



A New Name for the Institute

The Dwight D. Opperman Institute of Judicial Administration

Dwight D. Opperman has long been a valued supporter of the Institute and its programs. In addition to being a reliable source of wise advice and moral support for the Executive Directors, Mr. Opperman took the lead in establishing an endowment and corporate funding for IJA. We are delighted to report that Mr. Opperman's generosity and support of the Institute have taken another momentous leap forward, in the form of a substantial testamentary gift to the School of Law and to IJA. Says Executive

Co-Director Oscar G. Chase, Russell D. Niles Professor of Law, "During Sam's and my time as Directors of the Institute, we've personally benefited from Dwight's leadership and friendship. While we look forward to working with him for many years to come, his legacy will inure to IJA's benefit some day in the distant future."

In recognition of all that Mr. Opperman has done for IJA, NYU, and the administration of justice throughout our nation, the Board of Directors has honored him by renaming the Institute as the Dwight D. Opperman Institute of Judicial Administration, effective November 11, 2005. Says Executive Co-Director Samuel Estreicher, Dwight D. Opperman Professor of Law (see p. 5 for a story about the Opperman Professorship), "Oscar, the IJA Board of Directors, and I are proud and pleased to recognize Dwight's exceptional generosity. Because of Dwight, we can be assured that IJA will be able to continue its mission of non-partisan research and judicial outreach programs for at least another half century."

Dwight D. Opperman, former chairman and CEO of West Publishing Company, is nationally recognized for his



Dwight D. Opperman

philanthropy and commitment to legal education, especially the continuing education of judges. The son of a railroad worker, Mr. Opperman attended Drake University after graduating high school in Perry, Iowa. During his time at Drake, Mr. Opperman majored in music, but left the

university for military service during World War II.

After the war and upon returning to Iowa, Opperman used his G.I. benefits to enroll in law school at Drake. During his time in law school, he excelled academically and was elected to the Order of the Coif, the national honor soci-

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ety for law school graduates. Upon completing his law studies, Mr. Opperman took a position as legal editor at West Publishing, writing synopses of legal opinions. He advanced quickly through the ranks at West Publishing and was assigned to work in court relations, traveling the country and meeting with state and federal judges to ensure their satisfaction with West Publishing products. Through this position, Mr. Opperman

formed relationships with many of the nation's judges and, most importantly, gained an enhanced respect for the judiciary that continues today.

In 1968, Mr. Opperman was appointed president of West Publishing. Later, he was also named chief executive officer. During his tenure, West Publishing's revenues grew from \$50 million to \$822 million, as Mr. Opperman led his company into a variety of new markets, such

as college textbook publishing and ultrafiche. In the mid-1970s, the company launched Westlaw, the legal database that has become West Company's flagship product.

Following the sale of West Publishing to the Thomson Corporation in 1996, Mr. Opperman founded and currently serves as chairman of Key Investments, a privately-held venture capital firm that focuses on high-tech ventures. ■

U.S. Solicitor General Paul D. Clement Addresses Attendees of the 2005 New Appellate Judges Seminar



Intermediate court judges Darleen Ortega (OR), Judith McConnell (CA) and Paul Higginbotham (WI)

On July 10-15, 2005, more than fifty appellate judges attended the Appellate Judges Seminar: New Appellate Judges Series, a program sponsored by IJA, NYU School of Law, and the Federal Judicial Center. The six-day conference, co-chaired by Professors Oscar G. Chase and Samuel Estreicher, IJA Executive Co-Directors, provided state and federal judges with up to three years of experience on the appellate bench, in dialogue with a resident judicial and academic faculty, the opportunity to explore the challenges inherent in judicial decision-making and issues unique to appellate courts.

Keynote speaker Paul D. Clement, Solicitor General of the United States, delivered a welcoming address that reviewed the Supreme Court's most recent term. Previous Solicitors General who have welcomed the new judges to the Seminar have included Kenneth W. Starr, Walter E. Dellinger, and Theodore B. Olson (all IJA Board members), and Seth Waxman.

