

U.S. District Judge Arthur Tarnow 1942-2022

U.S. District Judge Arthur Tarnow, one of Michigan's preeminent criminal appellate lawyers before being appointed to the federal bench in Detroit in 1998, died Friday morning at Henry Ford Hospital where he was being treated for heart issues. He was 79.

"Our whole court grieves at the loss of Judge Arthur Tarnow," said Chief U.S. District Judge Denise Page Hood. "Our hearts go out to his wife, Jackie and his sons. Judge Tarnow was an excellent judge, fair in all ways and ever cognizant of the hurdles facing men and women returning to the community after serving a sentence in prison. He was also a loyal friend and had a sense of humor that could sometimes catch you off guard or was just plain corny," she added.



"His experiences overseas had made a keen impression on his life," Hood said. "He was devoted to his wife and they were a fine and fun pair, sharing a zest for their life together. I will miss him. His death is a great loss to our bench."

U.S. District Judge Terrence Berg said: "The legal community in Detroit has lost a giant, both as a federal judge and as a human being. "No one had a bigger heart, a sharper mind, or a quicker wit. Before Judge Tarnow the least among us stood on firm and equal footing with the rich and powerful. We will miss him very much."

Tarnow, whose legal career spanned nearly six decades, was concerned about the welfare of returning prisoners and met with them to reassure them that the Court's probation officers were there to help rather than harass. He said it was his way of helping those he had sentenced to get back on their feet and stay out of trouble.

"I chose law, I think, to try to help people," Tarnow told the Court's historical society in a 2017 interview.

Tarnow was born Feb. 3, 1942, in Detroit, the son of Nate and Rose Ginsberg Tarnow, who owned a successful electrical supply business in the New Center area. His father handled sales and his mother kept the books.

The youngest of three children, Tarnow grew up nearby on the edge of the Boston Edison District. Neighbors included famed United Auto Workers President Walter Reuther, whose driver occasionally drove Tarnow to school in the labor leader's bulletproof Packard.

Tarnow said his parents wanted him to do well without pressuring him to succeed. "My parents just wanted me to be happy," he said in a 2018 interview.

When he was 11, the family moved to Thirteen Mile-Northwestern Highway area of Farmington Township. Except for spending the 7th grade as a boarding student at Cranbrook Schools in Bloomfield Hills, Tarnow attended Detroit Public Schools.

After graduating from Mumford High School in 1959, he enrolled at the University of Michigan, but returned home a year later to attend Wayne State University. He received his bachelor's degree in 1963.

While attending WSU's law school, Tarnow interned as a research assistant for Wayne County Circuit Judge James Montante.

After receiving his law degree with honors in 1965, Tarnow planned to spend the summer in Poland in a public administration program sponsored by the New York University Law School. But the Polish government cancelled his visa because of the United States' involvement in Vietnam.

So, Tarnow headed to Australia where he worked as a tutor and teaching assistant at the University of Melbourne in 1965-66. While there, he traveled to Papua, New Guinea. On his way home in 1967, he visited Thailand, Vietnam, Hong Kong, the Philippines, and Micronesia.

After serving as a temporary law clerk for Michigan Court of Appeals Judges John Fitzgerald, Louis McGregor and Timothy Quinn, Tarnow returned to New Guinea.

From 1967-68, he worked as a lecturer at the University of Papua New Guinea Law School. Once again, he took the long way home by visiting several African countries, Israel and London.

Upon his return, law school friends recruited him to work for the Legal Aid and Defender Office in Detroit, representing criminal defendants with their legal appeals. His boss was Carl Levin, the future Detroit City Council President and eventual longtime Democratic U.S. senator who would prove helpful to Tarnow's legal career.

In 1970, Tarnow became the first fulltime director of the newly created State Appellate Defender's Office. The next year, he married Mary Jacqueline Beaubien, a nurse, whom he met through a friend. They had two children.

In 1972, Tarnow ran for Detroit Recorder's Court but lost the general election, which turned out to be a blessing, he said.

"At the time, I was about 30 years old and thought I knew everything," Tarnow recalled, adding that he lacked the life and legal experience to become a judge.

