Oral History of John M. Facciola

Index

Administrative Office of the U.S. Courts. See A.O.
A.O. (Administrative Office of the U.S. Courts), 107
A.U. (American University), 134
American educational curriculum, 3
American Trial Lawyers Congress, 96
American University. See A.U.
Anderson, Katie, 87
Apology by Plato, 16
Ashwander case, 140
attorney-client privilege, 101, 117, 121, 125
Attridge, U. S. Magistrate Judge Patrick J., 56, 85, 149
advice to new magistrate judges, 149
retirement, 56

Bailey case, 53
Barker, Robert
defending Maurice H. Stans in United States v. Mitchell, 43
Barry, Mayor Marion, 48
Bates, U.S. District Judge John D., 48, 49
Bloomberg, Mayor Michael, 141, 142
Brandeis, Justice Louis D., 26, 27, 140
Ashwander decision, 140
Brayman, Richard
Sedona Conference, 106
Breyer, Justice Stephen G., 98
New York City, 4, 9, 19
Brooklyn, 1, 6, 17, 30, 37, 87
New York Public Library, 12
Brown case, 26
Brown, Claude, Manchild of the Promised Land, 35
Brown, Patricia, 44, 51
Bryant, U. S. District Court Judge William B., 48
Bye Bye Birdie, 3

Cacheris, Plato, 59
Caro, Robert A., 23
Carroll, U. S. Magistrate Judge John, 87
Catholic Charities, 132
Center for Responsibility and Ethics, 107
child pornography case, 108
City of God, The, by St. Augustine, 12
Civil Rights Act, 24
CLE (Continuing Legal Education), 101, 107, 116, 125, 132
Cohen, Herb, 75
Cohn, Professor Sherman, 24
computerized legal research
   problems, 94
Criminal Justice Act, 82
cryptography, 102

DC Bar, 102, 133
Douglas, Senator Paul, 5

Easton, Amy, 86, 93
etnic heritage, 136

Facciola, Danny, 30, 39
Facciola, John M. - Personal
   application to law school, 12
   athletics, 4, 9
   bar exam, 33
   Catholic Charities, 132
   childhood reading
      A Young Skin Diver, 8
      Yankee Bat Boy, 8
      Midshipman Lee of the Naval Academy, 8
classical studies, 4, 6, 10, 11, 15, 70, 90
draft, 17-19, 21
discrimination, 19
etnic heritage, 136
family
   home life, 6-7
   interest in education, 7
father, 1, 3, 6, 7, 12, 13, 20, 31, 38, 46
   accountant at Heublein Inc., 7, 21
   opinion about Vietnam, 17
   remarried, 30
Georgetown University Law Center, 20, 21, 24, 70, 98, 101, 116, 123-124
   ABA requirements for certification, 123
   curriculum, 3, 10, 22, 122, 123, 125
   elective system, 124
   favorite law school classes, 25
   Law Review, 21, 22, 91, 99
   memories, 21
   shaping philosophy on the law, 26
   traditional mandatory curriculum, 124-125
   tuition assistance from Heublein Company, 21
Giants/Redskins football game, 35
grandparents, 1, 6, 8, 9
Hamlet on Seminary Road, 46
Holy Cross, 10, 11, 16, 28
curriculum, 10, 22
Carroll, Father William, 15
junior year in Rome, 11
liberal Democrat, 27
LSAT (Law School Aptitude Test), 15
middle school jobs, 19
mother, 1, 2, 30
death, 7
move from New York to Washington, 39
National Guard, 17-18
Fort Gordon, Georgia, 17
Fort Jackson, South Carolina, 17
JAG (Judge Advocate General), 18
nickname "Genuzzo", 13
Regis High School (New York City), 2, 7, 9
curriculum, 3, 4
Father Brown, Assistant Principal, 3
favorite subjects, 6
Jesuit, 2
son, 108
certification, 108
technical competence, 108
summer jobs, 23
wife Gloria, 20, 28, 29, 31, 32, 38, 45, 46, 57, 72, 108, 145
certification, 109
Poughkeepsie, 30
teaching in Rockville, 30
work at the New York Public Library, 12

