ORAL HISTORY OF
HONORABLE JOYCE HENS GREEN

Fourth Interview – December 2, 1999

(TAPE 5 B)

MS. PORTER: This is a continuation of the interview being conducted on behalf of the Oral History Project of the District of Columbia Circuit on December 2, 1999.

Joyce, you had just joined the Court of General Sessions. How many judges were there on that court at that time?

JUDGE GREEN: I can't remember the exact number, but close to 23 or 24. Three of us served on the domestic relations branch: Judges Joe Ryan and Dick Atkinson. Richard Atkinson was African-American, one of the few on the court at that time. Some other judges on the local court at that time were: Tim Murphy; Edward "Buddy" Beard; DeWitt Hyde, a former Congressman from the State of Maryland; Milton Korman; Milton Kronheim; Ed Daly, who had been one of those also suggested for the juvenile court who didn't get it; Harold Greene, the Chief Judge. The other woman, Mary Barlow, was not present at the courthouse. She had served well the then ten-year term. Reappointed for a second ten-year term, she did not serve any of that second term, and was four years into that second term when I came on the bench. She had an illness that was, how do I put it – ill defined. We really didn't know the extent of the illness, but it so incapacitated her that she could not go on the bench and perform her duties. She did hire a law clerk yearly, much to the irritation of mine, because her law clerk would come in around 11:00 a.m., read the newspaper, make his luncheon arrangement, make his

golf plans for the afternoon, push around a few papers and leave early – unlike the hours that my clerks had to work with me.

MS. PORTER: So you were effectively the only woman on the court at that time.

JUDGE GREEN: Effectively, yes. I was the only woman. Eventually Mary came back for a few weeks – a day or two – then absent again. She tried, unsuccessfully, to participate again as a judge on the bench. More years elapsed before she resigned. She was a really lovely person. She was clearly sick.

MS. PORTER: I think it's fair to describe your ascent to the bench as being catapulted onto the bench, and you did that, you weren't looking for the job, how did it feel? One day you're at home with the baby, next day you're on the bench. How do you go about wanting to be a judge?

JUDGE GREEN: Very difficult. Had no training courses, no one to hold my hand and mentor me through this, no one to tell me the next steps to take. I remember the first day going on the bench I carried a yellow pad and a pen in my hand, and the bailiff took them from me, exclaiming that judges don't go on benches holding anything. Today I still carry materials onto the bench, but I didn't know the protocol then. I knew enough about litigation to recognize those things I hoped I never would put into practice as a judge and things I hoped a good judge would do. Happily, I was put into the domestic relations area where I was very comfortable with my knowledge of the law. I had kept up with it during my time in retirement, but was not comfortable doing judges' actions of preparing a memorandum, an opinion, an order. No one had taught this in school, nor had I learned through experience. My law clerk and I

learned together and my colleagues really were great. Among them, Tim Murphy, a colleague across the hall, a wonderful, helpful, creative man, and a very good friend today. I'd ask questions, particularly about criminal law, which I was least conversant with, and the ways of judging.

MS. PORTER: How long were you in the domestic relations area? Did you do a rotation among the different areas?

JUDGE GREEN: In all other areas of the court the judges did rotation. Generally the domestic relations judges stayed, but after a few years of doing this, much as I loved the work (I felt particularly devoted to custody and adoption cases; nobody enjoys contested divorce cases, although I certainly did many). I needed a change. I'm pleased to say I advanced the law in a number of respects in cases affirmed by the court of appeals that stimulated modern trends into the domestic relations field, which was changing rapidly and radically from the former adultery in every case with investigators and named correspondents, the worst possible scenario, to more voluntary separations and attempts to effectuate peace among those who otherwise would war. But there came a time when I asked my Chief Judge, who had always treated me most impressively (making me one of his seven advisors participating in the governance of the court), if he would take me out of domestic relations for a time. I volunteered to take landlord tenant or small claims or anything that most judges didn't want. He promptly put me into felonies; I called to tell him that every other judge who had been in felonies had first had a year of misdemeanors, and since I had never had a misdemeanor in my life, perhaps I should start there. The chief exclaimed, "You can do it, can't you?" and hung up. And so I went to felonies and I was out of domestic relations for several years doing a variety of the

court's work: major felonies, civil motions and trials (the most interesting and more cerebral than any other assignments). I found all of the work of the court fascinating. My Chief Judge treated me, as I have said, very well indeed. I only spent a week in traffic court in all my 11 years in Superior Court, and two weeks in landlord tenant court, not a favorite. I was treated extremely well. After the initial growing period of this new court, most of the assignments lasted at least a year or more, subject to being repeated, if not immediately, shortly thereafter.