Clement noted that with the public's focus on Justice Sandra Day O'Connor's retirement, and other possible Court vacancies, the term's significant cases are in danger of being forgotten. Consider *United States v. Booker*, said Clement, in

which the Court determined that mandatory federal sentencing guidelines conflict with the Sixth Amendment and must be regarded only as advisory. The judgment, he pointed out, affects the 1,200 cases heard each week in the federal courts.

Clement, who enjoys California wines, said that the issue of interstate wine sales was one of abiding interest to him, though it was not a case that he argued as the government's top Supreme Court attorney. The Court struck down bans prohibiting out-of-state wineries from shipping directly to consumers, citing those laws as discriminatory. "I applaud the Court," Clement said. "I think they got it exactly right."

The Court also took on the Ten Commandments. In one case from Kentucky, county officials had posted the Commandments in courthouses, and a Texas suit challenged a 40-year-old state capitol monument.

"You might find it surprising," quipped Clement, "that the two-ton monolith is constitutional and the 8 ½-by-11 sheet of paper is not."

Also reviewing rationales in medical marijuana, eminent domain and First Amendment cases, Clement pointed out that the justices consider every argument's merits. "It really does matter what theory is presented to the Court."

During the week, substantive judicial education topics included a popular three-session segment on Opinion Writing (led by Professor Timothy

Terrell of Emory University); a mock oral argument of *FAIR et al. v. Rumsfeld* conducted by Isaac S. Greaney and Dorothy J. Spenner, associates at Sidley, Austin, Brown & Wood LLP; and Statutory Interpretation (led by Professor William Eskridge of Yale Law School). Resident judicial faculty members, many of whom are themselves alumni of the Appellate Judges Seminar, included: Judge Rosemary Barkett* of the U.S. Court of Appeals for the Eleventh Circuit; Judge Martha Craig Daughtrey of the U.S. Court of Appeals for the Sixth Circuit; Justice Roderick L. Ireland* of the Supreme Judicial Court of Massachusetts; Judge John Gleeson of the U.S. District Court for the Eastern District of New York; Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit (an IJA Board member); Judge Harriet Lansing of the Minnesota Court of Appeals; Judge Diarmuid F. O'Scannlain* of the U.S. Court of Appeals for the Ninth Circuit; Justice Bea Ann Smith* of the Texas Court of Appeals, Third District; and Judge Diane P. Wood* of the U.S. Court of Appeals for the Seventh Circuit. NYU



Paul D. Clement

School of Law teaching faculty included, in addition to Professors Chase and Estreicher, Professors Rachel Barkow, Rebecca Hollander-Blumoff, Samuel Issacharoff, Geoffrey P. Miller, Liam Murphy, and Rick Pildes.

The social highlights of the seminar included a dinner at the Water Club Restaurant and an outing to see *The Light in the Piazza* at Lincoln Center, including a talkback with cast members after the show. Attendees included judges from: the U.S. Courts of Appeals for the Ninth Circuit; state intermediate courts of California, Colorado, Connecticut, Florida, Illinois, Indiana, Kansas, Massachusetts, Minnesota, Nebraska, New York, Ohio, Oregon, Pennsylvania, South Carolina, Texas, and Wisconsin; the courts of last resort of Arkansas, Delaware, Guam, Idaho, Kansas, Kentucky, Nevada, Oklahoma, Puerto Rico, Rhode Island, and Wyoming; the U.S. Court of Appeals for Veterans Claims; the Navy-Marine Corps Court of Criminal Appeals; and the Court of Appeal of Ontario.

The seminar was presented in cooperation with the Federal Judicial Center's training program for new circuit judges and supported in part by grants from West Group and Cravath, Swaine & Moore, LLP. ■

* Denotes IJA Member

Dialogue on Oral Advocacy Before the Federal Bench

On the evening of April 26, dozens of new lawyers gathered to hear a distinguished bench-bar panel discuss effective oral advocacy. Professor Oscar G. Chase moderated the panel discussion plus a lengthy round of questions from the audience. The speakers included Chief Judge John M. Walker Jr. of the U.S. Court of Appeals for the Second Circuit, Judge Kimba M. Wood of the U.S. District Court for the Southern District of New York, IJA President Evan R. Chesler of Cravath, Swaine & Moore LLP, and Daniel L. Berger of Bernstein, Litowitz, Berger & Grossmann LLP. Judge Walker, Judge Wood, and Mr. Chesler are all long-time members of the IJA Board of Directors.

