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From the President

The New World

By Sharon L. Nelles

On the morning of February 15, 2020, I boarded a plane to San Francisco, dropped two large bags into the hotel room that would be home for the next four weeks, and met my team in a makeshift conference room filled with stacks of prospective juror questionnaires to strategize how we would pick our jury. Voir dire would take place on Tuesday, and then we would begin a three-phase bellwether trial to resolve consumer claims concerning Volkswagen's sale and lease of diesel cars that exceeded emissions standards. Many things were top of mind, from finding time to get my hair cut and colored to the challenges of a uniquely environmentally friendly jury pool. The rising concern about COVID-19 was not among them.

The Virus

As the trial progressed, so did the virus. But we remained fully in "trial zone" – even as the local news extensively covered the fate of the Grand Princess cruise ship, which was barred from returning to port in San Francisco and which instead docked at a nearby terminal for quarantine and evacuation – an event we could watch from our hotel windows. We worked long hours and kept an eye out for Sting, who had taken the other half of the hotel floor for himself and for the crew of the traveling production of his musical, The Last Ship. In retrospect, a fitting title for the moment.

I met a college friend for brunch one Saturday who is a senior administrator at a nearby preparatory school. My head was momentarily turned from a steady diet of legal briefs, witness preparations and cross-exam outlines to the world at large. We discussed her concern that people were not taking the virus quite seriously enough and that families would travel abroad for the upcoming Spring Break, potentially returning ill and disrupting the remainder of the school year. It all seemed very far away.

It was not until our trial finished before the lunch break on March 11 that I refocused. I remember booking a last-minute flight out that afternoon (no problem), and noting the available wrapped fruit and bagged snacks in the airport lounge. As I settled into an upgraded seat on an empty plane, I started to read the news and began to appreciate the magnitude of what we were facing – as much as any of us understood it at the time. The eerily empty terminal at Kennedy Airport when I landed underscored that this was a new and different world. Still, the next day, I met a colleague at the midtown conference center maintained by JAMS for a long-scheduled mediation. The only differences in behavior I noticed was the requirement to take a "fresh pen" when applying my signature to the sign-in sheet, and the delight of my clients when I pulled out a bag full of small bottles of hand sanitizer collected on my many Delta trips.

The next day New York city shut down (sort of). A few days later New York City shut down (really). And we all stayed at home or went somewhere else, but not to the office, not to JAMS, and not to court. The weeks unfolded and we all wondered how the pandemic would impact us personally and professionally.

Three and a half years later, I still wonder. A few weeks ago, I sat with the new class of litigation associates at Sullivan & Cromwell to discuss their new journey. Every year when I do this I cannot help but think about how much the practice of law has changed in the more than 30 years since I first entered these offices. But this year I was thinking about the many ways the practice of law has changed in the past three and one-half years.

In-Person Engagement

A consequence of the pandemic felt acutely by the Federal Bar Council was the curtailing of community building events among the legal community generally. During the last week of February 2020, while I was in San Francisco, many members were at the Winter Bench and Bar Conference. It was

three years until we could resume the event. Conferences, seminars, workshops, socials, and pro bono activities were canceled or moved online due to the health risks, limiting the opportunities for all of us to interact with other lawyers, judges, academics, experts and potential clients face-to-face.

For new attorneys, in-person engagement is crucial to build relationships, learn from others, showcase their skills and find opportunities in the legal market. Online engagement can be a substitute, but it is not as effective or satisfying as face-to-face interaction. As we transition back to live and hybrid programming, we will need to educate those who started their careers outside their offices, solely on a screen, of the value of in-person engagement.

Courtroom Opportunities

One of the most immediate and noticeable changes during the pandemic was the closing of our courts and the adoption of remote court proceedings. As courts embraced teleconference and videoconference platforms to conduct trials, hearings and other matters, there were certain clear benefits, particularly reduced travel and increased efficiency. But there were also certain costs, including for this practitioner, namely, immediacy and authenticity.

As many proceedings continue to be handled remotely, I appreciate not having to fly to another state to attend a status conference. My clients certainly appreciate the substantial savings. The easy availability of public proceedings also allows new attorneys to observe different courts and judges across the country. But there is a certain majesty to being present in a courtroom. I remember well first standing at counsel table, thinking to myself, "Wow, I am a real lawyer." At a time when jury trials were already diminishing, the introduction of online proceedings has given new attorneys less exposure to the physical courtroom environment, where they could learn from the body language, tone and demeanor of the judges, jurors, witnesses and opposing counsel. And where they could experience that feeling of being "a real lawyer."

Courts continue to balance the benefits and drawbacks of virtual proceedings. Some courts have resumed in-person operations entirely, others follow a hybrid model. New attorneys will need to be prepared for both.

Remote Work

We learned during the pandemic that it is possible to transition office-based work to remote work. Law firms invested in technology and infrastructure to enable a secure and efficient home environment. And we saw many advantages. New attorneys had flexibility and autonomy in managing their work schedules and location, and could also save time and money on commuting. But we lost a different kind of human connectivity when those new to the practice lost avenues for mentoring, feedback and networking from senior lawyers and bonding with peers. It also meant the loss of opportunities to share unscheduled time, for example, travelling to client meetings, and engaging over lunches and dinners.

One thing is certain, we cannot go back. Regardless of your views on remote work, we know it can be done, and that it offers many advantages, including but not solely for parents and others who have significant responsibilities beyond the office. Those advantages can coexist with a profession that values an apprenticeship model, and where learning is often observation and access. These are important cultural considerations and will vary among firms and practitioners. But it is for certain that new attorneys benefit from the informal training that comes from observation of more senior attorneys as they tackle complex problems.

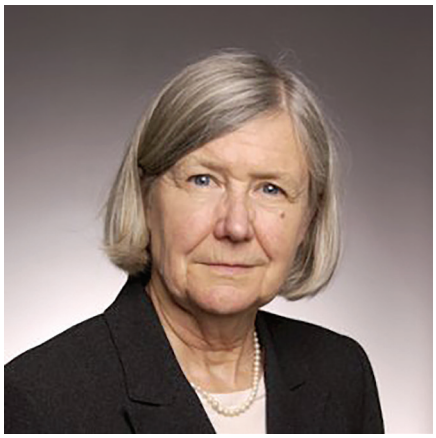
Conclusion

The pandemic has changed the practice of law in many ways, and while to those of us raised in a different era, the changes are felt acutely, such changes will impact attorneys who are beginning their careers the most. The post-pandemic future is still coming into shape, and will vary by jurisdiction, practice area and firm size. We need to embrace what is new, have patience with what is difficult, and provide paths so that new attorneys can experience the opportunities and interactions we valued most as we grew our careers. The Federal Bar Council plays an important role, through education, events and facilitating dialog in the legal community, to help the profession navigate the new world to which we are all still adjusting.

From the Editor

A Family Trip at Christmastime

By Bennette D. Kramer



This past December I traveled to Rwanda with family members to celebrate the wedding of a nephew to a Rwandan woman. I had debated about going away because my daughter and her family could not go, and I did not want to spend Christmas without them. My daughter and my sisters convinced me that this would be the trip of a lifetime, and they were right.

Before traveling to Rwanda, my sisters and I stopped in Amsterdam for a couple of days, where it was cold and snowy. We then boarded a day flight to Kigali, Rwanda, where we were joined by another nephew and his family, who had been traveling since the prior morning. The ultimate traveling group included the bride and groom; the groom's mother; the groom's sister and two brothers and their families; two of my three sisters and me; one brother-in-law; and another nephew and his partner. My brother, the father of the groom, had died 18 months before, which made the family gathering especially poignant. There were 18 family members. About 15 friends of the bride and groom also were part of the group. Thus, we traveled around Rwanda with 30 to 35 family members and friends depending on the day. It sounds like a recipe for disaster, but it was quite lovely.

