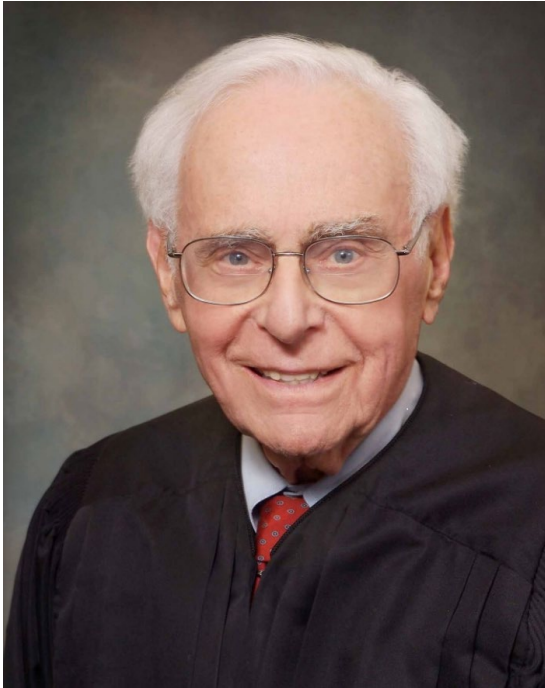


U.S. District Judge Avern Cohn 1924-2022



By his own admission, Avern Cohn was forceful, passionate, and occasionally annoying – or what he liked to describe as “rhetorically promiscuous.” But behind a gruff veneer was a big-hearted judge who cared about people and how the law affected them.

“You better know what you’re doing when you appear before Avern Cohn,” Detroit criminal defense attorney David Steingold told Bridge Michigan, an online news publication, in 2013. “He can be hard on you, but he’s one of the smartest, analytical and compassionate judges on the bench.”

“We don’t always see eye to eye,” Steingold added.

“But when you walk out of his courtroom, you know he’s considered every argument, thoroughly researched the law and is more knowledgeable about the legal issues than anyone else in the courtroom,” Steingold said.

Cohn passed away Friday night, Feb. 4, at Beaumont Hospital in Royal Oak after a brief illness. He was 97.

“Avern Cohn was a brilliant jurist with deep and broad intellectual curiosity,” said U.D. District Judge Nancy Edmunds. “Almost every week he would circulate articles and books, usually concerning history or the law, which he would commend for consideration and discussion.”

“Judge Cohn was also a supportive friend and mentor,” she added. “During the 30 years we served together on the Court, he was always willing to help me navigate difficult legal terrain, encouraging me to sharpen my thinking and my writing. He was a kind and generous colleague, and our Court will miss him terribly. Personally, I cannot imagine a professional life without him.”

Chief U.S. District Judge Denise Page Hood agreed.

“Judge Cohn was the court’s resident intellectual,” she said. “He also knew a lot of court history in addition to the law. I regularly went to him for advice and counsel and support. I think other judges and lawyers did as well. Judge Cohn could be a little gruff, but he had a very big heart. The court family will miss him, and the legal community has lost a giant.”

Avern Cohn was born July 23, 1924, in Detroit, the grandson of Russian and Polish immigrants.

His father, Irwin I. Cohn, was a prominent Detroit bankruptcy lawyer who became a successful real estate investor and corporate lawyer. His mother, Sadie (Levin) Cohn, was a homemaker. It was a close-knit, upper middle-class family, Cohn said. He said his parents, who were active in the Jewish community, believed that privilege came with responsibility to help others.

Cohn decided early to become a lawyer, the result of accompanying his father to work.

After graduating from Central High School in 1942, he enrolled at the University of Michigan, but was drafted into the Army during his sophomore year and spent the next three years of his military service attending engineering and medical schools in Texas, California and Illinois.

When World War II ended, he enrolled at the University of Michigan Law School, received his law degree in 1949 and joined his father’s Detroit law firm.

Cohn spent the next 30 years practicing administrative law and representing clients in business disputes. When his father’s firm merged with another Detroit law firm in 1961, Cohn stayed on as a partner.