This event was the first of an ongoing series that will use IJA's unique resources of judicial experience to build better bench-bar relations. ■



Left to right: Professor Oscar G. Chase, Daniel L. Berger, Judge Kimba M. Wood, Chief Judge John M. Walker Jr., and Evan R. Chesler

Chinese Judges Observe New York Courts in Action

On a Tuesday afternoon in July, judges visiting from the People's Republic of China peppered Bronx County Judge and former prosecutor Martin Marcus with questions. Is it normal to move from being a prosecutor—considered equally prestigious to a judgeship in China—to the judiciary? Does he preside over cases tried by former colleagues? Is it embarrassing to be reversed on appeal?

“Never happens,” Marcus grinned in answer to that last question. “It’s a judge’s job to apply precedent or, if there isn’t any, to create new law. If an appeals court disagrees, well, that’s the nature of the job. I accept what they say, if it’s a close case,” he said. Marcus, a 15-year veteran of the bench, told the judges about

criminal procedure in New York State. As for the judges’ other questions, Marcus explained that being a prosecutor isn’t all that prestigious in New York—unless you’re the chief prosecutor.

The 22 Chinese judges were at NYU School of Law for the Training and Education Program for the Chinese Judiciary, a three-week training program conducted by IJA and Temple University, with a grant from the U.S. Department of Justice, the third such program that IJA has conducted. This year the program was organized by Professor Mary Holland, a professor of lawyering and research scholar at the Law School.

Says Professor Holland, “The Chinese judges particularly enjoyed visits with Chinese-American judges and lawyers

during the program, including a reception at the Asian-American Bar Association and a meeting with U.S. District Court Judge Denny Chin of the Southern District of New York. They appreciated the opportunity to observe oral argument at the Second Circuit Court of Appeals as most of them are appellate judges at home. They also enjoyed two sessions with Professor Jerry Cohen, delivered in Chinese, on comparative criminal procedure and comparative judicial independence. These sessions gave them the chance to discuss some of the pressing legal and judicial issues in the Chinese legal system today.”

Professor Holland not only taught substantive sessions for the program, but also accompanied them on visits with



Students and Faculty of the Training and Education Program for the Chinese Judiciary held July 3–24 at New York University School of Law

Magistrate Judge Michael H. Dolinger (U.S. District Court for the S.D.N.Y.), New York State Chief Administrative Judge Jonathan Lippman, Robert Heinemann (Chief Clerk of the E.D.N.Y.), and the Red Hook Community Courts. Professor Holland welcomed the judges to the U.S. with a tour of New York City and a reception at her home, complete with Independence Day fireworks on the rooftop.

Oscar G. Chase, Executive Co-Director of IJA, who taught alternative dispute resolution and conducted an essay-writing and evaluation session, commented, "This program is one of the highlights of IJA's year, a rare chance to bring together judges from different legal systems in a potentially groundbreaking dialogue." During the program, IJA hosts a lunch for the Chinese judges and the participants of IJA's New Appellate Judges Seminar, and Professor Jerome Cohen gave an entertaining, thought-provoking luncheon address. "We've gotten excellent feedback from the American judges as well, who tell us that they're gratified to get the chance, so early in their appellate careers, to exchange ideas with the new judges from China," says Professor Chase.

Other program faculty included Magistrate Judge Rob Levy of the E.D.N.Y. (alternative dispute resolution, with Professor Chase); Judge Billie Colombaro, 2005 IJA Research Fellow (the judicial profession); Samuel Estreicher, Executive Co-Director of IJA (civil procedure and labor law); Stephen Gillers (judicial ethics); Richard Stewart (administrative law); Stephen Choi (corporate and securities law and crimes); James Jacobs (key issues facing the U.S. criminal justice system); Temple Law School's Jeffrey Dunoff (trade law); and Cardozo Law School's Toni Fine (role of the U.S. Supreme Court).