Kigali

Our first stop as a group was Kigali, the capital of Rwanda.

Rwanda is known as the land of 1,000 hills and Kigali is no exception. It is a vibrant city full of small neighborhood communities. The central focus for the visitor is the Kigali Genocide Memorial, which is shocking – the genocide occurred over a three-month period in 1994, resulting in the murder of about 800,000 people. The immediacy of the genocide with Hutu neighbors slaughtering Tutsi neighbors after being whipped up by radio broadcasts, among other things, was brought home to the visitor. Victims' possessions were gathered along with photos.

Along with the history of the genocide, the memorial explores other genocides and the means to avoid such disasters in the future. It also serves as a mass grave with a wall of names to commemorate people who had been murdered.

Two Weddings

Some of us stayed in a hotel near the city center that was at the top of a hill and others stayed in an Airbnb rental that was on top of another hill. Many traveled around the city on the back of motor scooter taxis. We were in Rwanda for two weddings: a traditional wedding and a western wedding.

The traditional wedding took place in Kigali soon after we arrived. We were privileged to attend and to take part. My sisters and I wore traditional dresses suitable for the "aunties," as we were called. We did not have much of a role except to march in and march out and attend the proceedings. The proceedings themselves were a highly-scripted back-and-forth between the families during which the bride's family and the groom's family flattered one another and negotiated the price of the bride (in cows). There were professional local dancers along with drums. The negotiator for the groom's family was one of the bride's uncles loaned for the occasion because no one from our family spoke Kinyarwanda. The bride's uncles were scattered among our family's tables to translate. After much negotiation and dancing, the bride was accepted by the groom's family, the groom by the bride's family, and the couple was joined in marriage.

Akagera National Park

Between the traditional wedding and Christmas, our group visited Akagera National Park in the eastern part of Rwanda, near Tanzania. The bride and groom planned all the travel – this trip and the others outside Kigali – and did a very nice job of it.

At Akagara National Park, we split up into safari trucks and over

two days covered most of the park, which consists of savannah, woods and swamps. During those two days we saw zebras, giraffes, hippos, rhinos, elephants, baboons, many deer-like animals and lots of birds, including cormorants, fisher eagles and herons. Alas, we did not see any lions.

We spent the night at the Akagara Game Lodge in the middle of the park. It was enclosed in razor wire, although when I was walking on the grounds a baboon had gotten in and was being encouraged to leave by guards. There was a discussion in our truck concerning how long a person would survive alone in the game park. The response of our guide was "not very long" and that it would be the snakes that got us.

We all went back to Kigali for Christmas where, after drinking tea and coffee for hours, some went on a hike and others went to the hotel pool. We had a lovely dinner in a restaurant with a view over the city and went to bed early.

Lake Kivu

On December 26, we traveled to Lake Kivu, which is one of the most beautiful places I have ever been. Lake Kivu was hard hit by the genocide because Hutu guerillas had been waiting in the Democratic Republic of the Congo (right across the lake) to flood into Rwanda.

Lake Kivu was the locale of the "Western Wedding," which was a traditional (from our point of view) wedding with an officiant (from the United States), bridesmaids, groomsmen and children all participating. The wedding was on the side of the lake and was lovely. The kids, relatives of both the bride and groom, were thrilled to participate. The wedding was followed by an after-party at a beautiful Airbnb rental on the top of a hill where the younger people without children were staying. Young and old from both families ate and danced into the night.

While we were staying at Lake Kivu, we took a boat ride to an island where we saw monkeys, bats and lots of birds. We spent our last day at Lake Kivu getting COVID-19 tests so that we could enter Virunga National Park. They are very careful about exposing the animals to COVID-19. We then spent a long rainy afternoon chatting as we watched the rain on the lake, followed by dinner for 22 people at our tiny six room hotel by the side of the lake.

Virunga National Park

We were then finally off to visit Virunga National Park – home of the gorillas studied by Dian Fossey. Some people had signed up for a gorilla trek and others climbed Mount Bisoke. One of my sisters and I visited the golden monkeys. We had passed up the gorilla trek because it was supposed to be very difficult, and rumor had it that they left people who did not keep up

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behind. The golden monkeys were well worth the visit. There were over 30 of them of various ages and we were able to get within feet of them. The gorilla trek took 15 minutes and everyone who went was able to see the gorillas. They had so much time left over that they were able to do another activity.

The real challenge was the climb up the volcano, Mount Bisoke. Two nephews and a niece, along with their spouses, started the climb with a group of 12. Only five people made it to the top, including my two nephews and niece, but not their spouses. It was wet and very muddy, but they got to the top with the help of guides and bearers. When they got back to the hotel, they were treated to foot massages and a thorough cleaning. One of the other people who made it to the top turned out to be the KLM pilot who was flying our plane the next day. He had carried a bottle of champagne in his backpack that he shared with his fellow climbers. We had 12 family members on the flight and when the pilot himself came out and handed glasses of champagne to my nephews and niece, the other passengers were really wondering who we all were.

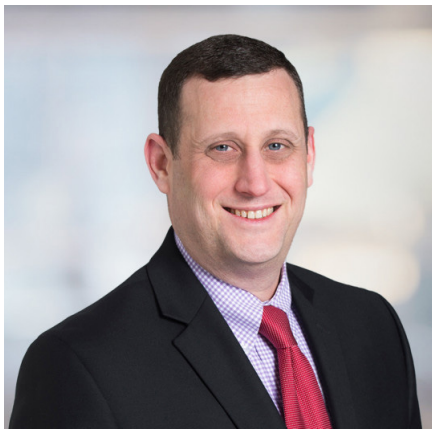
New Year's Eve

Our last night in Rwanda was New Year's Eve. After the trekking we all went to bed by 9 p.m. The next day, all but four family members left Rwanda. Twelve of us were on the same overnight flight to Amsterdam. We said goodbye in Amsterdam as people scattered to Kansas City, Portland and Denver. My sister and I stayed in Amsterdam for two days to catch our breath.

In the Courts

Judge Myrna Pérez Appointed to Second Circuit

By Steven H. Holinstat



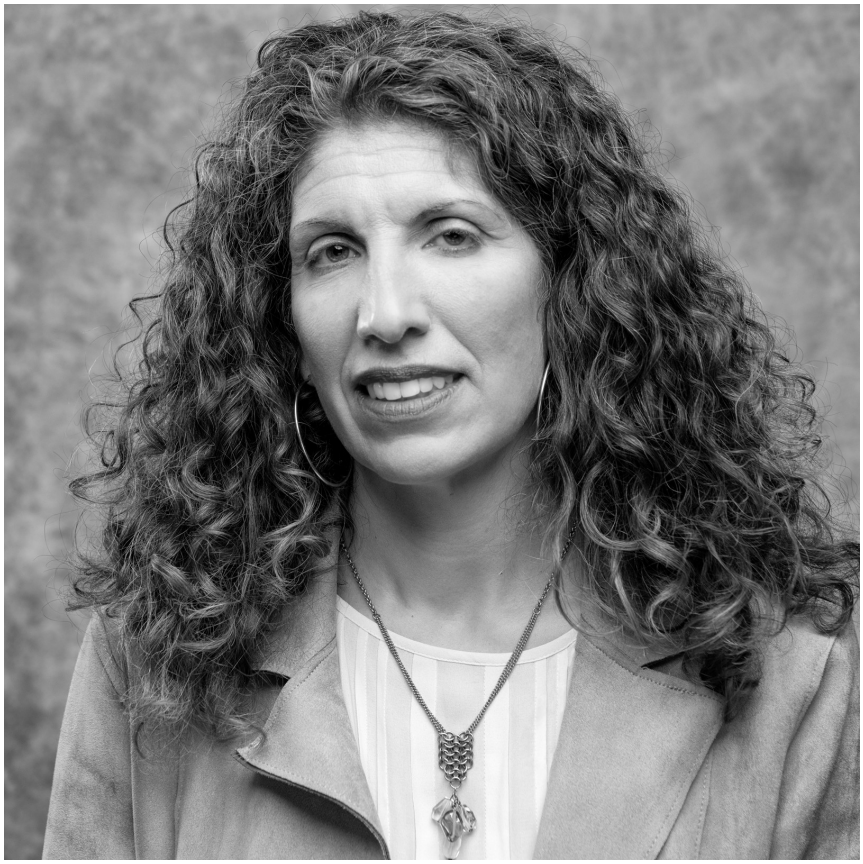
On June 15, 2021, President Joseph R. Biden, with the support of Charles Schumer (then the Senate Minority Leader and senior senator from New York) and Senator Kirsten Gillibrand, nominated Myrna Pérez to serve as a judge on the U.S. Court of Appeals for the Second Circuit. Judge Pérez was confirmed by the Senate on October 25, 2021, and received her judicial commission on November 12, 2021. She fills the seat vacated by Judge Denny Chin, who assumed senior status on June 1, 2021. With her appointment, Judge Pérez is currently the only Latina serving on the Second Circuit.