Facciola, John M. - Professional
295 Forms, 62
adversary system, 70, 96, 126
advice to a new magistrate judge, 149
American Society of Travel Agents, 41
Assistant District Attorney in New York City, 31
Part 1C, 33
Rackets Bureau, 34
Special Narcotics Branch, 34
attorney-client privilege, 101, 117, 121, 125
"baby judge school", 60
border states vacancies, 130
breach of contract case, 118
Bureau of Prisons litigation, 49
CLE (Continuing Legal Education), 101, 107, 116, 125, 132
Bureau of Prisons, 49
child pornography case, 108
expenditure funds, 125
judicial activism, 139-140, 143
judicial vacancies, 129-131
jurors, 129
jury system, 128, 129
Justice Department
   Appellate Division, 47
   Chief of Special Proceedings, 49, 50, 51
   Civil Division, 47
   Special Proceeding Section, 54
law clerks, 85-95. See individual names
applicants, 90
"grandclerks", 86
hiring, 85-89, 93
Law Review experience, 91
OSCAR (Online System for Clerkship Application and Review), 90, 92
skills, 91
women, 88
legal competence, 110, 111, 116
limited jurisdiction, 140
lock ‘em up mentality, 126, 127
mediation, 65, 68, 74, 75
memorable cases, 100-125
moot court, 135
public misunderstanding of roles, 76, 134
New York Legal Tech, 108
public service, 38, 39, 45, 46, 54, 93, 147
qualities of a good judge, 143
qualities of a good lawyer, 145
Sedona Conference, 101, 106, 107, 110, 116, 125, 133
   Advisory Board, 101
   expenditure funds, 125
   Sailing on Rough Seas, 125
   Sedona Proclamation Cooperation, 106, 111
sense of humor, 54, 63, 64
St. Elizabeth’s Hospital, 49, 50, 142
taught trial advocacy, 125, 146
technical competence, 108
U. S. Magistrate Judge, United States District Court for the District of Columbia
   appointment, 55
   assignment of cases, 61
   first Italian-American Magistrate Judge, 14
   FBI vetting, 56, 130
interview for Magistrate Judgeship, 56
opinions
dull prose style, 90
number of, 89
relationships with other judges, 23, 38, 48, 61, 63, 77, 78, 79, 80

Watergate Special Prosecution Force, 43
Wilkinson, Cragun & Barker, 39, 40, 42
dissolving law firm, 44-45
Federal Communications Commission practice, 41
Indian tribe claims, 40

Facciola, Michael, 2, 7
Facciola, Nina, 2, 7, 8, 31
Facciola, Regina, 2, 7
Facciola, Roseanne, 2, 5, 7, 31
"Facciola's Law", 115
Farrell, Mike, 47
Federal Communications Commission, 41
Federal Judicial Center. See FJC
Federal Public Defender, 53, 82
Fenty, Mayor Adrian M., 141, 142
FJC (Federal Judicial Center), 63.
forensic scientists, 109
Frankfurter, Justice Felix, 26
Friedman, U.S. District Court Judge Paul L., 61, 137
100-to-1 crack differential, 137

Frontiero case, 23

Garland, U.S. Court of Appeals Judge Merrick B., 80
Gesell, U.S. District Court Judge Gerhard A., 147
Good Lawyer, The, by David Luban, 70
Great Dismal Swamp, 41
Grimm, U.S. District Court Judge Paul, 121, 122
Rule 502, 121
Guantanamo, 130, 136

Harlan, Justice John Marshall, 26
Here, The People Rule, by Richard Parker, 135
Heubelink Inc., 21
Hogan, Frank S., District Attorney for New York City, 31-33, 36, 38
Hogan, U.S. District Court Judge Thomas F., 48, 49, 57, 94, 136
Holmes, Justice Oliver Wendell, Jr., 26
Hopson case, 122
Hughes, Charles Evans, 40
Hughes, Hubbard & Reed, 40
Huvelle, U.S. District Court Judge Ellen Segal, 139
Indian Claims Commission, 40
Inns of Court, 133
Institute for the Study of American Law, 96
Iqbal case, 98, 99, 100

Johnson, President Lyndon B., 16, 23, 24, 26
   Master of the Senate, 24
Jorgensen, Serge, 102-103
   Transportation Safety Administration survey, 103
judicial activism, 139
Judge Advocate General (JAG), 18
jurors, 129
jury system, 128, 129

