



Remembering Ben Aisenberg

1931–2021

BY CHUCK TURNER

“Think where man’s
glory most begins
and ends, and say
my glory was I had
such friends.”

—William Butler Yeats

Ben Aisenberg’s remarkable life and career are pretty well known to those of us in the Colorado legal community who have been around a while. This profile highlights the salient waypoints along Ben’s journey, followed by some well-earned words of tribute from Ben’s friends and colleagues.

The Highlight Reel

Ben grew up in Worcester, Massachusetts, where he excelled in academics and sports. He similarly made his mark at Brown University and then Harvard Law School. Upon graduation, he had an opportunity to join what was then one of the few Jewish law firms in Boston, but he chose Denver, having become acquainted with this area while serving in the Air Force in Colorado Springs and Denver. In those days,

Denver’s big firms were not inclined to hire Jewish lawyers, even those with a double Ivy pedigree. The firm of Gorsuch, Kirgis, Campbell, Walker and Grover was an exception. There, Ben became an accomplished commercial litigator known for his diligence, intellect, and preparation. He later opened his own small firm, where he excelled in representing plaintiffs in personal injury cases.

Ben became involved with the Colorado Trial Lawyers Association when it first formed in the late 1960s. Around that same time, he also became involved with the Denver and Colorado Bar Associations and began a decades-long stint on the CBA Ethics Committee. His dedication to the CTLA, DBA, and CBA resulted in his selection as president of each association—an unmatched “Triple Crown” achievement—and

earned him Awards of Merit from the DBA, the CBA, and the CBA Ethics Committee. Over the years, Ben also received special recognition from the Colorado Asian Pacific American Bar Association (APABA) and the Sam Cary Bar Association for his generous support of those organizations and his passion for helping others, especially those underrepresented in the legal profession.

When not advocating for his clients or giving back to the legal community, Ben pursued another passion, bridge, which he once said helped finance his law school tuition. He became a Life Master at age 32, an unusual feat for someone so young. But Ben wasn’t all law and bridge. A lifelong bachelor, Ben was always up for a good time—whether in Las Vegas, where he frequented the craps tables, or in

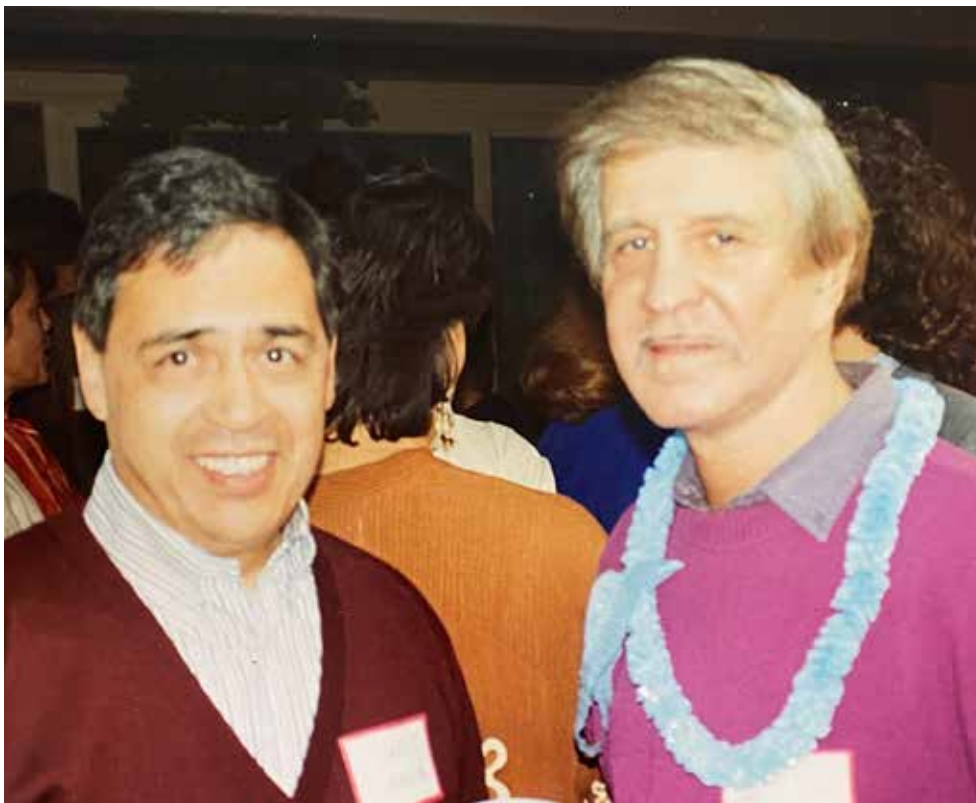
Denver and the mountains, where he enjoyed a robust social life. Ben was also a political, history, and sports junkie; he was a voracious reader and always game for conversation and debate. His memory for details, whatever the subject—the law, the facts of cases, Jeopardy trivia—was elephantine.