So, he spent the next 26 years in private practice forging a reputation as a top criminal appellate lawyer. He also supported Levin and Democratic Party candidates.

On Sept. 24, 1997, with Levin's support, President Bill Clinton nominated Tarnow to fill one of three spots on the court. The Senate confirmed him on May 13, 1998. He was commissioned on May 22, 1998.

"I was overwhelmed," Tarnow said of his early days on the bench. "It takes a lot of time to become an effective federal judge. The key thing is to listen and recognize that you don't know everything. Curiosity is important."

Along the way, Tarnow compiled a list of "Survival Rules" to help him stay on legal course.

Rule 1: "See things with humor."

Rule 2: "Know which are your problems and which are not."

And Rule 7: "There is no limit to what you can accomplish, if you do not care who gets credit for it, or don't mind not getting a thank you."

Lawyers praised Tarnow for his legal ability, courtroom demeanor, compassion, and humility, according to the 2018 edition of the Almanac of the Federal Judiciary.

"When I'm on the street, my name is Art," he told the historical society.

Though many federal judges jockey for more spacious quarters on upper floors of the Detroit courthouse, Tarnow remained in his original first-floor chambers.

"I don't particularly enjoy elevators," he quipped in the historical society interview. "And, plus, I'm across the hall from the candy store. What's better than that?"

Several years ago, he installed two miniature cowbells in the jury box of his courtroom, so jurors could let him know when it was time for a restroom break. "As far as I know, I'm the only judge in the land with a cowbell in a jury box," he said.

Tarnow said he never fretted when the U.S. Sixth Circuit Court of Appeals occasionally reversed his legal decisions.

"It's just a difference of opinion," he said, acknowledging his fallibility. "Just last week, I got reversed in a civil case and you know what? I read the opinion and they were right."

Tarnow handled several high-profile cases over the years.

In 1999, he temporarily blocked a new state law that would have banned so-called partial birth abortions and imposed a maximum penalty of up to life in prison for violations. In 2001, 10 months after the U.S. Supreme Court struck down a similar Nebraska law, Tarnow permanently enjoined the Michigan law from taking effect.

In 2006, Tarnow ruled that proponents of Proposal 2 tricked voters, including blacks, into signing petitions to put an anti-affirmative measure on the statewide ballot. But he concluded that the deception didn't violate the Voting Rights Act, under which the suit had been filed. He said those who were led to believe that they were signing pro-affirmative action petitions could rectify the situation by voting against the issue in the November election. The decision was upheld on appeal. Michigan voters went on to approve the measure, which banned race and gender preferences in government hiring and public-university admissions.

In 2012, Tarnow presided over a lawsuit that Chris Armstrong, the University of Michigan's first openly gay student body president, filed against Andrew Shirvell, a U-M alumnus and assistant state attorney general, who had waged an online campaign that accused Armstrong among other things of recruiting students into the homosexual lifestyle. Armstrong sued for defamation, intentional infliction of emotional distress and stalking. Shirvell countersued, accusing Armstrong of bullying and violating his First Amendment rights. Tarnow tossed Shirvell's lawsuit. Armstrong's case went to trial and a jury awarded him \$4.5 million, which was reduced to \$3.5 million on appeal. The Attorney General's Office fired Shirvell over the episode.

Tarnow took senior status on May 26, 2010, but continued to handle a full caseload.

Prominent Detroit criminal defense attorney Steve Fishman praised Tarnow.

"Art Tarnow was a great judge who treated everyone who came before him fairly and equally," Fishman said. "And every lawyer who appeared before him would agree that in addition to his terrific intellect, he did not suffer from the dreaded judicial disease of 'robe-itis.'"

Asked in 2018 how he would like to be remembered, Tarnow said: "Being a public servant with great power is a large responsibility. It requires patience, the ability to listen to the parties, lawyers and law clerks, and a sense of fairness."

He is survived by his widow, Jackie; sons Tom and Andrew; a brother, Robert; a sister, Adrienne Goldbaum; and two grandchildren.

In recognition of COVID-19, the family is hoping to conduct a memorial gathering this summer.

Researched and written by David Ashenfelter, Public Information Officer for the U.S. District Court of the Eastern District of Michigan.