more than 30 lawyers and professional staff in a Tel Aviv office.

“While they are all accounted for and working for clients, they are also engaged with the war efforts, including fundraising, assisting international donors, and providing pro bono assistance on various war-relief related matters. Many spouses, partners, children and relatives of our lawyers and staff have been called to serve in the Israeli army,” Rosenbaum said in a statement on Thursday.

Greenberg Traurig has made a “significant” monetary contribution and it is matching individual contributions of lawyers and staff to various groups. “We stand with ALL of the many innocent people who have died or been injured as a result of this war,” Rosenbaum added.

‘Respectful Work Environment’

In a firmwide email at Sullivan & Cromwell, Shenker, along with fellow senior chair Rodgin Cohen and co-chairs Robert Giuffra and Scott Miller, expressed their sympathy for those affected, as well as their efforts to provide relief. And again, it is personal.

“For those of us with family, friends, colleagues and acquaintances who are victimized by the attacks, this is deeply personal,” the email said. “And for the rest of us, Hamas’ indiscriminate slaughter of young adults enjoying a holiday music festival, and families enjoying the holiday in their homes, as well as the mass kidnapping of civilians – from toddlers to the very elderly and infirm – is an affront to any measure of basic human decency and civilized behavior.”

The firm has organized donations via the American Jewish Joint Distribution Committee (JDC) and the Israel Emergency Fund run through the UJA-Federation New York.

Shenker was visibly emotional during an interview about his recent experience in Israel. While the calm and

collected attorney side of Shenker recounted his thoughts on the conflict, the gravity of the matter and its personal impact on him bubbled up often.

“This wasn’t a political attack,” Shenker said in an interview. “People realized quickly that this was an attack on a people all over the world for their very right to exist.”

As Shenker and other lawyers watch the war closely and organize support, the repercussions of the conflict continue to play out in the communities around them.

Most recently in the legal community, Am Law 100 firms Davis Polk & Wardwell and Winston & Strawn have rescinded job offers to law students tied to group statements that reportedly blamed Israel for the Hamas attack. The situation illustrates a number of complexities, including personal beliefs, the right to free speech and what a “safe” working environment looks like.

Shenker, emotions aside, had very clear thoughts on that.

“We send out a memo each year that we have a tolerant and respectful work environment,” he said. “That doesn’t mean we are going to say if these students were involved in these organizations that they can’t be here. But we are asking people to pay them a lot of money for their critical thinking skills. If their critical thinking skills land them in that place [blaming the victims of the terror for the terror], then they have no place here.”

Shenker, educated in the conflict from both an academic and practical standpoint, is aware that a pending Israeli ground invasion will likely inflame tensions further and create more suffering and loss of life in Israel and Gaza.

But, he said, there are not a lot of options, as Hamas has entrenched its operations in civilian areas by design. “A ground invasion will cause some shift in people’s thinking,” he said. “But it may not be possible to prevent future terrorist attacks without doing so.”

Still, emotions where they are and his personal connections with the tragedy taken into consideration, Shenker said all-out revenge, and the thinking that leads to it, is not the right course of action.

“You have to feel their pain,” he said. “But never take revenge. Feel empathy, protect others and feel part of the human whole.”