Inspiration

Born in San Antonio, Texas, to parents who emigrated from Mexico, Judge Pérez had judicial aspirations at a very early age. She grew up in a very traditional Mexican-American family at a time and place where women's roles tended to be stereotypically gender-defined. When Judge Pérez was in second grade, she read a book about Justice Sandra Day O'Connor, the first woman to serve on the Supreme Court, who also was born in Texas and who faced many hurdles as a woman, including her initial difficulty in finding employment in a law firm. Justice O'Connor's story inspired Judge Pérez and fueled her ambitions. Judge Pérez notes that she benefitted from having many mentors who encouraged her to pursue her dreams, including her high school debate coaches, who refined her critical analysis and argument skills.

Driven, Judge Pérez was the first in her family to graduate from college, receiving her Bachelor of Arts degree from Yale University in 1996. During her time at Yale, she was the recipient of the Frank M. Patterson Prize Fellowship and the Andrew W. Mellon Fellowship. She later received the Distinguished Alumni Award from the Yale Latino Alumni Association of the Tri-State Area.

In 1998, Judge Pérez received a Master of Public Policy degree from the John F. Kennedy School of Government at Harvard University, where she was the co-editor of the Harvard Journal of Hispanic Policy. While at Harvard, she received the Robert F. Kennedy Award for Excellence in Public Service. From 1998 to 2000, Judge Pérez was a Presidential Management Fellow, serving as a policy analyst for the U.S. Government Accountability Office on issues including housing and health care, where she received



Judge Myrna Pérez

a Certificate of Excellence and the Above and Beyond Award.

In 2003, Judge Pérez received her J.D. from Columbia Law School, where she was a Harlan Fiske Stone Scholar, a Lowenstein Public Interest Fellow, and a Columbia Fellow with the American Civil Liberties Union. She later received the Distinguished Alumni Award from the Columbia Law School Latino/a Student Association. After graduating from law school, from 2003 to 2004, Judge Pérez clerked for Judge Anita B. Brody on the U.S. District Court for the Eastern District of Pennsylvania; from 2004 to 2005, Judge Pérez clerked for Judge Julio M. Fuentes on the U.S. Court of Appeals for the Third Circuit.

Voting Rights Advocate

For the past several decades, Judge Pérez has been a dedicated, decorated and zealous voting rights advocate. Judge Pérez spent the bulk of her career prior to her appointment to the Second Circuit at the Brennan Center for Justice at the New York University School of Law, starting in 2006. At the Brennan Center from 2006 to 2021, Judge Pérez served as a counsel, senior counsel, deputy director of the Democracy Program, director of the Voting Rights and Elections Project, and director of the Voting Rights and Elections Program.

During her tenure at the Brennan Center, Judge Pérez published extensively on a myriad of topics relating to voter rights, including voter suppression efforts, voter registration purges, voting by mail issues, long wait times at polling locations, election issues involved in various lawsuits concerning the 2020 election, the impacts of gerrymandering, and efforts to restore the right to vote for formerly incarcerated persons. Judge Pérez also has appeared and testified on numerous occasions before Congress and multiple state legislatures regarding various voting-related issues.

As part of her work for the Brennan Center, Judge Pérez was actively involved in numerous key voter-rights litigations across the country, including *Gruver v. Barton* (involving a challenge to a Florida law requiring citizens with felony convictions to satisfy all outstanding financial obligations relating to their convictions as a precondition to being allowed to vote); *Indiana State Conference of the NAACP, et al. v. Lawson, et al.* (challenging Indiana's uses of the Interstate Voter Registration Crosscheck Program to identify and remove voters from voter registration lists without requiring notice to such voters); and *League of Women Voters of Texas v. Pablos* (challenging Texas' right to provide voter information to a presidential commission on the grounds that it could be used to purge eligible voters from voter registration rolls).

In recognition of her work, in 2014, Judge Pérez was named one of the year's "50 Hispanic Influentials" by Hispanic Business; in 2016, she was awarded the

Making Democracy Work Award from the League of Women Voters of New Jersey; and in 2021, she received the Breaking the Glass Ceiling Award from the Leadership Institute for Women of Color Attorneys.

In a letter in support of Judge Pérez, Nan Aron, the president of Alliance for Justice, stated that she is "one of the nation's leading voting rights and elections experts. Our judiciary needs judges who will protect the rights of all Americans and our democracy. She believes that voting is fundamental and has spent her career working to ensure that every American can have an equal voice in elections."

Critical Skills

Judge Pérez reflected that her time as a lawyer and voting rights advocate provided her with critical skills she uses every day in her role as a judge on the Second Circuit. In addition to legal research and writing, Judge Pérez believes that one of the most important skills in legal advocacy is the ability to understand a case from all perspectives, including those of your client, your adversaries and others who may be directly or tangentially impacted by the outcome of any ruling now and in the future. Most people tend to believe they are fighting for what they believe is right, and only by respecting and considering the various parties' respective backgrounds and viewpoints can a lawyer or judge appreciate what is motivating them to take the positions they are advocating, which, in turn, allows the lawyer to fashion appropriate counterpoints and a judge to consider all appropriate resolutions.

For example, Judge Pérez wants those practicing before her to know that she will often use oral argument to test her own hypotheses. Thus, Judge Pérez warns that lawyers should not try to read the tea leaves based on how oral argument plays out. She will often ask a question to which she believes she knows the answer, to see if the lawyer provides a response that is consistent, different or even potentially better than the answer she has in her head. If the answer is the same, it provides Judge Pérez with confidence that she truly understands the lawyer's position. Judge Pérez urges lawyers appearing before her to listen to the questions asked and answer them directly, as she is acutely aware that the opinions she renders tend to have consequences well beyond the instant case in ways that even the parties cannot imagine. Thus, ducking hard questions posed by Judge Pérez defeats the purpose of oral argument.

A Teacher

In addition to her voting rights work, Judge Pérez served as an adjunct career counselor for Columbia Law School's Public Interest Legal Center from 2007 to 2021. From 2013 to 2015, Judge Pérez taught a clinic on Policy Advocacy as an adjunct professor of clinical law at the New York University School of Law. And from 2016-2018 and again from 2020-2021, Judge Pérez taught classes at Columbia Law School on Advanced Civil Rights and Election Law. She will continue teaching this year. In 2011, Judge Pérez was awarded the Excellence in Academia Award from the Puerto Rican Bar Association. Judge Pérez has also been active in various bar activities. For example, from 2007 to 2014, she served on the New York City Bar's Election Law Committee and was the chair from 2010 to 2013.