Tributes

Ben Aisenberg was a brilliant, benevolent lawyer who was ethical to the core. But as Yeats understood, the true measure of a man's life is not his professional successes; it's what his friends say of him. And Ben's friends and colleagues have a lot to say.

It is with great admiration that I write this tribute to my friend Ben Aisenberg. Given recent events, equity, diversity, and inclusion (EDI) have become common buzzwords in the legal world. However, Ben had been doing EDI work for his whole career. He was the first Jewish partner on 17th Street and knew firsthand the feeling of isolation in the legal profession. At his law firm, he welcomed their first Black associate lawyer, Trudi Morrison, and aided in her adjustment to 17th Street, when there were very few Black attorneys in the downtown law firms. He mentored Trudi in the firm, supported her with meaningful legal assignments, and encouraged her to join the Sam Cary Bar Association. Around that same time, in approximately 1976, Ben and I met at a CTLA meeting, and he welcomed me into the association.

Ben and I had discussions about the value of affinity bar associations, such as APABA and Sam Cary, since Ben had leadership roles in the DBA, CBA, and CTLA. My associate, Lucy Hojo Denson, was one of the co-founders of APABA and became its first president in 1990. Ben regularly attended the gala events of Sam Cary and APABA and made substantial financial contributions to their scholarship funds for Black and Asian American law students. In 2014 Ben received the Warrior for Justice Award, one of the most meritorious awards given by the Sam Cary Bar membership. The award recognized Ben's career advocacy for diversity, equity, and inclusion in the legal



Ben with fellow DBA Past President Don Cordova.



Ben with CBA Past President Bart Mendenhall, who passed away just a few weeks before Ben.

profession. But Ben was more than an EDI advocate; he was an anti-racist in all aspects of his life. Multiple times, Regina and my family were welcomed into his homes in Denver and Aspen. The Blair Caldwell Denver

Public Library, a library rich in Black history, will proudly display Ben's Warrior for Justice Award, which has been donated to the library by his estate.

—Hon. Gary Jackson

I loved Ben's sardonic/sarcastic sense of humor: "Do you really need that plate of breakfast today?" Or when we were on opposite sides of testifying as experts he would ask, "Would it help you if I sent the controlling Colorado case law" (before you embarrass yourself on the stand)? I loved sharing his shopping list at the beginning of the pandemic: 3 bags of Doritos, 2 containers of Dreyers French vanilla, 2 onions, 4 boxes of Good and Plenty candy, and 2 Hershey bars. A health nut he was not!

—Gary Blum

Ben generously supported the Colorado APABA Foundation for many years. To honor him, the Foundation board created the Aisenberg Award, to be given to a University of Colorado or University of Denver law student who wanted to participate in NAPALSA (National Asian Pacific American Law Students Association) leadership but who needed financial resources to travel to various meetings and conferences. Ben encouraged younger attorneys to take on leadership roles. We thought this was an appropriate way to honor him.

