

Thanksgiving Luncheon  
Emory Bruckner Award  
November 26, 2025  
ILG Remarks

I want to thank the Federal Bar Council for this deeply appreciated award. There is no greater reward for a judge than the approbation of his betters and his peers. I especially want to thank Shawn Regan for his gracious reassurance that if I were not to make it here this afternoon he would understand and manage as need be. I am very grateful to have made it here this afternoon to be with you.

It is especially relevant, at this time, to affirm the admirable stated mission of the Federal Bar Council; to promote fellowship among its members, to encourage respectful, cordial relationships between the bench and bar, and to promote the rule of law. It is that mission statement that inaugurated the tradition of this annual Thanksgiving Luncheon.

Tradition is a powerful force in the life and history of the law to which men and women, lawyers and judges, have devoted their professional lives

socially, culturally, and in every other societal respect relevant to a peaceful and civil society. This luncheon is essentially in that tradition, an occasion to enable its members and guests to come together, to meet old friends and make new ones, and to discuss new developments in the law and matters of general interest.

But why do we honor and memorialize Emory Buckner by giving this award in his name? The answer, I believe, is that every person needs a Grava Rabba, a great person, a person who would be a role model, one who would provide a vision of what Alfred North Whitehead called the ‘vision of greatness,’ an awareness of what one senses he cannot achieve,” but perhaps be inspired to achieve it.

Emory Buckner, this Council believed, was such a person. Justice John Harlan the younger, himself a Buckner mentee, wrote in the introduction to the Buckner biography that he was widely admired for his remarkable gift for mentoring and inspiring young lawyers and launching them on their illustrious careers. Among the beneficiaries of his

guidance were Supreme Court Justice Harlan himself, Chief Judge J. Edward Lumbard of our Circuit, Henry Friendly, Bethuel Webster, and countless other leaders of the profession too numerous to mention.

Emory Buckner was also a highly regarded trial lawyer. He accepted the appointment to be the United States Attorney for the Southern District of New York, but accepted that appointment only on condition that he alone would make crucial determinations as to who was to be prosecuted and who was not to be prosecuted and, that appointments of Assistant U.S. Attorneys were those that he alone would make without political interference. He held the office of United States Attorney for just two years, -- 1925-1927. His insistence on those conditions was the hallmark for the high regard in which that office has been held ever since.

The conditions for acceptance of his appointment resonate with particular significance today.

It is interesting to note that the charge Buckner would give to new Assistant U.S. Attorneys, was given decades before the widely known charge the then Attorney General, Robert Jackson, gave to his Assistants, and bespeaks the essence of Emory Buckner, the man in whose honor we meet this afternoon.

The charge he gave was as follows:

‘Our client . . . . the government is inarticulate, it is deaf and dumb. When it is our duty to speak and we don’t . . . the government is betrayed by our silence. When it is our duty to act and we don’t, the government is betrayed by our timidity, because it cannot act for itself. To permit any consideration such as personal ambition, future law practice, future public office, criticism or praise of the community to enter our mind is to soil our conscience and smudge the right hand which we held aloft in pronouncing our sacred pledge.’

Those words, with slight modification, are applicable to the lawyer advocate today and couldn’t help but inspire its listeners and imbue them with a

sense of pride and a sense of high purpose which are the indispensable ingredients of our noble and historic traditions. We all would be well-served to remember Buckner's words and have them embedded in our minds.

Not very long ago, a story in the New York Law Journal caught my eye. It made reference to the 'legal industry' – not to the Bar or the lawyers and judges generally, not to the legal profession – but to the *legal industry*. I had an immediate visceral reaction to that reference.

It is my very deep feeling about the law with which I was imbued from the day I first stepped foot into the evening session of Brooklyn Law School in 1942 that makes me cringe every time I hear our profession deprecated by the term “the legal industry.”