Although the Chinese judges took classes in English prior to their arrival in the States, everyone in the program benefited from the exceptional services of three NYU School of Law students, Aileen Gao, Zhen Liu, and Hong Ye, who served as translators from the moment the judges arrived at Newark airport until they were seen off on a bus to Philadelphia. ■



Dwight D. Opperman and Professor Samuel Estreicher

The Inaugural Opperman Lecture: Professor Samuel Estreicher's "Beyond Cadillacs and Rickshaws"

NYU School of Law proudly inaugurated a new chair this year: the Dwight D. Opperman professorship. On April 4, 2005 the first Dwight D. Opperman Professor of Law, Samuel Estreicher, Executive Co-Director of IJA and Director of NYU School of Law's Center for Labor and Employment Law, delivered the inaugural Opperman lecture, with an introduction by U.S. Supreme Court Justice Anthony Kennedy.

In his opening remarks Justice Kennedy praised Opperman, a nationally recognized philanthropist and chairman of Key Investments, a privately held high-tech venture capital firm, for his commitment to the judiciary and to legal education. "The federal judges," Kennedy told the audience, "have no truer friend than Dwight Opperman." (For more information on Opperman please see the front page article.)

Estreicher's lecture explored the unmet legal needs of modestly paid workers. In "Beyond Cadillacs and Rickshaws: Towards a Culture of Citizen Service,"

he said that the U.S. civil court system is like a Cadillac: It provides superior service, including extensive discovery and generous damage awards, but only to those who can afford to bring lawsuits. "Those who can't would be lucky to have a rickshaw. People of modest means with grievances have become 'orphans of the law.' No one will come to their aid." He added that the high costs of litigation make it impossible for workers in the lower-middle class to even contemplate bringing a lawsuit.

Estreicher proposed that law schools institute more clinical programs to handle typical claims of working-class people. He also urged law firms to take on more consumer-oriented matters as pro bono cases, arguing that providing legal services to working people is "more likely to result in substantial improvements," than pro bono class-action lawsuits.

"Beyond Cadillacs and Rickshaws" has been published in the *NYU Journal of Law and Business* Spring 2005 issue (Vol. 1, No. 2). ■



IJA Summer Fellow Update

Every year since 1996, IJA has selected four top-notch first-year students for its Summer Fellows program. The fellowship, a full-time summer commitment, integrates an intensive note-writing experience with research responsibilities for IJA's New Appellate Judges Seminar. Recent IJA Summer Fellows have obtained clerkships with judges on the United States Supreme Court, various U.S. Courts of Appeals, State Supreme Courts, and U.S. District Courts. We are proud to report on the latest news from our previous Fellows:

Jason Burge has been offered a clerkship with Judge Jerry E. Smith of the U.S. Court of Appeals for the Fifth Circuit in Houston. Judge Smith has been an attendee and faculty member of IJA's Appellate Judges Seminars and Workshop on Employment Law.

Shirley Park is living in El Cerrito with her husband Chris. She recently left her law firm job in San Francisco, and is now working as a production editor at a nonprofit scientific publisher, Annual Reviews, in Palo Alto.

Teddy Rave will be clerking next year for Judge Leonard B. Sand of the U.S. District Court for the Southern District of New York (IJA Member), and the following year for Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit (IJA Board Member).

Jonathan Regenstein has joined Friedman Kaplan Seiler & Adelman LLP as an associate in the Corporate Department.

Ajay Salhotra is working as an associate at Debevoise & Plimpton LLP.

