



# ON THE RECORD

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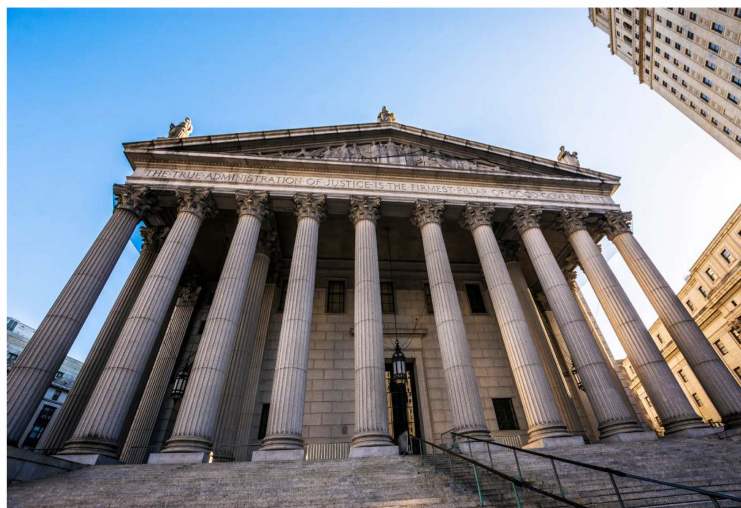
## Not Advice, Just Be Careful

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**A**s a trial lawyer, I will be the first to agree that words yield tremendous power. In court, words can sway people's judgments and determine if the defendant is found to be guilty or innocent. But even in less consequential circumstances, words have the power to dramatically change the way we perceive others. Harnessing the power of words and communicating effectively is one of the essential skills any good litigator must possess.

Sometimes, even one word can be all it takes to yield this power. And sometimes, it does not need to be a word that is spoken; even a word omitted can make all the difference. Ironically, one of my favorite stories demonstrating this point comes not from my life as a lawyer but from my life as a *shul* member.

After my parents passed away, I wanted to do something to honor their memory. Both my parents possessed a steadfast dedication and *mesiras nefesh* for Torah. My father literally had *mesiras nefesh* when he ran into a burning *shul* in Vienna to save a *sifrei Torah* on the eve of Kristall-



nacht. My mother, who narrowly escaped the Holocaust and came to America as a 15-year-old girl without any family, dared to remain dedicated to *Yiddishkeit* while alone in the New World. To honor their memory and recognize their dedication to Torah, I decided to sponsor the *paroches*—the cover of the *aron kodesh* housing the *sifrei Torah*—in every *shul* I am affiliated with.

In the *shul* I *daven* in, Congregation Beth Sholom of Lawrence, a beautifully designed blue velvet *paroches* adorns the *shul* for most of the year. On it reads the inscription:

*In Loving Memory of Sol and Rose Brafman  
by Their Children and Grandchildren*

The *paroches* stays up for most of the year, except for the few weeks around the *Yomim Nora'im*. For those weeks, my *shul*—like many other *shuls*—switches the regular year-long *paroches* for a special white one. I wished to sponsor that *paroches* as well, and I requested for that one to be dedicated in memory of the six million Jews who perished in the Holocaust.

Sure enough, when I came into *shul* that Rosh Hashanah, I saw the new white *paroches*. It was stunning and had elaborate designs embroidered onto the velvet cloth. As I walked up to it to take a closer look and admire the craftsmanship, I gulped as I read the words at the bottom of the *paroches*, embroidered with beautiful gold thread:

*In Honor of the Six Million Jews  
Murdered in the Holocaust  
by Linda and Ben Brafman*

I was horrified and simultaneously deeply amused. The entire *Yomim Nora'im*, I kept staring at the *aron kodesh* and could not stop thinking about how it implied that my dear wife and I were

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the ones responsible for the atrocities of the Shoah! Of course, I am certain that most people reading the *paroches* would have the common sense to discern the intention, but I still felt it should be fixed. I spoke to the rabbi and offered to pay for the embroiderer to amend the inscription. When I arrived at *shul* on the next Rosh Hashanah, the *paroches* read as follows:

*In Honor of the Six Million Jews  
Murdered in the Holocaust  
Dedicated by Linda and Ben Brafman*

That year, I was able to *daven* in peace.

It is a comical story, but it taught me a valuable lesson. Just one word missing; that is all it took to imply that I was behind one of the greatest tragedies that befell our people. And with one word added, it became clear that I was the one honoring those who perished in that tragedy.

This sensitivity to the power of words has made me more mindful when using them. The more lasting the words are, the more critical it is to use them carefully. Especially in today's digital age, when our communications are forever stored on a device or the cloud, we must choose them carefully. There is a famous quote that goes, "Before you act, think. Before you speak, think twice." If I may add, before you send an email or a text, think three times.

Throughout my career, I have seen

emails and texts of clients taken out of context and used as evidence that they were willful and active perpetrators of a crime. I have also heard stories where individuals carelessly clicked "reply all" on a thread when they meant to only hit "reply." Because of that simple mistake, they lost their jobs. In today's world, being mindful of who and how we communicate is more important than ever.

Of course, I am not advocating for individuals to be secretive or paranoid of potential risks. Honest and well-meaning people should have nothing to hide. But it is important for people to ask themselves. "If someone who had no context was reading this, is it possible for them to severely misunderstand?" If the answer is yes, then take another minute to make yourself more clear. It just takes an extra minute, and it can prevent a host of devastating consequences. It only requires being "dedicated" to communicating clearly. ●

● *Ben Brafman is a criminal defense attorney based in New York and is recognized as an expert in white-collar defense and litigation. A former assistant district attorney, he has been in private practice since 1980 and has represented a wide range of high-profile celebrities, business leaders, lawyers and medical professionals. This column is produced in partnership with Project 432 (p432.org), an educational initiative of the Aleph Institute.*

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