I will miss Ben. He always came to our APABA banquet. Since I oversaw the banquet seating arrangements, I would make sure he sat at my table whenever I could. My husband loved his company—he said visiting with Ben during the evening made the banquet bearable. It was never about him; it was about celebrating the accomplishments of others, being there to support them, and enjoying seeing friends and colleagues.

—Fay Matsukage

I once tried a case involving a lawyer who had stolen funds from a client. There were many mitigating circumstances, but the lawyer was eventually disbarred after the Supreme Court reviewed the case. Ben had been on the hearing board, and he knew in detail the facts of the case. I know this because for at least 10 years after it was over, he kept telling me how sad it was that the lawyer got disbarred and pointing to facts about the matter that I had forgotten.

Another thing that stood out is that during the hearing, which was in about 1995—before



Ben with the late Judge Wiley Daniel, fellow CBA president and Award of Merit recipient.

cell phones were in everyone's pocket—Ben kept looking at something in his hands. After the case concluded, he showed me his small electronic device on which that he could continually see baseball scores. I had never seen such a device. As everyone knows, he was a sports fanatic.

I miss him deeply and always will.

—Jamie Sudler

Ben was one of the best humans I've ever known. Growing up, I thought it was so cool there was someone else with Bennett as his first name. I was proud to work with such a legend on the Ethics Committee. There are many things I'll miss about Ben—sitting next to him at events so we could talk before watching baseball on his phone is one of them. He inspired young lawyers to strive to be great lawyers, but he also inspired us to enjoy ourselves while doing it.

—Ben Lebsack

Shortly after I joined the Ethics Committee, I applied for a judgeship on the Court of Appeals. Although Ben and I didn't know each other very well, Ben wrote a letter of recommendation on my behalf. I appreciated that very much, since at the time I was a legal services lawyer and those who knew me best were not well-

known members of the Colorado bar. I'm sure Ben's letter significantly assisted in my being appointed to the court in November 1992.

—Hon. Daniel Taubman

I met Ben during my first Ethics Committee meeting. We were in a breakout session for new members, and Ben told us that we were not allowed to speak at the meetings for the first year. I thought he was serious at first, but I realized that he was joking. This was my introduction to his wonderfully dry sense of humor.

I will miss him. No one can fill his shoes.

—Heather Whitman

Ben's kindness was unparalleled. He was both curious and kind in his dealings with those of us who were outside his normal circle of colleagues. He invited me and several of his close friends to stay at his condo in Aspen for one of our ethics meetings, and it is a memory I will always cherish. When Ben visited our home in Cuchara and met our cats and dog, he asked how each was doing by name for years afterward. His memory for details of cases, people, cats, you name it, was legendary, and he seemingly never forgot anything that meant something to him.



Ben with Judge Ray Satter and Al Wolfe, co-winners of the Ugly Sweater Contest.

Lastly, Ben was a champion of the bar who was always willing to fight the good fight, and he contributed his time, money, and knowledge to the judicial branch's many battles with those who wanted (and still do) to put judges back into electoral politics.

Ben was a mighty intellect and a true gentle giant of the profession.

—Hon. Claude Appel

The word “unique” is used often without a lot of care and even in violation of the word's dictionary definition. But Ben was unique. His voice, his mannerisms, his intellect, his intellectual curiosity, and his concern for the law and for others were unique. For the rest of my life, I will cherish my monthly dinners with Ben. This is a huge loss for all of us. I will miss him dearly.

—Hon. Michael H. Berger

Ben was a great lawyer, a true champion of the bar, and a real mensch. He will be missed.

—Al Wolf

I met Ben in the early '80s when we were both CTLA officers. I quickly learned that Ben knew everything about almost every legislator. On sev-

eral occasions, I called Ben from the legislature (from a pay phone) for assistance. Because he was unavailable when I called, and rather than calling me back at night, Ben just walked over to the legislature and pulled me out of the hearing. Invariably, he had the exact information that I needed. Ben, you were quite a guy!