Judge Pérez also has a demonstrated commitment to pro bono, charitable and other community outreach work. For example, since 2007, Judge Pérez has been a member of and served in many roles (e.g., president and pride coordinator) at her church, where she is required to consider and respect each congregant's perspective (something she does every day on the federal bench as well). From 2009 to the present, she has been active at a local organization that provides, among other things, meals to food insecure persons, serving as a board member, coordinator and volunteer. Judge Pérez has also served as a board member for the Barrow Mansion Development Corporation (which operates the Barrow Mansion in Jersey City for use as a community center where people and groups come together to grow as individuals while developing more inclusive communities, through workshops, lectures, small groups, arts, music and cultural programming); of the Crossroads Prison Ministries and at times taught Bible lessons to persons who were incarcerated; of

the Tri-State Chapter of the Yale Latino Alumni Association; and of the Sojourners. From 2017 to 2020, Judge Pérez was an After School Program Coordinator for the Parent Teacher Association for a public school.

"Extraordinarily Qualified"

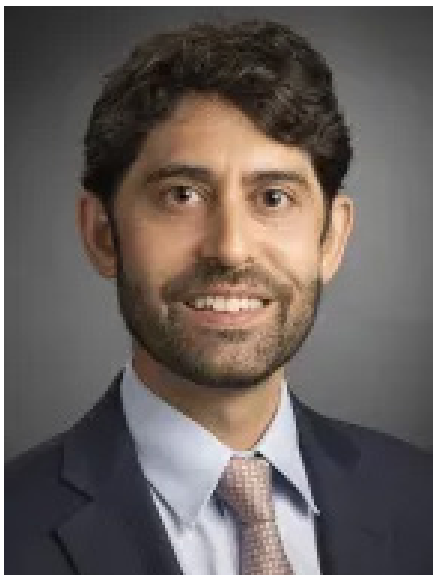
Damon Hewitt, the president and executive director with the Lawyers' Committee for Civil Rights Under Law, noted that Judge Pérez "is extraordinarily qualified to serve as a federal appellate judge and brings much-needed racial and ethnic diversity to the Second Circuit, as only the second Latina since then-Judge Sonia Sotomayor to serve on that court. She also brings professional diversity as a civil rights lawyer who has devoted her career to defending voting rights. She is one of our nation's finest lawyers, having litigated some of the most complex and challenging voting rights cases alongside our organization and others. Her career is a testament to her commitment to helping our society reach the goals of equality, fairness and justice for all."

Lastly, during my interview with Judge Pérez, she wanted me to encourage readers, particularly lawyers who have a few years of experience under their belts, to apply for judicial clerkship positions, as such experience will provide invaluable experience for any litigator. Judge Pérez finds lawyers with some work experience helpful as clerks. Thus, applications are welcome and encouraged!

In the Courts

Judge Sinatra, in the Western District of New York

By Brian M. Feldman



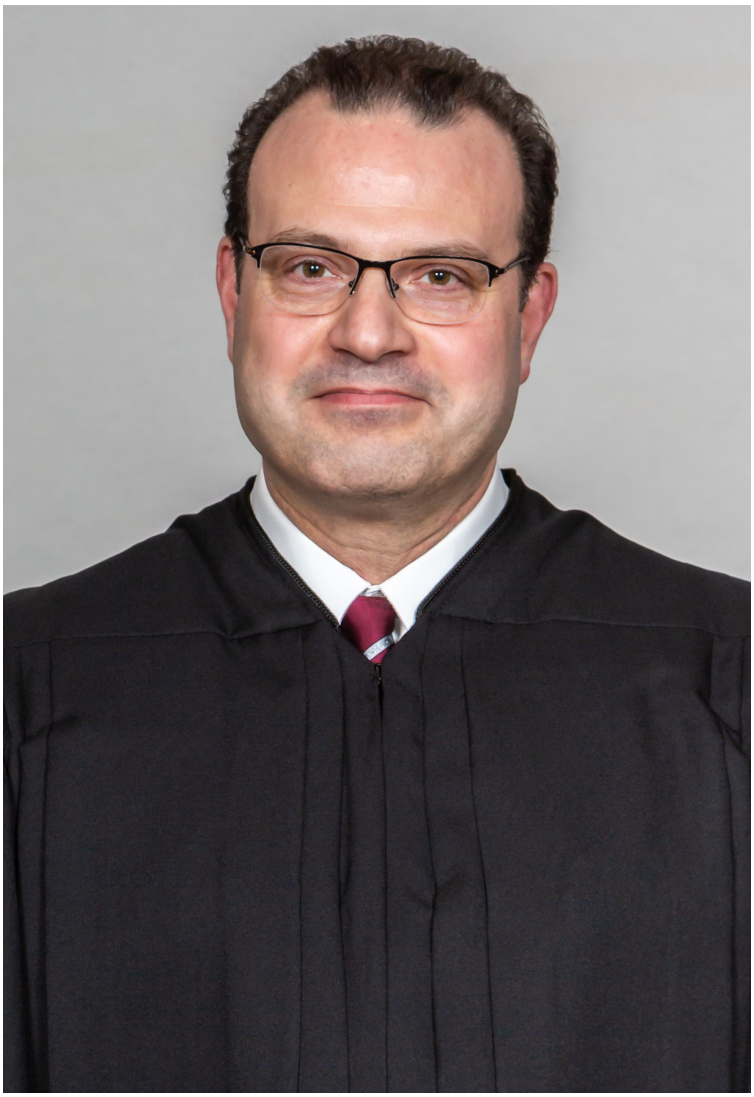
If Judge John L. Sinatra, Jr., calls you into his courtroom for oral argument, it means that you have a chance at winning. The judge is a serious man; he does not waste the court's resources. He approaches every case with an open mind, committed to getting it right. And his idea of right is not predetermined by the basics of his biography – a former Jones Day litigator, a President George W. Bush political appointee, and a President Donald J. Trump judicial nominee. That shorthanded biography is incomplete.

Judge Sinatra came to the bench equal parts plaintiffs' lawyer and defense lawyer. As a practicing lawyer on both sides of the "v," what he cared about most was the justness of his clients' cases. So too, as a jurist, he cares deeply about justice and has spoken out against partisan attacks that undermine the judicial process. Whatever your cause as counsel, if you are summoned before him for oral argument, make no assumptions about his predilections. He is open to both sides and, as he told the *Federal Bar Council Quarterly*, he has likely asked for argument because he has nagging questions for you to answer to help him get it right.

Nominations

John Leonard Sinatra, Jr., is the newest district judge on the U.S. District Court for the Western District of New York. Judge Sinatra was first nominated on May 10, 2018 by President Trump to a seat vacated by Judge William M. Skretny and, following a sine die adjournment of the 115th Congress, he was renominated by the president on May 21, 2019. Judge Sinatra's nomination enjoyed the support of Senator Chuck Schumer, who reached across the aisle to praise the judge's "strong legal credentials, broad bipartisan support in Western New York and the respect of his hometown, Buffalo, where he was born, raised and educated."

After a favorable report from the Senate Judiciary Committee on June 20, 2019, Judge Sinatra was confirmed by a 78-18 vote of the U.S. Senate on December 4, 2019. He received his commission the next day, and was sworn in just a day later, on December 6, 2019, setting up his chambers in the



Judge John L. Sinatra, Jr.

beautiful Robert H. Jackson U.S. Courthouse in Buffalo, New York.

