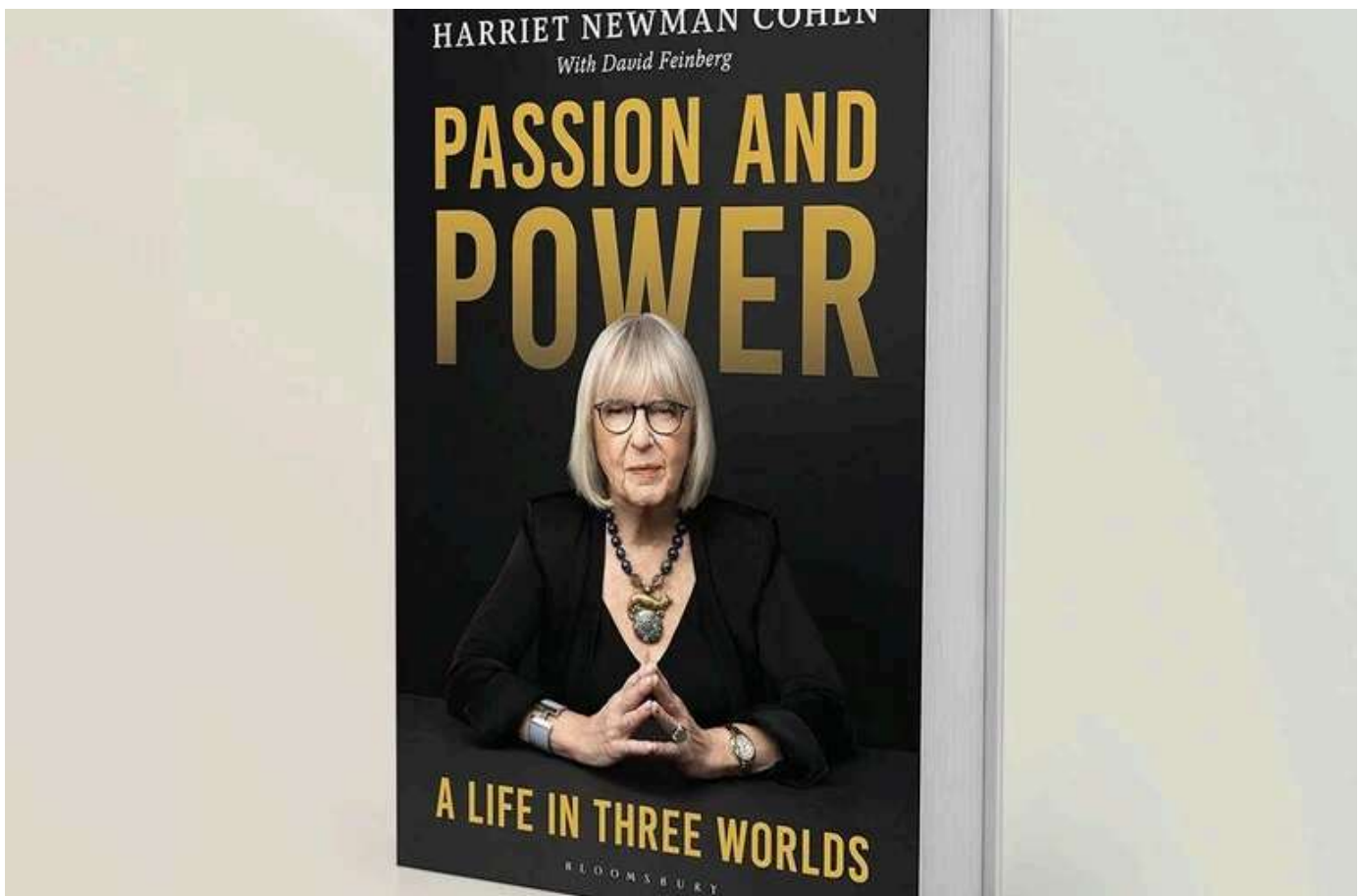


Commentary

Passion and Persistence: A Legal Trailblazer's Life in Law

Daniel Kornstein's reviews 'Passion and Power,' the memoir of pioneering divorce lawyer Harriet Cohen. He praises the book as unusually candid and inspiring, writing: "It is remarkable when the author happens to be a cultured, pioneering, feisty, energetic, still actively practicing 93-year-old veteran of the divorce reform wars who tells her as yet unfinished life story with frankness, verve, and self-understanding."