We will all miss you terribly.

—Lance Sears

Many years ago, when I was a young lawyer, Ben and I were on opposite sides of a fairly complex case. He was courteous in explaining to me the strengths and weaknesses of my case. He participated in reaching a settlement that was fair and reasonable. When I saw him regularly in the following years at various Ethics Committee functions, he was always friendly and approachable. What a kind and gentle, yet stalwart person he was. I will miss him.

—David Littman

My small firm shared office space with Ben's firm for many years. I was fortunate to see him almost every day, even on weekends, if I happened to go into the office. (Ben always came in to pick up the mail on Saturdays.) I will miss this good friend, wise colleague, and

mentor. Ben encouraged younger lawyers, and in particular women and attorneys of color, to dream big and to be active participants in the legal community, to serve on committees, as judges, and as activists for the rule of law. I will always treasure his friendship and mentorship, as well as his collegiality, his fine legal mind, his sense of humor, and his wide-ranging interests.

—Cynthia F. Covell

Yes, Ben wore colorful sweaters, as does Al Wolf. They heckled me for my bike spandex. I'll miss his yelling at me at the bridge table. A true genius, a wonderful friend.

—Hon. Ray Satter

During the '80s, the Ethics Committee held its monthly meetings at the DU Law School in one of the big auditorium classrooms, where each row of seats was higher than the row of seats in front of it. The meeting was about to start, and we were all taking our seats. The man behind me bumped his coffee cup, knocking it over and forward, thus spilling coffee onto me and the seats and floor around me. And that is how I met Ben Aisenberg.

We became close friends and remained close friends ever since. Ben shared with me not only his coffee but also his intellect, wisdom, and sense of humor. I looked forward to seeing him at Ethics Committee meetings, having lunch with him periodically (but in hindsight not often enough), and talking with him about politics, current events, recent cases, and whatever else either one of us wanted to talk about. Ben taught me so much, but never didactically, rather by accepting me, welcoming me, agreeing and disagreeing with me, and just talking with me.

Having Ben Aisenberg spill coffee on me is one of the best things that ever happened to me.

—Jerry Pratt

I didn't spend enough time when Ben was alive reflecting on why I felt such affection for him. Now, since his death, I've spent a lot of time thinking about that. For me it comes down to this: Ben was sweet. Not in a Pollyannish or saccharine way. He was a great tease. He could be ironic and sarcastic. And as some of us recall from our Ethics Committee meetings and from

tangling with Ben outside of the committee, he wasn't afraid to fight for what he believed and for his clients.

But he was eternally kind. He wanted to see people succeed. He wanted this world to be a better place. And I always—always—felt better after sharing a meal with Ben, exchanging emails with him, or chatting with him at our meetings. He was just so smart and funny and easy-going, even when he was crammed in the backseat of our car, stuck in traffic on the way to a committee meeting in Pueblo or in a snowstorm on the way home from Aspen. He never complained. He cracked me up. He asked questions and listened to the answers. He brought out the best in me.

He also inspired me. He was the youngest almost-90-year-old I've ever known. He was not jaded. He was independent, disciplined, and curious. He was utterly true to himself and loyal to his friends. He loved laughing and he loved life.

Reading this back, it sounds like a bunch of platitudes. But man, I miss him.

—*Marcy Glenn*

Ben and my firm officed together for over 20 years. Every morning as I entered the suite, my first stop was Ben's office. We would discuss legal issues, current events, books and—of course—sports (usually about Ben's pending bets). He was a man of special intelligence, congeniality, and many other notable attributes. But night owl was not among them. Some years ago, we had Ben and others over for a "Mystery Dinner." These were then fashionable games where guests were given clues that allowed them to identify and name the culprit in a fictional murder. After we ate, and during the throes of forensic analysis, Ben fell fast asleep on my couch. He never did find out "whodunit."