A Family Restaurant

On the streets just outside the courthouse, most Buffalonians may not be familiar with Judge Sinatra as their newest district judge. But most are familiar with his surname, Sinatra – and not as Ol' Blue Eyes. In Buffalo, "Sinatra's" is famous as an upscale Italian restaurant that has been serving patrons for more than 40 years. A 2018 Buffalo News review described Sinatra's as a Southern Italian restaurant where every dish is "pitch-perfect" that "has loomed large in the Buffalo Italian landscape for decades," growing "from a tavern with wings into one of Buffalo's favorite Italian restaurants." Judge Sinatra is the son of the restaurant's late founder, John Sinatra, Sr.

The restaurant is a thread that runs through Judge Sinatra's life. Born in 1972 on Buffalo's west side (not far from fellow U.S. District Judge Lawrence J. Vilardo), Judge Sinatra attended Roman Catholic schools in Buffalo, beginning with the Annunciation School and then on to St. Joseph's Collegiate Institute, an all-male high school known in the area as St. Joe's. At St. Joe's, Judge Sinatra played football and thought about teaching high school later in life. While at both schools, the judge worked at the family restaurant – a job he would continue until the night before the bar exam. The judge credits the restaurant with teaching him to remain cool and dispassionate, even when under fire. That left him with a thick skin – unflappable, as he would later be described by Washington, D.C., colleagues.

Growing up working for the family business, Judge Sinatra was naturally close with his family. He matriculated to the Newhouse School at Syracuse University after high school but quickly transferred to the State University of New York at Buffalo (UB) to be back home. At UB, Judge Sinatra studied history and political science. As to history, he believed that "to know where we're going and who we are," we need to understand "where we've been." As for political science, the judge just "felt a pull toward government" service. Judge Sinatra wrapped up his undergraduate studies in three years, graduating magna cum laude in 1993.

Law School

Law school was an idea planted in the judge's head by his

then-girlfriend, Jenny. The two of them met back in grammar school. Both stayed in the Buffalo area after high school, with Jenny attending Canisius College while the judge was at UB. To remain in the Buffalo area, Judge Sinatra chose to attend UB Law School. He graduated, cum laude and on the law review, in 1996. During the summer between his 2L and 3L years, the judge and Jenny married at Annunciation Catholic Church in Buffalo.

The judge used his law school summers to explore different legal careers.During his 1L summer, he clerked at a Buffalo law firm, Lipsitz Green Scime Cambria LLP, where he tried out a variety of departments. The non-litigation legal practices he explored did not excite him. During his 2L year, he tried working in-house, clerking at Delaware North, a major food, venue and hotel management company. But that was not for him, either.

The judge finally found his passion when, following his 3L year, he started a clerkship with the New York Court of Appeals. He was enamored with the courtroom and with litigation.

A Trial Lawyer

Following his two-year clerkship at New York's highest court, the judge started a nearly decade-long litigation practice at Jones Day. He joined the trial team. At the time, the judge dubbed the group the "Rubicon Group" because they dropped into matters when disputes had moved past the point of no return. For nearly 10 years, Judge Sinatra worked with clients on bet-the-company litigation. Based out of Jones Day's then-headquarters in Cleveland, Ohio, the judge was, on paper, a mere three-hour drive from Buffalo. In reality, Judge Sinatra found himself almost always on the road. Significant early cases of his were litigated in Los Angeles, where he defended a welding electrode maker against damages claims arising from the devastating 1994 Northridge earthquake, and in Grimes County, Texas, where he defended an aircraft engine supplier with dozens of depositions and at trial.

To Washington

Those travels came to a close when the judge left his position at Jones Day – and his then-home in Cleveland – in March 2007 to answer the call of public service in Washington, D.C. President George W. Bush appointed him senior counsel to the U.S. Department of Commerce. In that position, Judge Sinatra was the third highest ranked lawyer in Commerce's 400-attorney department. Among other tasks there, he advised the Secretary of Commerce and assisted Commerce staff appearing before Congressional committees. But it would be a short-lived stint in Washington.

Practicing Law

In 2008, Judge Sinatra returned home to Buffalo. That year, Judge Sinatra and his wife talked about where they wanted to live. The Bush administration would be coming to a close in early 2009. The Sinatras had two young boys. The appeal of leaving Washington and returning to Buffalo was strong. Yet Judge Sinatra had not practiced law in Buffalo, apart from his law school summer jobs. He had, however, worked countless hours in the family restaurant, and those relationships provided him with an opportunity. He knew a prominent Buffalo attorney who frequented the restaurant, a lawyer and family friend named Daniel Oliverio. At the time, Oliverio was chair of the largest law firm in Buffalo, Hodgson Russ LLP. Judge Sinatra called Oliverio up to talk about coming home. It was an easy call. Hodgson Russ welcomed Judge Sinatra to the firm with open arms. He joined the firm as a partner, where he would remain until joining the bench at the end of 2019.

Judge Sinatra's work as a partner at Hodgson Russ was a mix of commercial litigation, surrogate's court litigation and False Claims Act work.

Interestingly, unlike most False Claims Act firms that choose exclusively defense-side or plaintiff-side work, Hodgson Russ worked on both sides. The judge had roughly an even split of defense work and whistleblower (relator) work. Being on both sides, he explains, made him a better lawyer on both sides. He had insights into how defense lawyers think, along with insights into how relator's counsel think. His False Claims Act work included a major whistleblower case against Columbia University, resulting in a $9 million settlement, and the defense of a business that allegedly

failed to pay taxes under the New York False Claims Act.

The judge handled other plaintiff-side work too, filing a class action alongside lawyers from Quinn Emanuel Urquhart & Sullivan LLP, and obtaining a large judgment from a major bank for trust mismanagement. The plaintiff-side work he handled was in addition to defense work he continued to handle, just as he had at Jones Day.

High Expectations

In Judge Sinatra, both plaintiffs' counsel and defense counsel will find a judge who can understand their positions but has high expectations for them. The judge understands pressures facing counsel. He also knows litigants' interest in having their cases progress. His own greatest challenge, on the bench, is the size of his docket of 400 to 500 matters. The judge estimates that about one-quarter of his cases are criminal and three-quarters civil; yet he spends about three quarters of his time on his criminal cases and just a quarter on his civil matters. With so much to manage, the judge does not indulge in oral argument when it is unnecessary. And he has little patience for lawyers who show up late for proceedings.

Judge Sinatra's primary advice for lawyers appearing before him is to be prepared and to be early. Good advocates will help the court do its work by showing the court exactly how it can reach their desired result. The judge will thoroughly prepare for every argument. He will have studied the papers and will come to the bench with a focus on what he needs answered. Lawyers should listen to his questions and answer them. There is nothing to gain by arguing with the court. Likewise, making faces when your adversary is arguing a point is disrespectful and counterproductive. Fortunately, the judge has found the Western District bar to be collegial and helpful to the court.

Defend the System

Outside the courtroom, the judge has implored those local attorneys – just as he would implore any attorney – to defend the judicial process against unfair attacks on it as biased and political. In a recent speech, the judge cited troubling statistics showing declining confidence in the judicial system, particularly among young adults. He noted that, "As of late, forces of division seek to sow discord and sort us by attributes and labels." He asked lawyers to educate the public: "When you hear clients or others trashing the system, push back and defend the system, the judges, [and] the juries, as one based on integrity, not corruption or favoritism." As a judge with both plaintiff-side and defense-side experience who enjoyed bipartisan approval in his confirmation, Judge Sinatra is particularly well suited to make such an appeal.

The people of Buffalo – and of the Western District – are fortunate to have Judge Sinatra on the bench. He comes to the role with a diversity of perspectives and high standards, and he is working on protecting our judicial institutions. His elevation promises another proud legacy for the Sinatra name in Buffalo.

Read Article, Donate Suit

The Law Office of Amy Jane Agnew, P.C., has about a dozen men's suits in the firm's New York City office for prisoners to use for trial appearances, but could use more. The firm dry cleans the suits and has a dedicated closet in which to store them; a law student delivers them when and where they are needed.