“The Cohn in Honigman, Miller, Schwartz and Cohn is my father, not me,” Cohn told Bridge Michigan.

Despite a busy and lucrative law practice, Cohn said he had plenty of excess energy. So, he got involved in local, state and national Democratic political campaigns and social causes that raised his public profile.

In 1963, then-Gov. George Romney, a Republican, appointed Cohn to a Democratic seat on the Michigan Social Welfare Commission, which oversaw the state Department of Social Services.

Cohn also volunteered his time as a cooperating attorney for the American Civil Liberties Union and pursued various social and legal issues.

During the 1967 Detroit riot, he represented looters pro bono at court arraignments.

His activities prompted the Michigan State Police and Detroit Police Red Squads to monitor his activities as those agencies often did with liberal advocates of that time.

“The files contained a bunch of newspaper clippings and maybe a surveillance report,” Cohn remembered.

From 1972-75, he served on the Michigan Civil Rights Commission — the last two years as chairman. He also served on several Jewish community organizations.

Cohn was an early supporter of Coleman Young, the former state senator who became Detroit’s first black mayor. After Young was elected in 1973, Cohn was appointed to the Detroit Board of Police Commissioners, the civilian oversight panel.

Cohn said he requested the appointment because he lived in Detroit and wanted a police radio, so he could listen to police calls. He said Young was hesitant because Young didn’t trust lawyers. When Cohn promised not to act “lawyerly,” Cohn said Young gave him the job — along with a police radio that didn’t work very well.

From 1976-79, Cohn and other commissioners spearheaded Young’s plan to integrate Detroit’s predominantly white police force, which many black residents viewed as an army of occupation.

“Coleman Young wanted to integrate the Detroit Police Department and the police commission was his agent for doing so,” Cohn told Bridge. “I made lots of enemies.”

Cohn said he had aspired to become a federal judge from the day he stepped into a federal courtroom in 1949 but had to wait 30 years to get his chance.

Although he expressed an interest in 1966 to then-Sen. Phil Hart, D-Mich., Cohn said Hart had someone else in mind. Cohn tried again after Jimmy Carter, a Democrat, was elected president in 1976, but said then-Sen. Donald Riegle Jr., D-Mich., was hesitant to recommend him to Carter.

“Riegle was concerned that I lacked judicial temperament — and he was right,” Cohn told the federal court’s historical society in 2005. “I had never been a shrinking violet. I was militant, excitable, forceful, occasionally probably interrupted people, occasionally irritated people.”

Riegle relented because of strong backing from Coleman Young, then-UAW President Doug Fraser and the Jewish community, Cohn said. Carter nominated

Cohn to the federal bench on May 17, 1979, and the Senate easily confirmed him. He was sworn in Sept. 26, 1979.

Cohn said he had a tough time adjusting to his new job because he had relatively little trial experience and knew almost nothing about hiring or managing a court staff. He said worked hard and eventually got the hang of it, earning the respect of lawyers and prosecutors.

He ran his courtroom with a firm hand and required that lawyers show up prepared to argue their cases. Attorneys praised him for his fairness, legal knowledge and willingness to reconsider his decisions.

Along the way, Cohn presided over several high-profile cases.

In 1989, he set a national precedent by striking down the University of Michigan's anti-hate speech code, the first in the nation, saying it was vague, overbroad and violated the First Amendment rights of students. U-M — Cohn's alma mater — had to rewrite its policy.

In 1995, Cohn caused a national stir by dismissing criminal charges against Jake Baker, a U-M student who had fantasized on the Internet about raping, torturing and murdering women. Baker was the first person to be charged with a federal Internet crime. Cohn not only released Baker from federal custody, he declared that Baker's writings were constitutionally protected speech. A federal appeals court agreed.

"He was just an immature college kid," Cohn told Bridge. "He didn't mean any harm. He just lacked good judgment."