Kaiser Permanente
   medical records burglarized, 103
Kay, U.S. Magistrate Judge Alan, 55, 57, 62, 63-64, 67
   arbitration and mediation, 63
   sense of humor, 63-64
Kealey, Dr. Edward J., 16
Kennedy, President John F., 5, 16, 23, 24
   Kevin Gray case, 129
King, Dr. Martin Luther, 24, 144
Koeltl, U.S. District Court Judge John 4, 96
   Advisory Committee on the Federal Rules, 96
Kollar-Kotelly, U.S. District Court Judge Colleen, 133
Kramer, A.J.
   Federal Public Defender, 53

Lamberth, U.S. District Court Judge Royce C., 47, 48, 49, 87
   Chief of the Civil Division, U.S. Justice Department, 47
   D.C. Superior Court prisoners, 48
Law School Aptitude Test. See LSAT
legal certification, 108, 123
Lewinsky, Monica, 58, 138
   Monica Beach, 59
limited jurisdiction, 140
lock ‘em up mentality, 126, 127
Loewey, Werner, 16
Long Island, 8, 19
LSAT (Law School Aptitude Test), 15

Luban, David, The Good Lawyer, 70

Manchild of the Promised Land by Claude Brown, 35
Mantel, Hilary, *Wolf Hall*, 139
March on Washington, 24
marginal utility, 101, 104-105
Marshall-Brennan Constitutional Literacy course, 134
Martin, John
  President of Heublein, Inc., 21
*Master of the Senate*, by Robert A. Caro, 23, 24
McGuire, Al, 37
McGuire, Jerry, 31, 32
McKay, Judge Kevin, 35
McPeek case, 100, 104, 105, 107
  electronic discovery, 100
  marginal utility, 101, 104-105
Mikva, U.S. Court of Appeals Judge Abner J., 148
Mitchell, U. S. Attorney General John, 43
Monihan, Don, 29
  Bloody Mary party, 29
moot court, 135
Muhlendorf, Kevin, 87, 93
Mussolini, 1

Nadeau, Tom, 29
National Archives and Records Administration, 114
New York City, 30
  Brooklyn, 1, 6, 8, 9, 17, 30, 37, 86, 87
  Greenwich Village, 1
  Little Italy, 1
  Sullivan Street, 1
New York Legal Tech, 108
New York State
  Sag Harbor, Long Island, 8
  New York Kings County Supreme Court
    Judge Kevin McKay, 35
  Noyack, Long Island, 8
  Poughkeepsie, 30
Nixon, Richard, 26, 42, 43, 134,
  Stans, Maurice H., 42
  subpoenas, 134
  Vesco, Robert, 43
Norton, Congresswoman Eleanor Holmes, 130
Northern Illinois Law Review, 99
Noyack, Long Island, 8

O’Connor, Justice Sandra Day
  comments on intimidation, 136
  programs for high school students, 134
O'Keefe case, 107
Online System for Clerkship Application and Review, 92
Oot, Pat
   Verizon, 98
OSCAR (Online System for Clerkship Application and Review), 90, 92

Parker, Richard, *Here, The People Rule*, 135
Peale, Norman Vincent, 5
Penn, U.S. District Court Judge John Garrett, 53, 54
Pinto, Angela, 29
Plato, *Apology*, 16
Podger, Sarah, 85
Poor People’s March on Washington, 24
Potts, Julie Anna, 58, 86
Proposition 8, 140

Quinlan, Mike, 104

Reed v. Reed case, 23
res judicata, 146
Richardson case, 53
Richey, U.S. District Court Judge Charles R., 55
riots in Washington, 25
Robertson, U.S. District Court Judge James, 60, 86, 92, 133
   “grandclerks”, 86
   OSCAR, 92
Robinson, U.S. Magistrate Judge Deborah A., 55
Rogers, Frank, 34
Rosenthal, U.S. District Court Judge Lee H., 137
RSA (Rivest Shamir Adleman)
   computer security, 102
Rule 23
   marginal utility, 105
Rule 502, 101, 121, 122
   attorney-client privilege, 101, 121
Rule 8
   “short, plain statement” of a claim, 99
Russia
   space race, 3

Sag Harbor, Long Island, 8
Sedona in Exile, 133
Shaffer, U. S. Magistrate Judge Craig
   collection of case data, 68
Somma, U.S. Bankruptcy Judge Robert, 4
Sonnenberg, Sontha, 53
Sotomayor, Justice Sonia M., 130
Souter, Justice David H.
programs for high school students, 134
space race
Russia, 3