MS. PORTER: And the Chief Judge was still Harold Greene then?

JUDGE GREEN: Yes, Harold Greene was my Chief Judge for all but one of my 11.

MS. PORTER: You mentioned that he made you one of his seven counsel. What was that?

JUDGE GREEN: He took seven judges of the court and utilized them as sounding boards, as a counsel to advise him, to do things, to work with the other judges in various areas, and to generally help with the governance of the court. But he was the Chief Judge and a strong Chief Judge who really made this new Superior Court of the District of Columbia a model court in America. We were very proud to be judges and an abundance of new judges were coming on. At one point we got 17 new judges, which almost doubled the strength of the court. Then we got seven more about a year later.

MS. PORTER: And these were all people who had never been judges before?

JUDGE GREEN: Yes. The new judges generally were people well known in the community and respected in the profession. It became a court of fuller dimension than it had been before. We were very proud to be part of this court. We were proud to respond well to

crises. For example, this was the era of demonstrations, the flaming '60s and restless '70s, the youngsters demonstrating against the Vietnam War and other causes of the day. The acceleration of drug and alcohol abuse reflected in the court cases. I took my oath of office on March 22, and in the first week of April, Martin Luther King, Jr. was assassinated. Smoke poured through the windows of my chambers. Rioting and acts of violence were occurring throughout the city. The court was put on 24-hour duty. It was decided that, because I was so new, I shouldn't do the 2:00 a.m. stint, but instead, while others did those round the clock duties, I took care during the day of the entire court operations.

MS. PORTER: What was entailed in taking care of the court system?

JUDGE GREEN: The entire court had to function, arraignments in particular, anything time regulated by statute for criminal and juvenile courts had to be accomplished. For example, those arrested had to come before a judge within hours, preliminary hearings were required within ten days of arraignment. The civil matters were put on a back burner. Clearly I couldn't do them all. Other matters, unless they were an emergency, such as domestic restraining orders or a kidnap situation, had to wait for the larger crisis to subside. Of course, I had no experience. It was an interesting time for everyone, for the lawyers, for the defendants, and then for me. But, we all worked together, and it got done. The next time we had demonstrations I was put on the 2:00 a.m. to 6:00 a.m. shift, just like everyone else.

MS. PORTER: You probably learned a lot in your brief period of running the whole court.

JUDGE GREEN: I did. What extraordinary times! The Martin Luther King period was a truly revealing time reflecting the agony our country was suffering; it was

demonstrated fully in Washington, D.C. Fires were set everywhere. When we tried to leave the courthouse that day, that first day, my husband and I, our car was forcibly and vigorously rocked by angry people on the street. It was scary. An awesome time thinking about our nine-month-old baby at home, wondering if we were going to survive. I have never seen a city in flames. I'd never witnessed looting as it occurred before our eyes. It was a tragic moment in history. The next day an Army jeep was placed where the juvenile court had been, across the street from my chambers. The National Guard was summoned. There were military people all over downtown Washington (even as far as Cleveland Park, NW, where we lived) trying to protect persons and homes from the incredible anger, misery and mourning, and turmoil that beset people because of the King assassination. It was as if this had ignited a long submerged cataclysmic action, and then everything erupted to heedless destruction. But I knew you could not lose sanity in the midst of this insanity, and the judges had to stay steady, our court institution had to stay steady. The court was the law, and would survive and surmount the crisis. The people had to be processed quickly and appropriately. We did the best we could with what we had. And if we couldn't do it the right way, then we didn't do it. I look back on those years and think, if ever there is a time of law and order demonstrated, it was this time. The court system and its judges became the symbols of dignity and justice. We all could stand straight and tall and be proud of what we had accomplished. I was so proud to be a Superior Court judge; I was proud to be a citizen of this United States of America. I will never forget.