IJA Summer Fellows 1996–2005

1996 Sarah R. Cebik, Jeffrey M. Hirsch, Daniel J. Krause, Daniel H. R. Laguardia

1997 Melanie Hochberg Giger, Benet J. O'Reilly, Anjli Garg Pero, Kieran P. Ringgenberg, Douglas T. Tsoi

1998 Christopher J. Garofalo, Lauryn Powers Gouldin, Ilizabeth Gonchar Hempstead, Derek Ludwin

1999 Abigail Phillips Caplovitz, Margaret Hayes Lemos, Joel Lance Thollander, David Albert Yocis

2000 Brian Hochleutner, William McGeeveran, Parvin D. Moyne, Shirley S. Park

2001 Yohance C. Edwards, Jessica Kayle Fried, Jennifer G. Presto, Robert Alexander Schwartz

2002 Matthew B. Larsen, Ajay Salhotra, Kimberly C. Spiering, James A. Worth

2003 Kristina Daugirdas, Elliot Greenfield, Jonathan K. Regenstein, Lindsay (Traylor) Braunig

2004 Jason W.H. Burge, Ari D. MacKinnon, Lee M. Pollack, Teddy Rave

2005 Kara J. Ervin, David A. Herman, Joshua M. Kaplan, Kimberly Steefel



Left to right: Professor Samuel Estreicher, Kimberly Steefel, Kara Ervin, Paul D. Clement, David Herman, IJA President Evan R. Chesler, Professor Oscar G. Chase, and Joshua Kaplan at the 2005 New Appellate Judges Seminar

Remembering Friends of IJA

Pioneering a Purposeful Life: Florence Kerins Murray

BY FRANK J. WILLIAMS

Chief Justice, Supreme Court of Rhode Island

Eleanor Roosevelt said, “The purpose of life is to live it, to taste experience to the utmost, to reach out eagerly and without fear for newer and richer experiences.” In her 87 years, Florence K. Murray—jurist, scholar, pioneer—knew what it was to live a rich and purposeful life. She was a woman energized by challenge, fortified by intellectual quests and sustained by personal relationships.

Born in Newport, Rhode Island, on October 21, 1916, Justice Murray began her professional career as a teacher in a one-room schoolhouse on Prudence Island and went on to accomplish a long line of firsts leading eventually to her being the first woman Rhode Island Supreme Court Justice.

In 1948, Justice Murray ran for and was elected to the Rhode Island State Senate, becoming the first woman ever elected to the General Assembly. During that time, Justice Murray was a leader in establishing the Rhode Island Family Court in 1961.

In 1979, Justice Murray became the first woman to sit on the Rhode Island Supreme Court. On and off the bench, she was known as a scholar who possessed an even judicial temperament and a voice for progress, keenly aware that the courts needed to change with the times and always focused on what was truly important.

Justice Murray presided over some of Rhode Island’s most notorious cases, including the nationally publicized Claus Von Bulow case. It was the day-to-day work, however, that sustained her career. Justice Murray was a jurist untouched by publicity and notoriety. She knew her mission was to fairly consider the petitions of all the parties that came before her. She judged cases on their merits and was respected by all who practiced before her. New attorneys, and I was one, were fortunate to have her as their first judge, as she ushered them into the profession with patience, humor and a firm, guiding hand. It went well with her other traits: frugal, practical and pragmatic.

One of her more interesting quotes I read in the days following her passing, was her saying that she was a very good student in law school, and it annoyed her that it was overshadowed by the fact that she was the first woman to break down so many barriers in politics, the judiciary and the military.

She inspired close to four generations of Rhode Island’s most powerful women in public service, law and business.

Associate Justice Maureen McKenna Goldberg once noted, “Justice Murray is best known for having broken down so many barriers that were previously closed to women. I be-

lieve that her greatest contribution is that, before she boldly marched into uncharted territory, she paused, turned around and beckoned the rest of us to follow.”

The day Justice Murray retired from the Supreme Court, she invited every member of the judiciary for an ice cream party, complete with ice cream cart. She greeted each and every court employee that came to wish her well, reminding us that Florence Murray was the best the Rhode Island Judiciary had to offer.

From the undaunted courage of Amelia Earhart and unrelenting fortitude of Susan B. Anthony, to the quiet strength of Rosa Parks, our nation’s past holds a great wealth of women heroes who inspire us and provide us with examples of how to make a difference. Rhode Island’s history is equally laden with notable women—Anne Hutchinson, Nancy Elizabeth Prophet, Elizabeth Buffum Chace. Not the least among these distinguished women ranks Florence Kerins Murray. ■

Frank J. Williams has been Chief Justice of the Rhode Island Supreme Court since February 2001. As an attorney, he appeared many times before Justice Murray. As fellow veterans they became close colleagues when the Chief Justice was appointed to the Court.