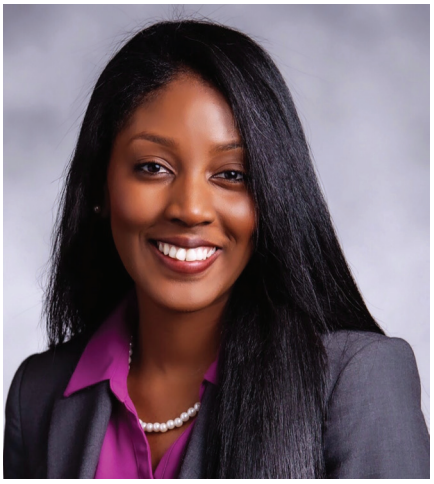
The firm is asking for donations of gently-worn men's suits – larger sizes especially appreciated.

If you can provide suits (or shirts, shoes, etc.), please contact AJ Agnew at aj@ajagnew.com.

The RISE Court

Assisting Individuals with Reentering Society

By Sherry N. Glover



The Southern District of New York's (Southern District) RISE (Reentry through Intensive Supervision and

Employment) Court is an initiative dedicated to assuring the successful reentry into society of individuals on supervised release who have an elevated risk of recidivism.

Collaborative Efforts

The first RISE Court was launched in January 2019, following approval by the Southern District Board of Judges on October 24, 2018. The RISE Court is now comprised of several judges within the Second Circuit, including Judges Denise L. Cote (who supervises the program), Alison J. Nathan, Vernon S. Broderick, James L. Cott, Sarah L. Cave, and Andrew E. Krause, among others. Judges Denny Chin and Deborah Batts (deceased) also formerly served on the RISE Court.

A presiding judge, a probation officer, Assistant U.S. Attorneys and federal public defenders sit on each RISE Court. The RISE Court derives support from large law firms and mental health organizations. The Southern District Probation Office contributes a significant effort to the program. It identifies and selects high-risk individuals for voluntary participation in the program. There is typically a class of 10-15 members. Class members join at varied times throughout the year, as there is no fixed initiation date for participation in the program.

Reintegration Resources

All RISE Court class members are required to secure employment (or make reasonable efforts to do so), attend 12 sessions of cognitive behavioral therapy and abstain from drug use.

Throughout a 12-month period, the participants appear and report bi-weekly on their progress before the presiding judge. The parties may discuss the participant's employment efforts, family and living arrangements, legal and financial obstacles, and any other matters of relevance or concern. As the RISE Court is solution-oriented, participants may be provided pro bono legal assistance (through the support of law firms) to resolve pending legal issues. Additionally, the RISE Court provides participants with financial and technical literacy training.

Graduation Ceremonies

Each June, a graduation ceremony is held for participants who successfully complete the program. During these ceremonies, each participant reflects on his or her progress. Some participants have shared heartfelt reflections regarding the impact of the program, while others have launched successful businesses. Engagement of the participants with the RISE Court does not cease at graduation, however, as there are informal, post-graduation check-ins. Past participants may also return as guest speakers to discuss their experiences with new class members.

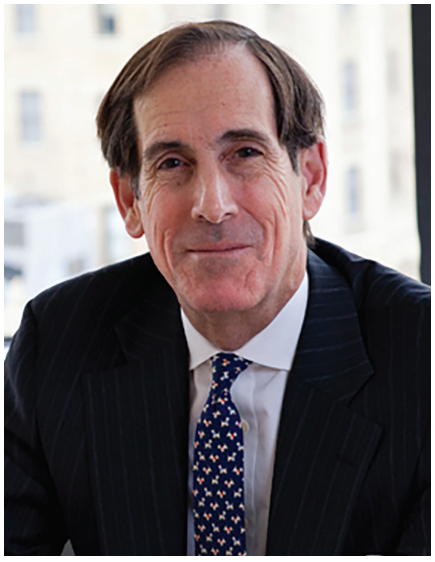
While there is no established metric system to measure the success of the program – and indeed, there would be many objective and subjective variables to consider – the program has helped individuals navigate the difficult transition from incarceration to freedom and independence. One RISE Court presiding judge described it as a "rewarding experience" to observe participants change the trajectories of their lives.

The RISE Court maintains communication with reentry courts in other jurisdictions. Given the barriers to reentry and the high recidivism rates in the United States, the RISE Court's judges hope that reentry courts and similar reintegration efforts will become a nationwide initiative.

Ambassador Extraordinary

Myron Taylor: A Man on a Mission

By C. Evan Stewart



Thomas Carlyle once opined that "the history of the world is but the biography of great men." And that is certainly true in the case of Myron C. Taylor, whose consequential life helps explain a great deal about the 20th Century.

In his day, Taylor was America's leading industrialist: first as czar of the textile industry and, later, in the 1920s and 1930s, as head of U.S. Steel. Thereafter, he became a key diplomatic participant in some of the most important geo-political events of the World War II era. Taylor is little remembered today, however, because of his intense personal dislike for self-promotion and publicity; for much of his business career, the national media called him "the man nobody knows."

The President Calls

Having literally saved U.S. Steel from ruin during the depths of the Great Depression, Taylor stepped down as chief executive officer in April 1938; he hoped to enter a "sabbatical period of life" with his wife, Anabel. But his friend, President Franklin D. Roosevelt, asked him to take on an assignment: Could Taylor help solve the crisis of Jews who were attempting to flee persecution in Nazi Germany? Taylor's efforts actually led to a deal with Hitler and Germany, whereby 150,000 "able-bodied" Jews were to be permitted to emigrate, with their dependents to follow later. Undersecretary of State Sumner Welles told the president it was "better than we hoped for." Unfortunately, with the Nazi invasion of Poland (which led to World War II), those efforts came to naught.

Then, right before Christmas 1939, President Roosevelt called on Taylor again, asking him to be the president's personal representative to Pope Pius XII (with the rank of "Ambassador Extraordinary and Plenipotentiary"). This very controversial appointment, which President Roosevelt undertook for multiple reasons (e.g., domestic politics; his wanting a third term; trying to influence Church policy (and its internal politics) in the United States; getting international-diplomatic information at the Vatican; influencing the Vatican on geopolitical issues; etc.), led to what was widely known as the "Taylor Mission." And in fulfilling that mission over the next 11 years, Taylor was at the heart many of that era's critical matters, including:

(i) Efforts to keep Italy, Spain and Portugal out of the war on the Axis side;

(ii) Ensuring that Lend-Lease aid got to the Soviet Union in 1941, which at the point was about to be overrun by the German army;

(iii) Bringing the first documented proof of the Holocaust to the Vatican;

(iv) Ensuring that the Church would support the Allies' policy of unconditional surrender (and, later, not break with that policy);

(v) Helping to broker Italy's surrender and Mussolini's departure;

(vi) Blocking German attempts to have the Vatican broker a peace;

(vii) Helping to godfather the Bretton Woods agreement and the United Nations;

(viii) Almost single-handedly helping Italy recover from the war; and

(ix) Under President Truman, engaging in an effort to have all the world's religions unite against atheistic communism (i.e., the Soviet Union).

Lend-Lease to Russia

To cover the foregoing (and more) would take a book. Thus, for the remainder of this article, the focus will be on Taylor's role in ensuring Lend-Lease aid was sent to Russia in 1941.

On March 11, 1941, President Roosevelt signed the controversial Lend-Lease legislation. Premised on the president's campaign pledge in 1940 for America to be the "great arsenal of democracy," it was understood – by Congress and the American public – to apply only to providing assistance to Great Britain, then isolated and under the German attacks known as the "Blitz."

