

ORAL HISTORY OF  
Honorable John Robert Fisher

**INDEX**

- African Americans, 23–24
- American Bar Association (ABA), legal ethics committee, 35
- American history, 5, 6–7
- American legal history, 13, 15
- American Revolution, 6, 7
- appellate law, 23–24, 26–37, 41
  - court performance, 45–47, 48
  - criminal cases, 29–30, 31–34
  - preventive advocacy, 37
  - selection of cases, 36
  - sentencing guidelines, 32
  - shaping of law, 37
- Arlington, Virginia, 20
- Assistant United States Attorney (AUSA), 17–20, 22–23, 27. *See also* U.S. Attorneys Office for the District of Columbia
  
- Bailyn, Bernard, 6–7
  - Ideological Origins of the American Revolution*, 7
- Barry, Marion, 23
- Bazelon, David, 34
- B’nai B’rith Headquarters (D.C.), 23
- Bork, Robert, 34
- Boston University, 21
  
- Caputy, Vic, 19
- Children’s Hospital (D.C.), 21
- Chu Lai, American Division Headquarters, South Vietnam, 10, 11
- City Council building (D.C.), 23
- civil cases, 29, 39, 42
- Columbus, Ohio, 11, 15, 17, 21–22, 24–25
- Congress, U.S., 39. *See also* Senate, U.S.
- Constitution, U.S., 6, 32
  - Speech or Debate clause, 33
- constitutional history, 8, 13
- constitutional law, 13
- corporate law, 14
- criminal cases, 29–34
  - and D.C. court system, 23–24, 31–32, 34, 38–39, 41–42
  - federal, 38–39
  - federal penalties, 31–32

Miranda Doctrine application, 33  
reasonable doubt wording, 33  
sentencing guidelines, 32  
Speech or Debate Clause application, 33

D.C. Circuit. *See* U.S. Court of Appeals for the District of Columbia Circuit  
D.C. Court of Appeals. *See* District of Columbia Court of Appeals  
D.C. Court of General Sessions. *See* District of Columbia Court of General Sessions  
D.C. District Court. *See* U.S. District Court for the District of Columbia  
D.C. Superior Court. *See* Superior Court of the District of Columbia  
death penalty, 24

Denison University, 21

District of Columbia, 20

    Hanafi Muslim hostages, 23–24

    home rule effort, 38, 39

    Senate committee for, 41

District of Columbia court system, 23–24, 31–32, 34, 36–37, 41–42

    expedition of work volume, 47–48

    history and structure, 38–39

    judicial nomination and confirmation, 38, 39–41

    local vs. federal courts, 31, 36–37

    lack of death penalty, 24

    street crime prosecution, 38

District of Columbia Court of Appeals, 26, 38–49

    appeals process, 37

*en banc* arguments, 24, 37

    Hanafi Muslim case, 23

    as highest D.C. Court, 39

    judicial appointment process, 38, 39–41

    judicial case decisions assignment, 43–44

    oral argument, 42–43, 44, 46

    professional conduct rules, 35

    transcript preparation, 48

    volume of work, 47

District of Columbia Court of General Sessions, 39

District of Columbia Court Reform and Reorganization Act, 38, 39

District of Columbia Municipal Court of Appeals, 39

drug crimes, 31, 38

East Carolina University, 21

ethics, legal, 35

evidence, 13, 16, 33

Farrell, Mike, 24, 26

felony trials, 19

Fisher, Clark (son), 20–21

Fisher, George (father), 1–3, 5  
 books and reading, 3  
 children, 2  
 death of first wife, 2  
 farm, 1, 2  
 second wife, 2  
 stroke, 21–22

Fisher, Helen Clark (mother), 1–3, 5  
 and husband's stroke, 22  
 life as farmer's wife, 2–3  
 marriage to widower, 2

Fisher, John Robert -- Personal  
 birthplace, 1  
 career considerations, 7–8  
 childhood activities, 2–4  
     reading interests, 3–4  
 children, 20–21  
 choice of college, 4–5  
     financial aid, 5  
 church membership, 25, 35  
 elementary school, 3–4  
 family life, 20–21, 25  
 half-siblings, 2