Lawyer, Father, Churchman, Democrat: Richard S. Arnold

BY MORRIS S. ARNOLD

Judge, U.S. Court of Appeals for the Eighth Circuit

I appreciate very much the chance to offer a few words in these pages about my brother. Since Richard passed away, my family and I have received more than a thousand letters of condolence, notes, cards, and notices of memorial gifts, a measure of a life extraordinary well lived, and we are thankful for every single one. Richard had a remarkable capacity for making and keeping friends. The range of his admirers was enviable. Justice Ruth Bader Ginsburg wrote that Richard “coped with his illness with unrelenting courage. Others, including me, gained strength from his example.” Mr. Justice Clarence Thomas remembered Richard as a “brilliant, brilliant man who was a model of humility and self-deprecation.”

Richard was what the old biographers used to call a man of wide influence. I’m not talking about political or personal influence. I mean that lawyers and judges, a highly independent lot, wanted to know what Richard thought and they gave his opinion great weight, because Richard was both learned and uncommonly sensible. He knew the difference between logic and reason. A measure of the respect that the judiciary had for him is that more than one hundred federal judges signed

a letter to President Clinton in 1994, urging him to appoint Richard to the Supreme Court of the United States. This was surely unprecedented.

We all know how gifted Richard was. He was a master of parliamentary procedure and used to read the Congressional Record for fun. The Chief Justice and the Judicial Conference of the United States regularly sought Richard out to carry the judiciary's messages to Washington, for the simple reason that he knew where to go, whom to see, and what to say when he got there. His accomplishments were broad and revealed a wide-ranging mind. He learned Hebrew late in life, from the wife of one of Little Rock's rabbis. (When I asked him why he was doing that, he replied that he wanted to be able to understand what they were talking about when he went to heaven!) He taught himself Italian by reading Dante's *Divine Comedy* in the original. ("Just a dialect of Latin," he told me matter-of-factly.) His Italian, French, and German accents were so good that they often drew praise from native speakers, a fact impossible to square with the only known disability from which he suffered: He simply could not carry a tune! So I'm afraid that the part of Ecclesiasticus that lauds the memory of "such as found out musical tunes" will not provide an appropriate text for a memorial to Richard. But the rest of those famous passages will, especially the part that praises "Leaders of the people by their counsels and by their knowledge of learning for the people; wise and eloquent are their instructions."

Like all good teachers, he would often take what you said and give back an improved version...

Richard nevertheless wore his learning lightly. As my wife, Gail, recently put it, he made you feel smart when you were around him. He listened quietly and respectfully, taking in every word. You found it easy to learn from him, without entirely realizing it. Like all good teachers, he would often take what you said and give back an improved version that you could take away and make your own. Speaking with him was a little bit like playing in a large orchestra; one could just saw idly along and feel like an important contributor to the total effect, most of which actually was the product of Richard's virtuosity.

Richard's jurisprudence and judicial method were difficult to classify. He was, as they say, the liberal's favorite conservative and the conservative's favorite liberal. A newspaper editor in South Arkansas noticed this quality many years ago after hearing Richard make a campaign speech and respond to questions. The editor said that Richard was not the prisoner of any obvious or crudely fashioned ideology. One got the impression, he wrote, that Richard approached the questions one at a time and gave them properly individual consideration. He kept no one-size-fits-all template handy for deciding cases. He was at once unpredictable and consistent.

I suppose that the quality that people most admired in Richard, and the one most central to his personality, was his equanimity. Though he cared deeply about all that he did (and especially about the work of our court), he was not in the least bit excitable. Nor was he ever discouraged by technicality. He used to say that there was no such thing as a complicated case; there were only cases with lots of simple issues. Facts were what mattered, he often said; he knew what the law was. It was a pleasure to see him calmly pick through a jumble of facts and reorder them into a recognizable juridical shape. The answer was always obvious after you saw it. Our father would marvel at this quality when all of us Arnolds practiced law together thirty-five years ago: "It is so easy for him," he would say. Richard did frequently seem like an oracle of the law. He just opened his mouth, and out it came.