May 04, 2026 at 12:44 PM By **Daniel Kornstein**



PASSION AND POWER. By Harriet Newman Cohen with David Feinberg

PASSION AND POWER. By Harriet Newman Cohen with David Feinberg.
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This lawyer's autobiography is both unusual and remarkable. It is unusual in that only once in a rare while does a lawyer's memoir amount to more than mere self-glorifying stories of courtroom triumphs. Such an uncommon

literary event occurs when the timeliness, topicality, candor, and style of the memoir attract wider interest and lay bare the struggles, emotional as well as professional, involved in the life and the career.

It is remarkable when the author happens to be a cultured, pioneering, feisty, energetic, still actively practicing 93-year-old veteran of the divorce reform wars who tells her as yet unfinished life story with frankness, verve, and self-understanding. Such a book transcends the ordinary and becomes an inspirational tale, a personal historical account, of an era of rapid social and legal change, and what one person can accomplish, with important lessons for all of us, New York lawyer Harriet Cohen's fascinating new memoir "Passion and Power" provides a real-life counterpoint to the recently much-discussed cognitive decline among older people. Her autobiography shows that not everyone 80 or older fails to think straight, lacks competence, or is unable to communicate clearly. We all can learn a lot from and admire a book like this—and the person who wrote it.

One purpose of Cohen's book is personal; it is, after all, a memoir and is in part intended to be a family archive that tells her descendants where she and they came from and what she has achieved, her legacy in words. Born in Rhode Island of immigrants from Eastern Europe, Cohen as a child was a fine pianist and an excellent student. She skipped grades and, after moving to New York, went to Barnard College, graduating in 1952 with an unmarketable major in Latin and Greek and a minor in music. Like so many other women of her generation, she got married right after college and became a homemaker and mom with four daughters. But in time the personal blended into and greatly affected the professional.

With a keen mind, abundant energy, and unslaked (though slumbering) ambition, Cohen was restless in not being part of what she calls "a man's world." Seeing and feeling the Women's Movement stirring around her, Cohen decided to go to law school in 1971 when she was 38 years old to begin the next phase of her life. Her decision to study law added more friction to an already fraying marriage, leading a year later to an awful, scarring scene when her husband, with Harriet on the floor holding his leg and begging him to stay,

walked out on her and the children. Cohen, one of only a handful of women students, breezed through Brooklyn Law School, making law review after her first year and graduating at age 41 near the top of her class. “Everything I am,” she says, “everything I was able to become or achieve, has roots in Brooklyn Law School.”

In law school, she discovered that she had an affinity—no wonder, given her own personal experience—for studying matrimonial law. It was a good time for her to start to learn about what would become her life’s work. “I felt the pull of matrimonial law right away. I liked it very much, probably because of what I was going through, but also because I was good at it. I felt I had a calling.”

The 1970s were a heady time for divorce law. Feminism challenged unfairness and inequity on many fronts in American life and especially law, including the process of ending marriage. In those days, divorce could be granted only on “fault” grounds, and the division of the couple’s assets turned on who had paper “title” to them. As a result, divorce cases were often unseemly, with the propertied spouse (usually the husband) getting most of the assets, especially if the wife was found “at fault.” “Fault” could also affect child custody rights. Alimony (now called spousal maintenance) was another controversial issue. Same sex-marriage had not yet come up on the radar. The world “was changing” and created what Cohen dubs a “tsunami” of divorce reform.

Cohen started to ride that tsunami soon after law school. She wanted to help bring about “legal change that would forever alter the way men and women understood their relation to one another.” She worked at a series of good firms where she was fortunate enough to find mentors who guided her career. Although at first she worked on different kinds of legal matters, she was more and more drawn to family law. She won her spurs at these firms and made her reputation as an excellent divorce lawyer and someone active in the woman’s bar associations. At some of the firms, she set up and ran the matrimonial departments.

At one firm early in her career, she spent years working closely with Julia Perles, herself a famous divorce lawyer. For years in the 1970s, the two of

them labored tirelessly to reform New York's divorce law, ultimately achieving success in 1980 when the State Legislature passed a compromise statute. The new law didn't provide for everything Cohen strove for: while it eliminated "title" as a talisman for determining which spouse gets assets, it called for ambiguous "equitable distribution" rather than an "equal" split, a compromise that to this day bothers Cohen.

