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From the desk of Yerachmiel Tilles

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Priorities & Calibrations

As a civil trial attorney in the Hancock Park section of Los Angeles, with an emphasis on bankruptcy and *Bais Din* (Rabbinical Court) litigation, I [Baruch Cohen] had for many years the great honor of representing Chabad of the Valley, under the guidance of **Rabbi Yehoshua "Josh" Gordon**, of blessed memory.

Back in 2005, Chabad of the Valley was unfortunately sued by a bankruptcy trustee in the Woodland Hills Bankruptcy Court in the Central District of California.

I was retained by Rabbi Gordon to defend against a lawsuit by creditors of a businessman who has given contributions to Chabad. The court appointed a "chapter 7" trustee to recover those 'ill-gotten' contributions, claiming they belonged to the donor's creditors.

The lawsuit, if successful, would have resulted in an enormous financial loss to Chabad. During the litigation, the chapter 7 trustee's counsel took Rabbi Gordon's deposition in his Century City office, and I defended him there.

As part of the deposition, the trustee's counsel asked Rabbi Gordon foundational questions about Chabad, its mission, its work, and the issue of the charitable donations in particular. Rabbi Gordon's answers were complete and accurate, giving the trustee a real appreciation for the great work of Chabad.

During the break in the deposition, when we recessed, Rabbi Gordon had pulled me to the side to get my impressions as to how he was testifying, and my strategies about our defense, when all of a sudden, out of nowhere, he changed the subject, and curiously asked me if I knew whether the trustee's counsel was Jewish.

I responded that I had no idea if he was Jewish, as the lawyer's name was not a recognizably Jewish name. "But why on earth, does that matter, as we're staring down the barrel of a litigation gun right now, getting closer and closer to trial, with the threat of a summary judgment motion about to be filed?"

Rabbi Gordon was not swayed by my answer. He told me that during the deposition, while being questioned, he detected something "Jewish" in the way the interrogator was asking him follow-up questions about Chabad; and

that his "*Ahavas Yisroel* [Love of Fellow Jew] Radar" was always "on," even in tense situations like this.

"I sensed his Jewish *neschama* (soul). I could be wrong, but I don't think I am. I think he's a *Yid*" he told me. And on that note Rabbi Gordon announced that our lunch will have to wait, as he needs to run and get something from his car that is parked in the subterranean parking structure.

I assumed that Rabbi Gordon was running to his car to bring me documents that would help us in our defense of this case. While I waited for Rabbi Gordon to return in the building's cafeteria, I started eating my lunch by myself.

Rabbi Gordon returned with no documents, but rather a *tefillin* bag and a twinkle in his eye, telling me: "If he's a Jew, I want to put tefillin on him. Baruch, let me do this. I know what I'm doing. This is very important to me"

To which I responded: "Are you out of your mind? This is not the time or place for this. May I remind you that you're on the defensive here? Get off the tefillin idea and let's get focused on the case!"

My arguments went nowhere. Rabbi Gordon took his tefillin bag with him back up to the conference room when the deposition resumed.

During the last hour of the grueling deposition, while on the record, Rabbi Gordon politely asked the trustee's counsel how old he was and if he was Jewish.

"Excuse me? I'll ask the questions here, and you'll answer them," was his stern reply.

At which point, I put my head in my hands, fearing where this was going. Rabbi Gordon was undeterred: "Fine. I'll answer your questions, but can you please answer mine: are you Jewish?"

The trustee's counsel instructed the stenographer to go "off the record" so the conversation could continue.

Annoyed, the trustee's counsel responded that he was in his late 50's, and indeed was Jewish, but not observant like we were - and can we please go back on the record to resume the deposition?

Rabbi Gordon reaches for his tefillin bag, explained what tefillin is, and asked the lawyer if he had ever put them on before. The trustee's counsel was getting more and more irritated by Rabbi Gordon's line of questions, and didn't want to engage Rabbi Gordon about his heritage, and responded in a stern tone that he never put on tefillin, insisting that we go back on the record, and resume the questioning.