This same kind of simplicity manifested itself in Richard's political life as well. I remember when he ran for Congress forty years ago, he had some small cards printed with his name and picture on the front; the back contained four stately, one-word lines that read, "Lawyer, Father, Churchman, Democrat." We had lots of laughs about this over the years, and it became a kind of chant with us. But it was revealing. Richard believed in the basic, simple rights and duties of citizenship, which helps explain his devotion to our Bill of Rights.

A little story may help illuminate what I am talking about. Not long ago, when I was performing the sad duty of going

through Richard's effects, I opened a small drawer like the one we all use when we need a place to put things that we can't quite bring ourselves to throw away. It

might be a note from a friend, or a birthday card—you know what I mean. In the drawer there was a badly rumpled picture of some family members, and beneath that there was a photograph of me when I was fourteen, and under that, on the bottom, sat three application cards that Richard had filled out in 1947 for merit badges from the Boy Scouts. Already at age eleven, he was developing basic civic virtues and learning the ways of the Republic. And he already had that characteristic handwriting, rather resembling a Carolingian minuscule, that had a clarity, and a simplicity, that perfectly matched his thought.

I don't want to leave the impression that Richard was some kind of guileless ingénue. Of course, we all know that he wasn't. Another story will help here. Many years ago, he was asked to write a letter of recommendation to Harvard Law School for the son of an Arkansas grandee. So Richard wrote to Dean Erwin Griswold (who, incidentally, had offered Richard a teaching job in 1962) and told the dean that the young man in question had "considerable intellect." Now this was an exaggeration of gargantuan proportions: The applicant had scored a 260 on the LSAT; in those days you got 200 points just for putting your name on the paper! So I said to



IJA Community News

We welcome news updates from our Board, Members, Fellows, and Appellate Judges Seminar Alumni. If you would like to submit an item for the next issue of our newsletter, please email Alison. Kinney@nyu.edu or fax (212) 995-4036.

Honorable Rosalie Silberman Abella, formerly of the Ontario Court of Appeal, has been elevated to the Supreme Court of Canada. Justice Abella attended the 1998 Advanced Judges Seminar.

We regret to report the passing of **Honorable Lawrence G. Crahan**, judge of the Court of Appeals of Missouri for the Eastern District, and an alumnus of the 1994 New Appellate Judges Seminar.

Honorable John M. Ferren, senior judge of the District of Columbia Court of Appeals, has published *Salt of the Earth, Conscience of the Court: the Story of Justice Wiley Rutledge* (University of North Carolina Press: 2004). It is a biography of President Franklin Roosevelt's eighth and last appointee to the U.S. Supreme Court. The biography has been awarded the annual prize given by the Langum Project for Historical Literature for the

best book of legal history or legal biography in 2004, and also was named co-winner in 2005 of the Pendleton Prize given each year by The Society for History in the Federal Government. Judge Ferren was an attendee of the 1978 Senior Judges Seminar.

Rebecca Hollander-Blumoff holds the position of IJA Research Fellow for Academic Year 2005–06. Hollander-Blumoff served as a faculty member for IJA's New Appellate Judges Seminar during her time as a member of the lawyering faculty at NYU School of Law.

Honorable Robert J. Kapelke, judge of the Court of Appeals of Colorado, retired from the Court in January 2005. Judge Kapelke is an alumnus of the 1995 New Appellate Judges Seminar.

We extend our most grateful thanks for the hard work and support over the years of the **Honorable Stewart G. Pollock**, former justice of the Supreme Court of New Jersey, who retired from the IJA Board this past Fall. Justice Pollock was a long-time IJA Appellate Judges Seminar faculty member, who delivered the Second Annual William J. Brennan Lecture on State Courts and Social Justice.

Honorable Ellis E. Reid, an alumnus of the 2001 New Appellate Judges Seminar, has retired from the Illinois Appellate Court and joined the firm of Neal & Leroy, LLC.