To give some flavor, Cohen describes some of the cases and projects she worked on at these firms. She shares experiences and important insights about negotiating prenups and divorce settlements. She discusses some cutting-edge litigations, including an unusual "case of a lifetime" about a child custody fight between, on one hand, a lesbian couple, and on the other hand, a sperm donor. At one point Cohen talks about "those cases, few and far between, where you feel you might actually be walking with history, and that the decisions you make, the precedent you help establish, could have an impact that last for a generation." What a feeling that is! She also explains how she worked on various useful studies, some of them empirical, about how divorce law worked in practice. One tough lesson of a long life is that it teaches, in Cohen's words, that "legal victories, like revelations, can be equally illusory and that any battle worth fighting will likely have to be fought again. And again."

All this accomplishment was only leading up to Cohen's most desired professional goal. For years she had dreamed of starting her own law firm, to be her own boss. Finally, in 1994, at the age of 62, Cohen and two colleagues took the leap without a net. She felt the intoxicating thrill, the autonomy, the sense of being on one's own. She finally knew the emotional high, the pride, and the feeling of independence from seeing her own name on the door. Comfortable with the risk, she and her partners had launched their own venture and were sailing under their own flag, creating something that wasn't there before. She got the chance to set the tone and the style and the professional standard.

Cohen's mentors taught her well. She learned from them "how to prepare a case and, equally important, how to present both case and client to the court

to the best possible advantage in court.” One mentor, the fabled Louis Nizer, gave her good advice about legal writing. Nizer taught Cohen to put everything up front. “Make your last line your first line,” he told her. “No judge... read[s] the entire brief.... [J]udges were often swayed by the initial argument. So rather than wait until the end...to present that argument, you should present it on page one, first paragraph.” Added Nizer, “That’s where you win or lose the case.”

Cohen learned that lesson and goes beyond it. She has no patience for lawyers who are “prisoners of chronology, providing briefs that go on, page after page, factually correct and unreadable, before making their point.” “You not only have to write *clearly*,” she says, “but you had to write *well*.” Her writing is clear and strong, uses many cultural references, similes, metaphors, and makes one want to read on.

Cohen shows self-awareness too. She says she earned a reputation as a “fierce,” “unrelenting,” “indefatigable” advocate, but knows that such a reputation came at a cost. “I developed some sharp elbows.... I know that there are some who believe that those elbows were sharper than necessary and were sometimes employed in situations that may not have been appropriate. There may be some truth to that, but it is a partial truth given the world as it was and the circumstances that I faced.” Nonetheless, she is “proud of the passion I bring to the law and to my battle for a client’s rights.”

Fine as this memoir is—and it is very fine indeed—what makes it truly special is the advanced age of the author and her still being in harness. When most of her cohort has had enough and are either gone or playing pinochle or mahjong by a pool in Florida, Cohen at 93 is in the fight, heading her own small family law firm and enjoying every minute of the practice. This legal warrior, whose spirit would have felt at home among the mythical Amazons if those warriors also practiced law, will not desert her post, defending the rights of her clients with all her mind and might as long as she can.

The “drive” and work ethic are there yet. “I make no allowance for my age,” Cohen writes. “I approach my work with the same determination, the same energy...as I always did.” “The desire for excellence has never ebbed, it still

hasn't." "I was determined that no one was going to outwork or out prepare me. My concept of hard work hasn't changed—if anything, it has become more rigorous." "The confidence is still with me." She stresses the value of "empathy fused with knowledge and skill that only experience can bring."

Cohen even gives a hint to the secret of her longevity. True, she concedes that "to some extent" it is "unearned" due to the "luck of genes." But, contrary to what the doctors say, it is not, at least for Cohen, mainly genes, diet or exercise. Nor is it sweetness and light. It is "something more," Cohen declares. It is "the will, the drive, the hard-headedness...the orneriness of my personality" that "helped me to survive." It may not be the right prescription for everyone, but it is still doing the job for her.

Spirit and pluck and interesting work are, for Cohen, the keys to a long and productive life, a life still being lived well. As Justice Holmes said in his 90th birthday, "to live is to function." Cohen may be a divorce lawyer, but this is not a book about divorce. It is a book about the flame-like, tireless human spirit.

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