It is often said that all we need to know we learned in kindergarten. In my case, though, maybe because I wasn’t sufficiently precocious, it is more accurate to say that all I need to know, at least all I need to know to be an effective professional, I learned during the year in which I had the great privilege of clerking for Judge Wilfred Feinberg. So as not to risk being held in contempt—literally or figuratively—by this august group, I will limit myself to only three lessons, though I could tell of many others.

Lesson 1. **Craft.** Judge Lynch already referred to the cart. I always thought of it at the time as the dreaded cart. When we gave the Judge a draft that we had worked on, we would put on a library cart every single thing that we had cited. Because there was only one Judge Feinberg but three law clerks, he generally was not able to work on the draft for a week or so after we left it for him. Then, just as we were beginning to forget what the case was about, the Judge would call us in, begin to pull books out of the cart, and pose perceptive question after perceptive question. Why are we citing a case for a particular proposition? Was our support too general? Could we state the principle in narrower terms? With each of these questions and with the ensuing discussion, the text would become transformed, in an almost magical fashion, into something that made the prior draft look quite inadequate. Early in the year, I made the mistake of referring to a document that I handed him as an “opinion.” He gently reminded me that what I gave him was always a draft, whereas what he gave me back would be an opinion. What changed drafts into
opinions was not only the blessing of Article III, but also the fact that every portion of every argument had been dissected, that every citation had been evaluated, that every sentence had been submitted to exacting scrutiny. What my co-clerks and I learned through this process was the enormous power of craft, and it was a wonderful lesson to take into the professional world.

I have recently made the transition from having been able to write every word that goes out under my name to supervising prose that is written by others in institutional publications. And even though I can’t quite insist on the equivalent of a cart, that cart does serve as a reminder that every word matters.

Lesson 2. **Collegiality.** Judge Feinberg served as the Chief Judge of the Second Circuit during the year that I clerked for him. He presided over an extremely collegial institution. In an article on the office of the chief judge, which was published by the Fordham Law Review in 1984, the Judge wrote:

“[T]he chief judge can to some extent encourage collegiality in many ways through his relationships with members of the court: by building consensus, by striving to get strong-minded individuals to work together and to avoid pointless feuding, by smoothing ruffled feathers, by heading off potential crises or problems, if possible, before they arise, by emphasis on appropriate ceremonial occasions, such as inductions and memorial services in court, and generally by tact and concern for the welfare and feelings of his colleagues in the performance of the various duties described earlier. Obviously, this is a tall order and no chief judge can achieve it completely.”
I am sure that Judge Feinberg is right that perfection is unattainable. But he came awfully close. I always think about what he would do when I face a difficult faculty meeting, or an overreaching colleague. His personal example is a source of inspiration.

For Judge Feinberg, promoting collegiality went beyond being considerate and solicitous of the needs of others. Behavior of that sort came naturally to him. To succeed, one also needed to be quite self-conscious. When I became dean of NYU Law School, I had to face the question that other deans do: should I continue to teach and to do academic research. The nondelegable administrative burdens are great, and a course could easily be taught by somebody else. The same Fordham Law Review article has the answer, which persuaded me:

“As statutory responsibilities expand, chief judges will be hard pressed to become more and more like full-time administrators.” The judge adds that were that to happen, “the model of collegial government would tend to break down; the chief judge’s problems would be very different from those of his colleagues on the court, and, in time, he would cease to be perceived as one of them. He would be regarded as an administrator rather than as a colleague who also happens to have additional responsibilities.”

Thinking of Judge Feinberg, I continue to teach my environmental law course, publish articles (though not as frequently) and participate generally in the intellectual life of the institution. And I understand now, better than I did then, the enormous importance of his insight.

Lesson 3: Personal discipline. Those of you who have been in Judge Feinberg’s chambers know
that it is incredibly neat. A casual observer might think that no work gets done there at all. There are no piles of paper, no stacks of unanswered phone messages, none of the usual indicia of work that one often finds in the offices of successful professionals. At the beginning and end of each day, all the work surfaces are completely clear. The Judge firmly believes that each piece of paper should be looked at once and then disposed of in some way, never to be seen again. Mere mortals tend to put aside things that are difficult and plan to return to them another day. Perhaps they will then seem easier to tackle, perhaps then they will have more time to do it. The Judge understood, like some other people do, that behavior of this sort is very inefficient. But unlike almost anyone I know, he had the personal discipline to avoid the problem.

Last weekend, as I was thinking about this talk and about the Judge, I cleared my e-mail box of all the e-mails that I had saved for another day. I hope that none of you get to see what’s happened during the course of this week! Under the pressures of every day, the email list started growing again. The Judge would have done better!

As a result of his discipline, while he didn’t work the longest hours, he accomplished the most. In his article on chief judges, he estimated that he spent half his time on judicial administration and that he carried 80% of a normal judicial workload. By my count, he therefore performed 160% of a normal judicial job. But the judge went home at a normal time to have dinner with Shirley and Jessica, who was then a high school senior. He did take work home but I am sure that he wasn’t up most of the night doing it. He taught us by example that it was possible to be a successful professional and a responsible family member.
So, if things don’t quite click in kindergarten, you can always learn them on the Second Circuit, at least if you have the privilege of clerking for Judge Feinberg. And, the extraordinary education that one gets in his chambers is not accompanied by a hefty tuition bill. In fact, the government even paid us to learn from him!

Judge Feinberg has a great judicial legacy. By the time that I clerked for him twenty years ago, he had already authored about 500 opinions. They deal with some of the most important legal issues of our time. Of course, those opinions will be a spectacular legacy.

But a different legacy, no less spectacular, is what the roughly 100 clerks took with them when they left his chambers. And as they’ve gone forth into their professional lives, they have carried these lessons with them and will teach them to others, who even though they might never have met Judge Feinberg will be better people and better professionals because of his influence.

Congratulations, Judge Feinberg on this spectacular and well-earned award!