On June 24, 1941, the geopolitical world was up-ended when Hitler invaded the Soviet Union. The German army's advance through Russian territory was swift; President Roosevelt and his top advisors feared that the if the Soviet Union were to be overrun and conquered, then stopping the Nazi regime when (not if) the United States became a belligerent might well prove impossible (Henry Stimson, the Secretary of War, told President Roosevelt that Russia might not last three months). The president was determined to provide substantial military assistance to Joseph Stalin, but there was a very significant roadblock.

Myron C. Taylor

In 1937, the Vatican had issued the Encyclical Divini Redemptoris – issued by Pope Pius XI (but authored by his Secretary of State, who would succeed him as Pope Pius XII). The Encyclical condemned in no uncertain terms the Soviet Union and expressly forbade all Catholics from having anything to do with supporting that nation-state. Given the 1937 Encyclical and the strong isolationistic sentiments of many American Catholics, President Roosevelt feared that the political backlash would prove too great if he tried to extend Lend-Lease aid to Russia. In the words of Robert Sherwood (a speechwriter for the president and later a biographer), "As a measure for coping with serious Catholic opposition to aid for the Soviet Union, Roosevelt decided to send Myron C. Taylor . . . on another mission to Rome."

Before his trip, Taylor, together with two Church officials in the United States and Sumner Welles, devised a strategy to thread the theory needle of the 1937 Encyclical: that any U.S. aid would not constitute supporting communism, but would instead be directed at alleviating the suffering of the Russian people, for whom the Church always had special affection. But that nuanced approach to the problem got off to a rocky start at Taylor's first meeting with the Pope on September 9, 1941. President Roosevelt had asked Taylor to present a handwritten letter from the president to the Pope; the letter went to great lengths to assure the Pope that "the churches in Russia are open" and that "freedom of religion" was a likely outcome of the Nazis' invasion. The Pope and his advisors were incredulous; at least seven Vatican memoranda were prepared in response to President Roosevelt's letter, many of them questioning the president's mental state and his grasp on reality.

Notwithstanding the president's blunder, Taylor, over a number of days and multiple sessions with the Pope and his advisors, was able to get the Vatican to agree to the concept of delinking the Russian people from the Soviet Union. This message, however, could not be seen as being issued from or dictated by the Pope or the Vatican. Instead, guidance would be sent to the Apostolic Delegate in Washington to have the message delivered by a high-ranking member of the Catholic Church in America.

Once Taylor returned to America, in consultation with the Apostolic Delegate and other Church officials, it was decided to effectuate the Vatican's hidden-hand strategy by having an outspoken isolationistic Church leader – Archbishop John T. McNicholas of Cincinnati – deliver the message. With time of the essence – not only were German troops closing in on Moscow, but a second Lend-Lease

appropriations bill was pending in Congress and over 90 percent of available Lend-Lease funds had already been allocated – McNicholas was given his marching orders.

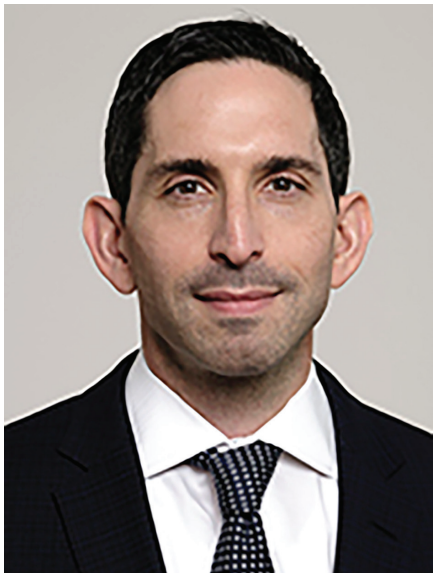
On October 30, 1941, McNicholas published a pastoral letter (which received broad national coverage) explicitly endorsing the need to help the "persecuted people of Russia, deprived of freedom and put in bondage." That same day, President Roosevelt cabled Stalin that he had approved $1 billion of war materials to be shipped to the Soviet Union (ultimately, $11 billion in aid was sent). But the president waited a week for the McNicholas letter to sink in. As Sherwood wrote: "It is an indication of Roosevelt's concern for public opinion that he did not formerly include the Soviet Union among the recipients of Lend Lease until November 7."

According to the leading historian on the decision to aid the Soviet Union in 1941, because of "Myron Taylor's special mission to the Vatican," which had secured the Church's overt approval of such aid, "[s]o perished the great dread of the President that the encyclical of Pius XI would provide a sanction for equating aid to Russia with aid to communism and thereby permit his opponents to insist with telling force that his program was in conflict with the doctrines of the Church." In reflecting upon Taylor's contribution to this historic result (which was "given no great amount of publicity"), Sherwood wrote, "Taylor was one who truly deserved the somewhat archaic title of 'Ambassador Extraordinary.'"

Second Circuit Decisions

A Deferential Approach in Arbitration Cases

By Adam K. Magid



The U.S. Court of Appeals for the Second Circuit often has recognized the "strong federal policy," embodied in the Federal Arbitration Act, "favoring arbitration as an alternative means of dispute resolution." Consistent with that policy, amid a recent heavy docket of arbitration-related disputes, the court frequently has landed on the side of non-intervention and deference to the choices of the arbitrating parties and determinations of the arbitrator.

Three recent decisions exemplify this approach: the court honored a victor's choice of forum for seeking confirmation of its arbitral award (*Rabinowitz*), deferred to an arbitration panel's determination as to its jurisdiction to hear a dispute (*Olin*), and refused to invalidate an agreed contractual deadline for commencing arbitration despite inconsistencies with federal law (*IBM*).

Rabinowitz

The question in *Rabinowitz v. Kelman*, 75 F.4th 73 (2d Cir. 2023), was whether the arbitrating parties' agreement to submit to state court jurisdiction precluded a federal action to confirm an arbitration award. Benzion Rabinowitz and Levi Kelman agreed to direct their dispute arising out of a real estate deal to binding arbitration before the Bais Din Maysharim rabbinical court. The arbitration agreement provided that any award would be "enforceable in the courts in the State of New Jersey and/or New York," and both Rabinowitz and Kelman agreed to submit "to the personal jurisdiction of the courts of the State of New Jersey and/or New York for any action or proceeding to confirm or enforce" the award. After the Bais Din issued a $14 million award in his favor, Rabinowitz nonetheless sought to confirm the award in federal court in the Southern District of New York.

Reversing the district court's dismissal order, the Second Circuit (Judges Jacobs, Park, Nardini) held that the district court could confirm the award despite the arbitration agreement's reference to state courts. The district court had diversity jurisdiction over the matter under 28 U.S.C. § 1332 because Rabinowitz was a citizen of the United Kingdom

and Israel, Kelman a citizen of the United States, and the amount in controversy exceeded $75,000. The court explained that private parties cannot contractually divest a federal court of subject matter jurisdiction conferred upon it by statute, and, in any event, the parties did not do so here. The arbitration agreement deemed New York and New Jersey state courts as only "*possible* fora"; it did not exclude a federal action where jurisdiction and venue otherwise were proper.

Olin

Olin Holdings Ltd. v. State of Libya, 73 F.4th 92 (2d Cir. 2023), concerned the degree of deference a federal court should accord to a foreign arbitration panel's determination as to its own jurisdiction over a case (arbitrability). Under a bilateral investment treaty, Cyprus and Libya agreed not to expropriate the property of investor-citizens of each other without due process. For an aggrieved investor, the treaty provided a "choice" for seeking redress: submission to a "competent court" of the alleged violator or to binding arbitration through the Arbitral Tribunal of the International Chamber of Commerce (ICC).

