



Historical Society of the District of Columbia Circuit

Newsletter #23

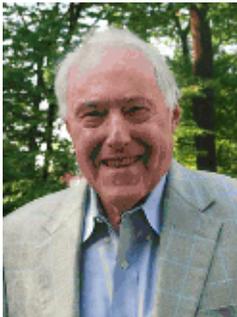
April 2015



**The Shepard Court
circa 1905**

FROM THE SHEPARD COURT TO THE LAST BAZELON COURT – A NEW EXHIBIT

Take a look at the impressive new exhibit, pictured left, of [official photographs](#) of the judges of the U.S. Court of Appeals for the D.C. Circuit from 1905 to 1977. These are the faces of those men and women who decided so many historic cases and wrote so many famous opinions.



GLIMPSES INTO THE SOCIETY'S ORAL HISTORIES

A new offering -- We will be placing on our website highlights from the oral histories we have taken. The [first such article](#) relies on [Steve Pollak's oral history](#) in which Steve (pictured left) describes what he saw and did as a Civil Rights Division attorney acting to protect the court-ordered right of Dr. Martin Luther King to lead the 1960 march for voting rights from Selma to Montgomery and the events and struggles that took place in Washington, D. C. in connection with the enactment and enforcement of the Voting Rights Act.

SCENES FROM THE HISTORICAL SOCIETY'S 10TH MOCK COURT PROGRAM

Did a school official violate the Fourth Amendment rights of students when he affixed a GPS device to their bicycles? Did a provider of webcasting services to high school students violate a user's First Amendment rights by



Judge Sullivan (top) and Judge Kay (bottom) offering congratulations.

Amendment rights by cancelling a webcast that included political and profane content? Over 80 District of Columbia high school students appeared in Court before 10 federal judges to address these questions on Friday, March 20, in the 10th Mock Court Program sponsored by the Historical Society of the District of Columbia Circuit. With the help of 26 volunteer lawyers from 12 law firms, law schools, and federal agencies, the students from Eastern Senior High School, H.D Woodson, McKinley Tech., School Without Walls, and Wilson High School worked hard preparing their arguments over a two-month period. Students were welcomed and rewarded with certificates and high praise for their advocacy by Chief Judge Merrick B. Garland and Chief Judge Richard W. Roberts, and joined judges, their mentors and teachers, and Society members for a pizza lunch. [See scenes from the program.](#)

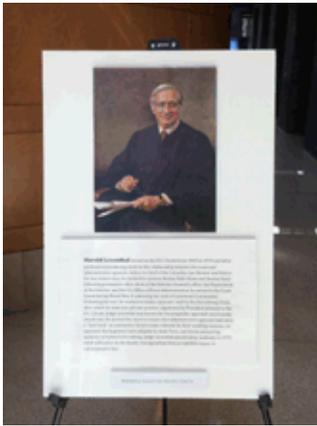


(L to R) Judge Friedman, Miguel Estrada, Esq., and Judge Jackson

“A CONVERSATION ON JUDGING -- THEN AND NOW” SPONSORED BY THE HISTORICAL SOCIETY AND ITS LAW CLERK INITIATIVE

Judge Ketanji Brown Jackson and Senior Judge Paul L. Friedman opened wide the doors of the Courthouse and allowed attendees at the Historical Society's February 25 program to get a glimpse of life on the District Court bench. In the “Conversation” the judges, spurred on by moderator Miguel Estrada, discussed the loneliness they confronted when they became judges and the importance of selecting law clerks who, in addition to being highly able, are also fun to have in chambers. Each benefitted by attending “baby” judges’ school, run by the Federal Judicial Center, and from the guidance of other judges. Judge Friedman noted that when he needed to consult, he would simply announce to the parties that it was a good time for a break. When asked how she would like to be remembered, Judge Jackson said, “As careful, thoughtful and thorough.” When asked what he had learned the hard way, Judge Friedman stressed the relentlessness of the job – the fact that there is always a “next” case on the docket.

To see and hear the judges discuss these issues and many others, including the changes that technology ushered in, how civility has become an issue in court proceedings, and how the confirmation process works, watch for the video of “Judging -- Then and Now,” which the Society will feature on its website in the next month or two.



NEWLY DISPLAYED IN THE COURTHOUSE: THE PORTRAIT OF JUDGE HAROLD LEVENTHAL

[Harold Leventhal](#) (pictured left) served on the D.C. Circuit from 1965 to 1979 and left a profound and enduring mark on the relationship between the court and administrative agencies. Editor-in-Chief of the *Columbia Law Review* and first in his law school class, he clerked for Justices Harlan Fiske Stone and Stanley Reed following graduation. After stints at the Solicitor General's office, the Department of the Interior, and the U.S. Office of Price Administration, he served in the Coast Guard during World War II achieving the rank of Lieutenant Commander. Following the war, he worked on Justice Jackson's staff in the Nuremberg Trials, after which he went into private practice. Appointed by President Johnson to the D.C. Circuit, Judge Leventhal was known for his pragmatic approach and friendly skepticism. He pushed the court to ensure that administrative agencies had taken a "hard look" at substantive factors made relevant by their enabling statutes, an approach the Supreme Court adopted in *State Farm*, and wrote pioneering opinions on hybrid rule-making. Judge Leventhal passed away suddenly in 1979 while still active on the bench, leaving behind him an indelible legacy in administrative law.