Honorable George Bundy Smith, judge of the Court of Appeals of the State of New York, was recently honored by the *Albany Law Review*, which dedicated its March 2005 issue to him. The publication included tribute pieces by the **Honorable Judith S. Kaye**, Chief Judge of the Court of Appeals of the State of New York and an IJA Board Member, and the **Honorable Inez Smith-Reid**, judge on the District of Columbia Court of Appeals and a 2000 IJA alumna. Judge Smith, an alumnus of no fewer than three IJA Appellate Judges Seminars, has also delivered IJA's Fifth Annual William J. Brennan Jr. Lecture on State Courts and Social Justice and is a frequent speaker at special IJA events.

We regret the passing of the **Honorable I. Daniel Stewart**, who passed away on June 23, 2005. A justice of the Supreme Court of Utah, he attended the IJA Senior Appellate Judges Seminar in 1979.

Richard, "How can you possibly say that this fellow had considerable intellect?" "Well," he said, "he has an intellect, and you can consider it." On one reading this is a very simple construction of the words, in another it is surprising and complex. The truth is that Richard could hardly bring himself to say anything bad about anyone. That is why he declined to write a memoir of his life, though I constantly urged him to. He was careful about what he said. He frequently exercised his right not to speak. Words were not toys. It was as simple as that.

Another way in which the equanimity that I am trying to describe showed itself was in Richard's total lack of affectation. I remember once talking to him about William Faulkner. He said, "I don't like Faulkner. I don't understand it." Of course, he was right: I didn't understand it either, it was unintelligible; but it was a relief to hear Richard say so. He was not given to abstraction, never mistook the obscure for the profound.

My mother gave me a Bible fifty years ago, and on the inside cover she recorded the scriptural admonition that much

is expected from those to whom much is given. Richard understood this and cheerfully shouldered the burden. He soldiered on in his state out of the limelight when he could have taught at Harvard or Columbia, or become a partner in a big city law firm. But he said people should stay at home when they were needed there. I was amused one night just a few days before he died when he was muttering good-naturedly about how little money he had made practicing law in Texarkana, because I knew that he could have gotten rich elsewhere if he had really wanted to. During that same conversation, we talked about Southern writers. He looked a little impatient, befuddled, perplexed. "They go on all the time about a 'sense of place,'" he said. "What do you think they mean by that?" "I don't know," I lied, and let it go. He knew the answer. All he had to do was look inside himself. ■

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February 28, 2006

Twelfth Annual Justice William J. Brennan Jr. Lecture on State Courts and Social Justice

The Honorable Randall T. Shepard,
Chief Justice of the Supreme Court of Indiana
This lecture series honors the state judiciary as well as the bedrock of justice under law in the United States. All alumni and members are invited to attend.

March 16–17, 2006

Workshop on Employment Law for Federal Judges

Co-sponsored by the Federal Judicial Center and the NYU School of Law Center for Labor and Employment Law
The ninth in a series of workshops for federal trial and appellate judges. Interested applicants should contact the FJC to register.

Summer 2006

Training and Education Program for the Chinese Judiciary

The third in a series of programs; for more information on the 2005 program, see the article on p. 4. This event is co-sponsored by Temple University.

April 2006 (TBD)

Bench-Bar Dialogue

More information will be posted on our Web site as we develop the program. Check back for updates.

July 9–14, 2006

New Appellate Judges Seminar

Co-sponsored by the Federal Judicial Center
Judges with up to four years of experience on the appellate bench can apply to the seminar.

SAVE THE DATE!

August 4, 2006—Honolulu, HI

“A Review of the U.S. Supreme Court’s Term”

Sponsored by the Supreme Court of Hawaii and IJA, in conjunction with the ABA Annual Meeting
A panel discussion and reception at the IJA Alumni Meeting and Meeting of the Members.

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40 Washington Square South, Room 314
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Oscar.Chase@nyu.edu

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Fax: (212) 995-4036
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*Several of the articles in this
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- To promote coherence and predictability in the law and its administration;
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- To engage in sustained dialogue among the various sectors of the legal profession; and
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The work of the Institute has become ever more critical with the proliferation of federal and state laws, the increasing tendency to resort to the courts to resolve wide-ranging private disputes and social problems, and the concomitant growth in the number of lawyers, courts, and adjudicative bureaucracies.

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