Olin Holdings, a Cyprus company, owned a juice and dairy factory in Tripoli. After Libya nationalized the property around the factory and evicted Olin, Olin filed two lawsuits in Libyan court. Those actions were unsuccessful, and Olin commenced arbitration in the ICC. There, Libya argued that Olin relinquished its right to arbitrate when it chose to bring a court action in Libya. Rejecting Libya's argument, the arbitration panel awarded Olin approximately €20,000,000 in damages, fees and costs. The U.S. District Court for the Southern District of New York went on to confirm the award.

On appeal, the Second Circuit (Judges Calabresi, Lohier, Kahn) disagreed with Libya that the district court improperly deferred to the arbitrators' determination on jurisdiction. By referencing ICC rules that empower the arbitrator to decide arbitrability, the investment treaty provided "clear and unmistakable evidence" of the intention to delegate the question to the arbitrators. Applying an "extremely deferential" standard of review, the court concluded it was "plainly rational" for the arbitrators to interpret the treaty as providing non-exclusive litigation and arbitration options for investors. It was thus no error for the district court to confirm the arbitral award, despite Olin's prior attempt to litigate.

IBM

The Age Discrimination in Employment Act (ADEA) requires a plaintiff to file a charge with the Equal Employment Opportunity Commission within 300 days of the alleged discrimination and at least 60 days prior to initiating a civil action in federal court. Under the judicially created "piggybacking rule," however, a plaintiff may forgo an EEOC charge and join a pending civil action involving similar discrimination claims, "piggybacking" off the plaintiff's prior timely EEOC charge. The question in *In re IBM Arbitration Agreement Litigation*, 76 F.4th 74 (2d Cir. 2023), was whether a contractual 300-day time limit for commencing arbitration in plaintiffs' separation agreements, allowing for no extension or exceptions, improperly conflicted with that aspect of federal law.

The Second Circuit (Judges Pooler, Wesley, Park) ruled that it did not and strictly enforced the contractual time limitation. The court explained that the piggybacking rule does not apply to arbitration. Rather, it is an exception to the ADEA's administrative exhaustion requirements and, as such, applies only to civil actions. Although the ADEA prohibits waiver of any right or claim unless knowing or voluntary, that limitation applies to substantive, statutory anti-discrimination rights – not to judge-made procedural rights such as the piggybacking rule.

Conclusion

These decisions display a recent Second Circuit policy of judicial restraint when faced with questions involving arbitration. To be sure, the court can be expected to step in when appropriate, including when, as mandated by the Federal Arbitration Act, there is corruption, fraud, or clear arbitral excess or disregard of the law. In the ordinary case, however, the court appears inclined to allow the agreed arbitration process to play itself out (including confirmation of any award) with minimal judicial intervention or second-guessing.

A hands-off approach makes good sense: it comports with longstanding federal policy, while offering the added practical benefit of conserving judicial resources amid ever-increasing caseloads. As mandatory arbitration clauses continue to grow in prevalence, the court should have ample opportunity to crystallize its pro-arbitration policy in cases to come.

Pete's Corner

Indelible Impressions: 60 Years of New York City Lawyers and Judges

By Pete Eikenberry

When I was a young associate in the mid-1960s, everyone in the New York City legal community gave respect to lawyers Whitney North Seymour and Orison Marden and to our idol, Judge Edward Weinfeld.

Judge Weinfeld and the Snowstorm

One day, I had a scheduled calendar call before Judge Weinfeld. There was a giant snowstorm and on the radio I heard that "all federal offices are closed." I said to my wife, Sue, "that is not going to apply to Judge Weinfeld!" I got dressed and left Brooklyn to attend the calendar call – where I found a multitude of lawyers already present. Every single lawyer scheduled that day reported for the calendar call except two whose travel from Connecticut was impossible; they called in to make their excuses. The judge's supreme respect for our legal system was self evident, and he treated every lawyer before him as an essential component of it.

He did have a human side. At a bar association conference at the Waldorf, I was once seated at a table immediately behind the table where Judge Weinfeld was seated with his wife. I could see them holding hands under the table during much of the dinner. As I left, I met the two of them walking out of the dining room. I said, "I saw you two holding hands under the table"; they laughed and giggled like two teenagers.

Whitney North Seymour

"Whit" Seymour and my boss Orison Marden each had a status that empowered them to impact upon solutions to national problems. A bank in Illinois lost countless deposits when it hired a Black teller. When Seymour found out, he convinced large New York banks to make huge deposits into the small bank in Illinois.

President John Kennedy called Whit and Orison and a few other major bar leaders to the White House in the mid 1960s. He asked them to remedy a problem with the lack of representation of civil rights litigants in Mississippi. Thereafter, the leaders established the Lawyers Committee for Civil Rights Under Law in Jackson, Mississippi, for which I volunteered in 1966. The committee still exists.

I knew Seymour through Marden asking me to report back to him when I returned from Mississippi. Later, I sat next to him at a bar dinner. He asked me what I had been doing. I told him about an article I had just written for the Village Voice. I did not know it, but Seymour lived in Greenwich Village. He told me, "I read The Voice every week. I particularly like Jill Johnson" – she was a self-proclaimed lesbian who wrote with no capitals or punctuation.

Orison Marden

Orison Marden was the senior partner at White & Case when I joined the firm in 1964; he also was president of the American Bar Association and he had been president of the New York City Bar Association and the New York State Bar Association. In 1966, as I was leaving to go to Mississippi for the pro bono assignment he had arranged for me, Marden took me into his office and read me a speech he had given to the Mississippi Bar Association at its annual meeting. In it, he demanded that the Mississippi Bar Association permit lawyers from other jurisdictions

to practice in Mississippi in civil rights litigation. He reasoned that white Mississippi lawyers would be ostracized and there were only six Black lawyers in the entire state. Thus, while I was in Mississippi in August, I practiced law upon presentation of my certificate of membership in the U.S. District Court for the Southern District of New York.

That month Marden worked to secure American Bar Association backing of the Civil Rights Act of 1966 in Congress. Yet the bill did not pass because of publicity from the Watts riot and from the proclamations of Eldridge Cleaver. After I left White & Case, I was a Young Turk with others during a rebellion at the City Bar annual meeting; a slate of young malcontents was elected, including Carol Bellamy. I asked Marden, "Orison, what do you think of the election?" He said, "Well, I was the chair of the nominating committee."

Criminal Court in Brooklyn

In my early years at White & Case I volunteered for pro bono cases in Brooklyn Criminal Court. I remember sitting a very long time one day without my case being called. A big guy walked in and took a seat in the front and then walked to the window. He took off his suit coat, rolled it into a ball, and hook shot it onto the windowsill. Bill Gallagher's case was then called immediately.

From that day forward, I sat in the front row and got aggressive in getting my case called. One day, I bargained with the district attorney for the release of a client on a low cash bail. As I stood up before Justice Gloa, the judge said, "I do not know one word you can say that would influence me." I then took the district attorney out in the hall and "beat him up." I said you promised me low cash bail, so I kept the deal.

Brooklyn Traffic Court

Spike Lee's father Bill Lee lived on our block in Fort Greene, and Spike's mother, Jacqueline Shelton Lee, taught my daughter in school. Bill was a musician who drove a Citroen station wagon, large enough to carry his bass. He gave my son daily transportation to school with his daughter, Joie. Bill had Virginia plates and a Virginia driver's license. Every day he would drive his car a few feet and the 87th police precinct "ticket man" gave him a moving violation for not having a New York driver's license and a New York license plate. He had dozens of moving violations, so Bill and I went to traffic court on Pennsylvania Avenue deep in central Brooklyn.

As I stood up, the judge asked, "Mr. Eikenberry, do you want mercy or justice?" I said, "Mercy, Your Honor! Mercy!" I have often used that line. Recently at Bill's memorial service I told the story.

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