Sporkin, U.S. District Court Judge Stanley, 144
Springsteen, Bruce, 149
Sputnik, 3
St. Augustine, The City of God, 12
Stans, Maurice H., 42, 43
  Committee to Re-elect the President, 42
  Secretary of Commerce in the Nixon administration, 42
  United States v. Mitchell, 43
Starr, Kenneth, 148
Stein, Jake, 59
Stevens, Justice John Paul, 130
Stewart, Jonathan, 149
Sullivan, U.S. District Court Judge Emmet G., 1, 13, 61, 136

technology, 41, 77, 90, 91, 102, 105, 115, 117
  computerized legal research
    problems, 94
    search technology, 105
    search terminology, 107
  cryptography, 102
  data sets, 119
  e-discovery. See electronic discovery
  electronic data, 97
  electronic discovery, 96-97, 100-101, 103, 107, 117-118, 121-122, 125-126, 148
  information security, 102
  storage capacity, 97, 105
Tigar, Mike, 22
Title VII, 49, 99
Transportation Safety Administration
  Serge Jorgensen, 103
Tupper, Michelle, 88
Twombly case, 98, 99, 100

U.S. Bankruptcy Court for the District of Massachusetts
  Judges
    Somma, Robert, 4
U.S. Court of Appeals, District of Columbia Circuit
  Judges
    Garland, Merrick B., 80
    Mikva, Abner J., 148
Wald, Patricia M. 132
U.S. Court of Claims
Judges
Williams, Mary Ellen Coster, 87
U.S. District Court, District of Columbia
Judges
Attridge, Patrick J., 56, 85, 149
Bates, John D., 48, 49
Bryant, William B., 48
Friedman, Paul L., 61, 137
Gesell, Gerhard A., 147
Hogan, Thomas F., 48, 49, 57, 94, 136
Huvelle, Ellen Segal, 139
Kay, Alan, 55, 57, 62, 63-64, 67
Kollar-Kotelly, Colleen, 133
Lamberth, Royce C., 47, 48, 49, 87
Penn, John Garrett, 53, 54
Richey, Charles R., 55
Robertson, James, 60, 86, 92, 133
Robinson, Deborah A., 55
Sporkin, Stanley, 144
Sullivan, Emmet G., 1, 13, 61, 136
Urbina, Ricardo M., 50, 64
Walton, Reggie B., 137, 138
U.S. District Court for the District of Colorado
Judges
Shaffer, Craig, 68
U.S. District Court for the District of Maryland
Judges
Grimm, Judge Paul, 121, 122
U.S. District Court, Middle District of Alabama
Judges
Carroll, John, 87
U.S. District Court for the Southern District of New York
Judges
Koeltl, Judge John, 96
U.S. Marshals Service, 48, 50
U.S. Supreme Court
Justices
Brandeis, Louis D., 26, 27, 140
Breyer, Stephen G., 98
Frankfurter, Felix, 26
Harlan, John Marshall, 26
Holmes, Oliver Wendell, Jr., 26
O’Connor, Sandra Day, 134, 136
Sotomayor, Sonya M., 130
Souter, David H., 134
Stevens, John Paul, 130

U.S. v. O’Keefe case, 107
Urbina, U.S. District Court Judge Ricardo M., 50, 64
Ute case, 41

Vesco, Robert, 43
Vietnam, 16, 17, 18, 19, 24
   Hue, 18
   Vietnam Wall, 18

Wald, U.S. Court of Appeals Judge Patricia M., 132
Walsh, Jeff, 29
Walsh, Richard P., Jr., 28
   godfather of sons, 28-29
Walton, U.S. District Court Judge Reggie B., 137, 138
   Chair of that Commission on Rapes, 137
Warren Court, 26, 27
Watergate, 42-43
White House, 25, 113, 114
   archives, 114
   backup tapes, 91, 107, 112, 120, 136, 141
   change in administration, 114
   e-mails, 117
   Office of Administration, 113
Wilkinson, Ernest, 40
Williams, U. S. Court of Claims Judge Mary Ellen Coster, 87
Withers, Ken, 107
Wolf Hall by Hilary Mantel, 1