—*Donald Alperstein*

Ben was an original who exemplified Hunter Thompson's definition of a life fully led: "Life should not be a journey to the grave with the intention of arriving safely in a pretty and well-preserved body, but rather to skid in broadside in a cloud of smoke, thoroughly used up, totally worn out, and loudly proclaiming,



Judge Raymond Satter, Chuck Turner, Ben Aisenberg, Brenda Taylor, and Bob Kapelke at the Seniors Committee Roast in 2015.

"Wow! What a ride!"

Thanks for letting me be part of your ride, Ben.

—*Charles Luce*

Probably like most people who knew Ben, I always felt he cared for my opinion more than his own. In every conversation I had with him, it was clear that he cared much more about getting what we were discussing right and making sure I knew that he respected my opinion (which often differed with his but also often changed as I discussed things with him). Ben's generosity of spirit and wisdom raised the intellectual quality and gratification of practicing law in Colorado.

—*Bob Keatinge*

Brilliant. Charming. Eccentric. This is how people often referred to Ben Aisenberg. They were right, yet they had no idea.

Ben was my mentor and my law partner. We began practicing law in 1984. I had heard that Ben was very smart and knew the law inside and out. That turned out to be an understatement. I was counseled that I should join Ben and we would make a complete person in that he knew the law and I knew people. That was the best advice I ever got. Thank you, Steve Rench.

Most lawyers knew Ben as a lawyer's lawyer. Mr. Bar Association. Ethical. Compassionate. Generous with his money and his advice. Ben was all that. But for him it was never about padding his résumé. He cherished his professional relationships, and he truly loved the law. He loved the Colorado and Denver Bar Associations. And he loved CTLA.

Ben was tough, and often adamant in his opinions. We shared a legal secretary for years, and she would type a brief I dictated and then Ben would snatch it out of the typewriter or printer and promptly mark it up with red pen. She would give it to me, and I would cross out all his changes and put my words back in. Ben and I went back and forth for days like that until I had no choice but to capitulate just to get the damn thing filed. Years later, Ben remarked that he was proud of the lawyer I had become. He followed that up with that I finally did things his way.

Ben was a character. He had many quirks that ultimately become endearing. He would be the first to tell you that he didn't have bad taste; he had no taste. Yet Ben had class. In his own, strange way. And he was vain, though you wouldn't know it from looking at him. He wore socks with holes in them, clothes that didn't match, and never saw style if it hit him in the

face. For example, one day I saw Ben spraying something on his head. He saw an infomercial for Hair in a Can, bought it, and started spray painting over his bald spots. I couldn't get him to see the error in this, until I slapped our lease on his desk with a big red circle around the anti-asbestos clause to get him to stop. When I ran for CTLA treasurer I remarked that I could say I had been groomed by Ben for that position, but then again I wasn't comfortable being associated with Ben's grooming.

Ben was like another father to me. But as Ben got older our roles switched. Like John Sadwith, Chuck Turner, and several others, my importance to Ben increased as technology became central to Ben's life. Invitations to dinner usually meant his Betamax needed adjustments, or a light bulb was out. John, Chuck, and I would chuckle over who had been called because he couldn't get the movie or game he wanted to watch, or to fix whatever he did to mess up his cell phone. Of course, we all lived for those calls. For Ben brought so much intellect, humor, and life into our lives.

I can write volumes about Ben Aisenberg. He was a giant of a lawyer. A giant of a man. We are who we are, in large or small ways, because of Ben.

—Marc Kaplan

I met Ben in the fall of 1985 when I was being interviewed by CTLA officers for the job as CTLA's first executive director. At the end of the meeting, Ben said, "He reminds me of a young Dan Hoffman." That was certainly an undeserved comment but an honor. Obviously, he had yet to get to know me.