Rabbi Gordon was undeterred. The opposite: he was amping up! Pushing the envelope, he asked the trustee if he could put tefillin on him now, at the deposition. I could not kick Rabbi Gordon under the table to signal to him to stop (anyway, I was convinced it would have been a waste of my time).

The trustee's tone was now forceful that the Jewish-Tefillin conversation has come to an end, he made it very clear that he didn't believe in whatever Rabbi Gordon was "shoveling" and he absolutely refused to participate in the tefillin ceremony. At this point, the trustee was getting very upset and went back on the record and resumed and completed the deposition.

* * *

Two months later, we were in court for the hearing on the contested motion for summary judgment brought by the trustee.

The judge's tentative ruling was intentionally vague as to who would win the summary judgment, and during the hearing, the judge asked Rabbi Gordon what the Jewish Law was on whether creditors had the right to recover charitable contributions from a charity.

With no notes and no preparation, Rabbi Gordon rattled off a halachic analysis on the subject that would make any Talmid chocham (established Torah scholar) blush. It was absolutely brilliant, incredibly well organized, and he cited several commentaries on the *Shulchan Aruch* 'Code of Jewish Law,' charting the law's evolution.

I was totally floored at his unrehearsed presentation to the judge, as I had no idea Rabbi Gordon had such a breadth of knowledge in the highly specialized area of the *Choshen Mishpat* (4th and final volume of Shulchan Aruch) dealing with complex monetary disputes.

The judge was very impressed and satisfied with Rabbi Gordon's impromptu presentation. Returning to the matter at hand, she encouraged the parties to go out into the hallway and try to settle this case before she is forced to rule on it, which we did.

After hours of tense negotiations in the hallway of the courthouse, we were still miles apart - in terms of dollars - from settlement, when Rabbi Gordon grabbed my arm and winked at me. I shuddered internally as I saw that disturbing twinkle in his eye again.

He announced that he would accept the Trustee's final settlement demand on one condition: that after the settlement consummates and finalizes, that Rabbi Gordon would have the privilege of putting tefillin on the Trustee's counsel!

The man agreed, but only on the explicit condition that no cameras be present when he puts on the tefillin. Thus ended years of contested litigation, over a handshake.

The settlement was finalized, monies were paid, and Rabbi Gordon subsequently went to the Trustee's office to close the deal - to put tefillin on him for the 1st time in his life.

Rabbi Gordon explained to me later, how significant and important it was to him to put tefillin on that Jewish lawyer from Century City. "Reb Baruch, the lawsuit seemed secondary to me at that moment, insignificant even. All that mattered to me right then and there, was to put tefillin on my fellow Jew [especially one who had never had them on before]."

Had I not witnessed this myself, I probably would not have believed such a story. Yet, I came to realize that Rabbi Gordon's intuition was obviously correct and his "Ahavas Yisroel Radar" was properly calibrated.

Our professional relationship and friendship continued for many years. Rabbi Gordon became my Torah-learning partner and a very dear friend. In my hour of loss, he dove into my soul with laser beam accuracy to console and comfort me during my mourning period. He knew what to say, and how to say it. His business ethics were beyond impeccable. He only feared God, and feared no man. He will be missed sorely.

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*Source:* Adapted by Yerachmiel Tilles from an article by Los Angeles attorney Baruch C. Cohen, Esq. commemorating the end of the traditional 30-day mourning period, published on COLive.com

*Biographical note:*

**Rabbi Yehoshua-Binyomin "Josh" Gordon** was the founder and executive director of Chabad of the Valley in Southern California, established in 1973, and spiritual leader of Chabad of Encino. He oversaw a string of institutions, including 26 Chabad centers, Hebrew schools, adult-education institutes, summer camps and a host of other closely linked communal institutions. He was also a beloved Torah scholar and educator, who taught thousands of students around the globe through the world's most widely viewed daily Torah classes.

*Connection:* Monday night-Tuesday, 29 Shvat / *Erev Rosh Hodesh Adar Rishon* (2022: Feb. 1), is the 6<sup>th</sup> *yahrzeit* of Rabbi Gordon.