In the late 1990s, Cohn presided over the lawsuits that inventor Robert Kearns filed against American and foreign auto manufacturers for infringing on his patent for the intermittent windshield wiper. Kearns won \$30 million in jury verdicts and settlements from Ford Motor Company and Chrysler Corp. and his saga was turned into a 2008 movie, "Flash of Genius," starring actor Greg Kinnear as Robert Kearns.

The film didn't generate much notoriety for Cohn because the judge in the movie was named "M. Franks."

A few years later, Cohn bid \$1,500 in a Michigan Opera Ball charity auction and won the right to get his name in an upcoming Elmore Leonard crime novel. Cohn later was amused to discover that the Avern Cohn in Leonard's novel was a sleazy lawyer.

In 2008, Cohn declined to jail Nada Prouty, a Lebanese immigrant who admitted faking a marriage to become a U.S. citizen and, eventually, an accomplished FBI

agent and daring CIA operative. The government said she had shared FBI secrets with her brother-in-law, an alleged terrorist sympathizer. Cohn disagreed, saying the government had blown the case out of proportion. He fined Prouty \$750 but was forced to revoke her citizenship because of her plea agreement with prosecutors.

In 2010, Cohn sentenced then-Detroit Councilwoman Monica Conyers to 37 months in prison for taking \$6,000 in bribes in exchange for her vote in favor of a \$1.2-billion sludge disposal contract.

Cohn took senior status on Oct. 9, 1999, but continued handling a full caseload. He gave up his docket in December 2019. At that point, he was the oldest serving judge in Michigan.

Last year, Detroit author Jack Lessenberry and archivist Elizabeth Zerwekh published "Thinking About 'The Other Fella,'" about Cohn's life and the law. He collaborated with them on the book.

His first wife, Joyce (Hochman) Cohn, died in 1989 after 35 years of marriage. They had three children, Sheldon, Tom and Leslie Magy, who survive along with seven grandchildren and two great grandchildren. In 1992, Judge Cohn married Lois Pincus, a Birmingham art gallery owner, who also survives.

During his time on the bench, Cohn was a voracious reader, devouring five newspapers a day in addition to court papers, legal journals and books spanning a variety of topics. He was a prolific letter writer who shared his views with newspaper editorial pages and law journals. Reading and working were his only hobbies.

"He is insatiably curious and that's his secret as a judge," Detroit attorney Andrew Doctoroff, a former Cohn law clerk, told Bridge magazine. "To continue to have that kind of energy is remarkable. He's a gift that keeps on giving."

Cohn conceded that he could be difficult and demanding, especially with lawyers, but he took pride in his ability to reconsider his decisions.

"I understand why pencils have erasers," he told Bridge, adding that he tried to operate by yet another adage: "Reason is in such short supply, the fact that it comes late is no reason to reject it."

Cohn stuck Post-It notes on his side of the bench to remind himself to listen, let the lawyers try their cases, exhibit patience and not take himself too seriously.

He compared his life to acting in a play.

“For the last 33 years, my role has been to be a judge,” he told Bridge. “I think I’ve played the role rather well. I think I’ve upheld my part of the justice system. And I think in some measure that I’ve influenced others.”

A funeral service will be held at 2 p.m. Monday, at Ira Kaufman Chapel, 18325 W. 9 Mile Road (corner of 9 Mile Road and Southfield Service Drive across the street from a Mobile gas station).

The service will be livestreamed on the Ira Kaufman Funeral Home website. To view the service, go to www.irakaufman.com, click on Upcoming Services, on Judge Avern Cohn’s name and then “Click here to watch live video.”

Interment will follow at Clover Hill Park Cemetery, 2425 E. 14 Mile Road between Coolidge and Woodward.

Memorial contributions may be made to the Jewish Historical Society, American Civil Liberties Union, Detroit Symphony Orchestra, and the Jewish Association for Residential Care.

This obituary is based on a profile that David Ashenfelter, Public Information Officer for the U.S. District Court for the Eastern District of Michigan, wrote for Bridge Michigan in 2013.