Harvard Law School, 12–15  
 admittance, 8  
 attendance, 12–13  
 courses and professors, 13–14  
 Cum Laude degree, 17  
 friendships, 13  
 impressions of, 12–13, 14  
 postponement for military service, 8–9  
 reapplication to, 11–12

Harvard University, 4, 5–7  
 acceptance, 6  
 courses and professors, 6–7  
 Magna Cum Laude degree, 17  
 marriage while attending, 7  
 part-time jobs, 7

high school, 4, 5, 7  
 interest in history, 3, 5, 6–7  
     as academic career, 8  
 interest in law, 7–8, 13  
 interest in literature, 8  
 Law School Aptitude Test, 12  
 military service, 9–11  
     draft notice, 8

- enlistment in army, 9–10
  - postponement of law school, 8–9
  - qualms about officer training, 10
  - return from, 11–12
  - Vietnam assignment, 10–11
- parents, 1–3, 5
  - father's stroke, 21–22
- return to Ohio, 21–22
- on salesmanship, 40–41, 46
- summer jobs, 7
- and Washington, D.C.
  - American University Park home, 1
  - Arlington (Va.) homes, 20
  - first period in, 17–24, 27
  - second period in, 27–49
- wife, 7, 11
  - financial support from, 12
- younger brother, 2
- Fisher, John Robert -- Professional
  - academic law interests, 8, 13
  - advice to appellate advocates, 45–47
  - assessment of judges, 34
- Assistant U.S. Attorney for the District of Columbia
  - as appellate division chief, 26, 27–37, 48
  - as appellate division deputy chief, 24, 26, 33
  - appointment, 17
  - attractions of job, 18
  - cases argued, 23–24, 29–30, 31–34
  - departure and return, 21–23, 26–27
  - learning on job, 18–19
  - preventive appellate advocacy, 37
  - responsibilities, 18, 27–28
  - rotation assignments, 18–19, 23, 28, 30–31
  - satisfactions of advocacy, 35–36, 48
  - selection of issues, 36, 37
  - training of advocates, 45
- Assistant U.S. Attorney for the Southern District of Ohio, 21–22, 24–25
- bar activities, 35
- on career challenges and satisfactions, 48–49
- D.C. Court of Appeals associate justice, 40–49
  - advice for advocates, 45–46
  - and case conferences, 45
  - and dissent writing, 44–45
  - on learning curve, 41–42
  - and majority opinion, 45
  - nomination and confirmation process, 38–41

- and oral argument, 42–43, 44, 46
- and primary legal goal, 44–45
- recusals from criminal appeals, 41–42
- satisfactions of judgeship, 48–49
- on D.C. court system, 31, 34, 36–37, 38–39
  - challenge of work volume, 47–48
- on educational value of court proceedings, 16
- first interest in law career, 7–8
- and Harvard credentials, 16–17
- as Horwitz research assistant, 13, 15
- judicial philosophy of, 44–45
- Kinneary clerkship, 15–18
- litigation work, 25
- and trial practice, 16, 17
- with Vorys, Sater, Seymour and Pease, 25
- Fisher, Mandana (daughter), 21
- Fort Benning (Ga.), 9–10
- Fort Dix (N.J.), 9
- Fort Leonard Wood (Mo.), 9
- Fredericktown, Ohio, 3, 4, 7–8
- Freidel, Frank, 7
  
- Garland, Merrick, 34
- Ginsburg, Ruth Bader, 34
- gun cases, 31
  
- Hanafi Muslim hostage case, 23–24
  - convictions upheld, 24
- Harvard Law School, 8, 9, 11–15, 16–17
  - atmosphere of, 13, 14
  - clinical courses, 15
  - competitiveness of, 14
  - and course selection counseling, 13–14
  - professors, 13
  - required courses, 14
  - study groups, 13
- Harvard University, 4, 5–9, 17
  - faculty-student interaction, 7
- history, study of, 3, 5, 6–7, 8
- Home Rule Act (D.C.), 38
- Horwitz, Mort, 13, 15
  
- Islamic Center (D.C.), 23
- Israeli spy case, 32–33

judges

- assessment of, 34
- assignment of case decision to, 43–44
- nomination and confirmation of, 38, 39–41
- and oral argument, 44
- sentencing guidelines, 32
- judicial review, origins of, 13
- Justice Department, U.S., 36

