

# New York Law Journal



Web address: <http://www.nylj.com>

VOLUME 237—NO. 56

FRIDAY, NOVEMBER 23, 2007

ALM

L A W Y E R ' S

## Bookshelf

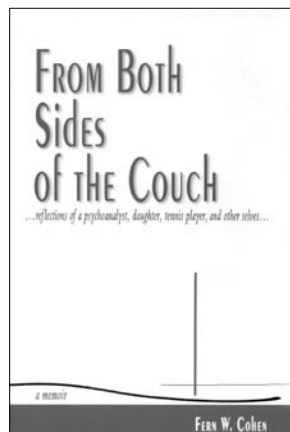
Reviewed by Joan Ullman

*From Both Sides of the Couch...  
reflections of a psychoanalyst,  
daughter, tennis player,...*

By Fern W. Cohen, BookSurge Publishing, Charleston, S.C. 204 pages, \$25.95

**F**ern W. Cohen, a psychoanalyst and psychotherapist in private practice in Manhattan, is the daughter of the late Judge Edward Weinfeld. In her brief, insightful memoir, she writes of her lifelong struggle to extricate herself from her prestigious father's compelling and confusing hold over her. "From Both Sides of the Couch," however, is not a typical tale about a famous parent's offspring struggling to forge a separate identity. Instead, in describing her development and her successful professional career, Dr. Cohen brings insight into contrasting styles of thinking and even living, from the two powerful father figures who shaped her sense of self: the judge, who prized reason and logic, versus Freud, who recognized the power of unconscious mental processes.

Judge Weinfeld was appointed to the U.S. District Court for the Southern District of New York in 1950. He served for 38 years until his death in 1988 at age 87. He was subject of the 2004 biography, "In Pursuit



of Right and Justice: Edward Weinfeld as Lawyer and Judge" by William Nelson, current Edward Weinfeld Professor at NYU Law School. Prior to his appointment, in addition to his law practice, Judge Weinfeld served as the first Commissioner of Housing for New York State from 1939 to 1942. His work on the commission on the Bankruptcy Laws of the United States led to the passage of the Bankruptcy Reform Act of 1978.

Ever courteous, never without his hand-tied bow tie, and noted for his walks to work, and across the Brooklyn Bridge—and

back—at lunch, the judge was also known for long work hours, his insistence on conducting expeditious and fair trials, and the quality of his persuasive, rarely reversed written opinions. Judge Weinfeld's more notable cases included the antitrust suit that struck down the merger of Bethlehem Steel and Youngstown Ohio Sheet and Tube and the libel suit against Hearst Publications and its conservative columnist Westbrook Pegler, in which plaintiff, journalist Quentin Reynolds, was awarded \$175,001, the highest libel award of its day.

**A**lthough a devoted husband and father to his wife and their two daughters, the author and her three-year-old sister, the judge was also wed to his work. His self-discipline and belief in the dictates of reason made him an awesome parent. His daughter found his principles admirable and his stature exciting, but she also felt intimidated by his intellect and frustrated by his emotionally distant personality. At home, his strict ideals produced a climate devoid of verbal rancor or hostility—one in which

it wasn't winning, but doing one's best that mattered. Dr. Cohen writes that she reacted to her father's continual exhortations to her and her sister to do their best by suppressing her conscious feelings of aggression, anger and competition.

Her father's schedule left little time for the movies, the theater, concerts or museums. The author looks back with bemusement at the judge's cultural insularity—a bemusement which her father himself shared. While relaxing over drinks before dinner one night, her father told of his refusal to postpone a pretrial hearing so that a prime witness, Mickey Mantle, could appear at the start of spring training.

"Mickey who?" the judge related that he had said. However, he then added that he had "joined in the laughter that erupted in the courtroom," writes Dr. Cohen, "but decreed the trial proceed apace."

Living in the shadow of her father also had advantages. Even as a child, she recalls listening to discussions of politics or legal issues from his day in court or to dinner conversations with his prominent friends. Notwithstanding her inclusion in this world, however, she could not partake as an equal; it left her feeling different from her friends and superior, because of the connection to her father, yet awed by, and inferior to the authority figures.

Her father's sole recreations were walking and tennis; his young daughter seized on both as a means to find common ground with him. As a six-year-old, she would occasionally accompany her father on Sunday mornings to the Bronx tennis courts near Yankee Stadium. Between sets, which he played with a friend, he would pitch balls to her, teaching her to swing. Tennis soon became a thrilling form of play; through it, she could identify with her father and gain a feeling of competency. During the author's psychoanalysis, however, she became aware that tennis had become the arena for replaying her conflicts over

competition and aggression and her feelings of inadequacy.

Dr. Cohen, who was a classmate of mine at Radcliffe, entered college shortly after her father's appointment to the bench. In her sophomore year, despite having been an outstanding student, she panicked when facing such tasks as separating from her father or forming mature sexual relationships. She gradually retreated into anorexia, another way of identifying with her idealized, weight-obsessed father. For the troubled woman, imbued with her father's assumption that reason and logic could solve all problems, she couldn't conceive that her difficulties might lie in hidden areas of her psyche. But when her worried parents sent her for a consultation with a psychoanalyst, and she was referred for psychotherapy, she discovered the world of the unconscious; with it, she found both solace and hope. Dr. Cohen's psychotherapy evolved into intensive psychoanalysis and continued beyond her graduation from college. By its completion she had gone from teaching to working as a therapeutic tutor. She also fell in love, married and became pregnant with the first of her three children. In mid-life, as a practicing psychotherapist, she re-entered graduate school and became a school psychologist. Later, work-related problems led her into a new psychoanalysis. Before it ended, she herself would become a psychoanalyst. Here, she finally overcame her awe of authority figures that had still left her feeling inadequate. She also rid herself of the guilt that inhibited expressions of competitiveness and aggression: She no longer needed to give up a winning lead in tennis or to double fault when ahead.

"Couch" is divided into sections ostensibly focused on the author's father, psychoanalysis, and related issues including tennis. Dr. Cohen recounts her story in the fluid language of the psychoanalytic

process, one in which past and present recur, and whose logic is that of association and of theme. She succeeds in presenting a story from both the objective (psychoanalytic) and subjective (daughter's) perspective. For attorneys or lay readers alike, "Couch" brings insight into psychoanalysis. She illuminates recent changes in her field, notably, its shift from a one-way process featuring an "authority"/analyst who interprets to the analysand to a non-Freudian-envisioned, more egalitarian two-way process.

**A**long the way Dr. Cohen brings to life an extraordinary man. The absence of rancor in her book is her greatest tribute, both to the efficacy of her chosen field and to the man she emulated, one who was eulogized as "the jurist for whom good was never good enough, better always the goal."

---

**Joan Ullman** is a psychologist and journalist in New York who frequently reports on civil and criminal trials.

---

Reprinted with permission from the November 23, 2007 edition of The New York Law Journal © 2007 ALM Properties, Inc. All rights reserved. Further duplication without permission is prohibited. For information, contact 212-545-6111 or visit [www.almreprints.com](http://www.almreprints.com). # 070-01-08-0035