'Legal industry' doesn't suggest a hint of what it means to be a lawyer or what the legal profession has meant to a civilized society from time immemorial. In a dissenting opinion many years ago, Mr. Justice Frankfurter asked us to remember

that “through all the vicissitudes of Anglo-American history the legal profession has played a role all its own. All the interests of man that are embraced by the Constitutional guarantees of life liberty and property are in the professional keeping of lawyers.”

It was Frankfurter who also wrote that it is a fair characterization of the lawyers’ responsibility in our society that he stand as a shield in the defense of right and to ward off wrong.

But Mr. Justice Frankfurter’s eloquent characterization of a lawyer’s responsibility does not answer for me what it means to be a lawyer.

For me that question was answered many years ago by one whose name I have long since forgotten, but Edmund Cahn comes to mind, in these moving words:

At the risk of incurring your displeasure by listing all the marvelous attributes embraced by the term ‘lawyer,’ I will limit my remarks to a few observations: A lawyer is the researcher who, spending hours in a library, writes briefs. He is the financial expert advising a board of directors, he is

the expert in forensic medicine, or defending a murderer, or pressing a claim for malpractice. A lawyer is the genius in the courtroom with a sense of drama and a gift of oratory who can persuade a jury of the justness of his cause. He is the philosopher interpreting the Constitution and he is the professor of semantics in dissecting the language of a contract or an insurance policy. He is the perennial student of the law and of human nature. The lawyer is the leader of his community. The lawyer is a sponsor of charitable causes, the member of the legislature and the advisor of governors and presidents.

But there is much more to being a lawyer than that. The profession requires the lawyer to walk in the mud of mercantile and worldly affairs without becoming dirty, to mix with the vulgar without becoming coarse, and though conducting business with the avaricious to stand straight as an independent contractor and not bow as a servant. That is what being a lawyer means.

To which industry or industry representative can he be compared?

Volumes have been written on the role of a judge. Wishing to avoid an accusation of being self-serving, I share a sensitive observation I once read describing the role of a judge as follows: “A judge no longer knows how to laugh for like masks their faces bear the scars of battle between mercy and justice.” There is another, lighter, description of a judge’s role, variously attributed to Learned Hand or John Marshal that is as follows -- the primary qualification for a judge is the ability to look a lawyer straight in the eye for two hours and not hear a word he says.

There are things I have read recently, which I can’t imagine ever having read, said, or even thought of before, which are cause for great concern. I refer to the remarks by the Deputy United States Attorney General of the Department of Justice who said the Department is at war with who he described as, ‘rogue activist judges who are not following the law.’ Are judges really the enemy of the people and ignorant of the law? Or are judges the bulwark against lawlessness and rogue lawyers?

We, as lawyers, have a special obligation to defend the rule of law and to be heard when that rule is broken or ignored and when our judges are attacked for adhering to their sworn oath.

I applaud those lawyers who have answered the call to ensure that due process and the rule of law is honored, and I applaud those lawyers and legal organizations who have risen to the defense of the judiciary when it has been wrongfully and maliciously attacked.

When I received the letter from Mr. Regan that I was nominated to receive the Buckner Award, humility, feigned or otherwise, was awakened. Why me? What have I done to deserve this? I found the answer to those questions in the story of the farmer who entered his mule in the Kentucky Derby. When asked why in god's name he did that? He said, he knew his mule couldn't win, but thought the association could do him some good. The association has done me an enormous amount of good.

Ignoring the very sound advice lawyers who have appeared before me over the years have heard me utter, quoting Sir Francis Bacon, that an over speaking judge is no well-tuned cymbal, I should rest there but I can't resist quoting Harrison Tweed who is reported to have said "I have a high opinion of lawyers, they are better to work with, to play with, to fight with, or drink with, than most other variety of human kind." I totally agree with Harrison Tweed.

I am grateful to the Lord for enabling me to reach this day and for giving me the privilege of sharing it with you and wishing that the day of Thanksgiving will be a happy one for all of you and your families.

Thank you very very much.

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