Kennedy, John F., 5

Kenyon College, 5

kidnapping charge, 24

Kinneary, Joseph, 15–16, 25

Knox County, Ohio, 1

Law School Aptitude Test (LSAT), 12

McGowan, Carl, 34

Miranda Doctrine, 33

misdemeanor cases, 19, 39

murder cases, 23, 24, 39

- shootout bystander victim, 33–34

Muslims, 23

Ohio, 1–4, 7, 15, 21–22

- colleges in, 5, 21
- See also* Southern District of Ohio

Ohio State University, 11, 12

Ohio Supreme Court, 15

Olson, Ted, 32–33

oral argument, 42–43

- benefits of, 42
- individual preparation for, 43, 46
- judge’s questions during, 44

parole, 29–30

Pollard, Jonathan, 32–33

President, U.S., and D.C. local court system, 38, 39, 40

professional conduct rules, 35

reasonable doubt, wording of instruction, 33

Roberts, John, 34

Rostenkowski, Dan, 33

ROTC (Reserve Officers’ Training Corps), 8

Scalia, Antonin, 34

Senate, U.S.

judicial appointment confirmation, 39, 40–41

Senate Committee on Homeland Security and Government Affairs, 41

Senate Judiciary Committee, 40–41

sentencing guidelines, 32

Southern District of Ohio

U.S. Attorney's Office, 17, 21–22, 24–25

U.S. District Court, 15–16

Speech or Debate Clause, 33

Stephens, Jay, 27, 31

street crime cases, 38–39

Superior Court of the District of Columbia, 23–24, 47

and appeal process, 37

creation of, 39

criminal cases, 23–24, 31

judicial appointment process, 39, 40–41

review of decisions, 39

and transcript preparation, 48

Supreme Court, U.S.

and D.C. Court of Appeals, 39

justices, 34

sentencing guidelines, 32

Terry, John, 24

Thornburgh, Richard L. (“Dick”), 31

trial practice, 16, 17, 24, 28, 37

and knowledge of case, 45–46

Unger, Roberto, 13

urban warfare, 33–34

U.S. Army, 9–11

draft, 8

officer candidate school, 9–10

U.S. Attorney, 27, 29, 36, 41–42

choice of D.C. court system, 31, 37

U.S. Attorney General, 31

U.S. Attorney's Office for the District of Columbia, 16, 17–20, 22–23

Appellate Division, 23–24, 26–37, 48

attorney selection, 30–31

attorney teaching and training, 27–29, 36, 45–46

caseload, 30

case selection, 36

chief's role, 27–28

choice of court, 36–37

criminal cases, 23–24, 29–30, 31–34, 41–42

- deputy chiefs, 24, 26, 29
- job satisfaction, 35–36
- litigation selection, 36
- management practices, 27, 30
- Miranda Doctrine application, 33
- number of attorneys, 27
- preventive appellate advocacy, 37
- sentencing guidelines, 32
- size and scope, 26–27
- Civil Division, 29
  - number of attorneys, 27
  - rotation assignment, 18–19, 23, 28, 30–31
  - training of attorneys, 19, 20, 28–29
  - See also* Assistant United States Attorneys
- U.S. Attorney’s Office for the Southern District of Ohio (Columbus), 17, 21–22, 24–25
- U.S. Court of Appeals for the District of Columbia Circuit
  - appeals process, 32–33, 36–37
  - and D.C. local court system, 36–37, 39
  - en banc* cases, 24, 33, 34, 36
  - justices, 26, 34
- U.S. District Court for the District of Columbia, 37
  - appeals process, 31–32, 37
  - en banc* cases, 31–32
  - local crime cases, 31–32, 34, 38–39
- U.S. District Court for the Southern District of Ohio, 15–16
- U.S. Parole Commission, 30
- U.S. Solicitor General, 33, 36, 37
- U.S. Supreme Court. *See* Supreme Court, U.S.
  
- Vietnam War, 9, 10–11
- Vorys, Sater, Seymour and Pease, 25
  
- Washington, D.C. *See* District of Columbia
- White House. *See* President, U.S.
- Wilkey, Malcolm, 34
- Wright, J. Skelly, 34