The next year, my first year at CTLA, Karen and I were driving home from the CTLA Convention in Vail when we stopped for gas in Silverthorne. There was Ben and his friend Sandy stranded, as his Jaguar had broken down. I had a VW Rabbit stuffed to the gills, but we gave them a ride back to Denver with Ben sitting on a suitcase.

Thereafter it seemed that I became one of Ben's "fix it" men and all-around helper, along with Chuck Turner. Ben would call us to help him make purchases such as appliances and TVs and to fix them when they needed repair. He was too impatient to wait for Comcast to arrive on a

service call. There are so many Ben stories to tell.

One day, Ben called to ask for help fixing his TV. Chuck looked on the web for possible fixes and discovered that the TV would go out when it over-heated and a certain filter needed cleaning. I took a can of air, the kind used to clean computer keyboards, and I wedged myself behind the TV. We had taken off the back and made sure to turn off the TV. When I blew the air on the filter there was an explosion, and I was thrown against the back wall. My forearm hair a bit singed, we replaced the back and Ben yelled, "It works!" His hearing was so bad I don't think he heard the explosion. I had destroyed the TV, but he was forever grateful until he called that night to tell me that his phone didn't work.

Ben had a Sony Betamax and all his old movies were in that format, but the Betamax would break and he would call begging me to find someone who would repair it. We kept explaining about Tivo and On Demand, but he had to have his Betamax. Eventually there were no parts to be had for the Betamax.

Several years ago, Ben wasn't feeling well. It appears he was experiencing side effects from his new medications. One day he was driving down 6th Avenue when he blacked out and sideswiped several cars. He was cited for careless driving, and I told him I would represent him in court. While we were waiting for our court date, one of his best friends, Gary Jackson, was appointed to the Denver County Bench. After a bit of sleuthing, I realized that Ben's case was assigned to Gary's courtroom. I knew if Ben discovered this, he would want to move the case, so I kept quiet about it, but Ben found out anyway. We argued about it, but I was able to convince him that we would tell the City Attorney about the relationship and state it on the record. We were the first case to be called on Judge Jackson's first day on the bench. A plea bargain was reached, and the relationship was placed on the record and it was noted that the City Attorney had no objection. Judge Jackson also made a record, and we proceeded to sentencing. I started to make a mitigation statement when Ben interrupted me and said, "Judge, I want the maximum, give me the maximum" while I stood there aghast. Judge Jackson fined him \$100, and on the way

to the Clerk's office to pay the fine, Ben kept telling me what a fabulous job I had done. So much for a cooperative client.

Though Ben was approaching 89, he didn't forget a thing. He could tell you an Al Zinn story from 50 years ago (they were roommates). He was the first to know, or want to know, any judicial appointment and any important case decision that was coming down from the Colorado Supreme Court. He rarely missed an Ethics Committee meeting, even having me drive him down to the CBA office for a meeting while still in a neck brace.

Ben passed away before the NFL Championship games and the Super Bowl, where he most certainly would have placed bets, and you know what, I guarantee he would have won those bets. Being quarantined in his basement Man Cave since March, he was itching to start online betting when it became legal. The problem was that he was a bit tech-challenged and couldn't figure out how to set up an account. He called our 28-year-old son, and though few, if any, had been in his home during COVID, Michael was permitted to enter to help Ben set up his account. Ben was forever grateful. You see he had his priorities.

Ben, we will miss you, your talent, your friendship and your "one of a kind-ness".

—John Sadwith

Rest easy, Ben. We were all so fortunate to have known you. **CL**



Chuck Turner served as the executive director of the Colorado and Denver Bar Associations for over 30 years and survived two Aisenberg administrations, becoming a lifelong admirer and friend.

CONTRIBUTE

The CBA would like to highlight the achievements of members residing in Greater Colorado. If you or someone you know would like to be profiled, or you would like to volunteer to write for the Profiles in Success column, please email Kathleen Hearn Croshal at kcroshal@msn.com.