MS. PORTER: This was a pretty novel situation that you all encountered and you say the court rose to this occasion. After this experience did you put in place contingency plans should this happen in the future, or just go on memory about how to do it if it ever

happened again?

JUDGE GREEN: Well, in part you went on memory hoping it wouldn't happen again, but all of us were acutely aware of what we had to do at the time and where we could have done it better, had we certain procedures in effect; so procedures were established for future emergencies. People knew exactly their function and how they could reach others; in those days we didn't have cell phones, but you needed access to materials you could carry with you in small size, the men in their wallets and billfolds, the women in their purses, so that you would have essential information with you day and night should something like this happen again. And so, matters evolved. You learn from the past and you try to do better the next time, when there is, unfortunately, a next time.

MS. PORTER: This is pretty rigorous on the job training that you received. You mentioned when we were talking about training a little bit earlier that at a certain point in your career on the bench the training became better for judges. Can you tell me how that all happened?

JUDGE GREEN: I can. I give credit for this to Tim Murphy. Tim Murphy has always had creative ideas, and when we got so many new judges, all coming within a short span, it was clear that we should do something to try to help.

MS. PORTER: This was in the early 1970s?

JUDGE GREEN: It was 1973 when we acquired full local jurisdiction. Everything local had been removed from the federal court now; everything local was in the local court. The domestic relations division had gone over earlier, too. But everything else, the unlimited civil jurisdiction, felonies, when the court had never had felony jurisdiction before, the

tax court, the juvenile court, all of those matters had to be reckoned with, and so, when these new judges came on, so many at one time, Judge Murphy urged us to devise training for the new judges. He recruited me and asked my husband, his good friend, if he and I would participate in this; he recruited other judges, experts in other areas, to be his faculty. We would take the new judges in groups and teach them the fundamentals (procedures and law) of the respective areas under the court's jurisdiction, because the judges came from different disciplines. We had one, an oil and gas expert in his partnership in a prestigious firm, who asked me before his confirmation where the courthouse was located. I'm not going to mention names, but he clearly needed assistance in fundamentals of matters other than oil and gas. Now had we done anything with oil and gas we would all look to him for advice, but the court didn't handle that.

MS. PORTER: Were most of these new judges experienced litigators?

JUDGE GREEN: Yes, but in subjects that were not necessarily the work we did. They would do SEC work (federal court), they would do FCC or FTC work (federal court), government regulations (federal). If they did things like medical malpractice or legal malpractice, yes, that was our court. If it was a big contract that involved X, Y and Z, that undoubtedly would come to our court unless it was diversity and could be removed to the federal court. So, with the two courts working side by side, we achieved all the local functions. It was an extremely busy court, a volume court, and all of us had something to learn no matter how long we had been judges and no matter what activity we had done in our lives before we became judges. And so this training was invaluable. For example, the judges rode in a police car to various scenes and actions so they could see what happened on the streets of Washington when the police responded to a radio call, and located and arrested a suspect. Very helpful to have this

kind of training. Similar training continues today.

MS. PORTER: It is December 2, 1999, and we are resuming the interview with Judge Joyce Hens Green for the District of Columbia Circuit Oral History Project. The interviewer is Jennifer Porter and we are doing this at the judge's home. Joyce, you were talking about training programs that Tim Murphy was instrumental in establishing to help the new judges understand their duties and get a handle on what they were supposed to be doing in this new role. Apart from the training courses, were there other things that were done at that time to help the new judges?

JUDGE GREEN: The quick answer is yes. I earlier said that we had about 23 or 24 judges when I came on board. The actual figure is there were 20 and then I made the 21st . We got the increased number of judges, first 17 and then, about a year later, seven more, swelling the court to a total of 44; I should say, parenthetically, there have been some resignations in between or deaths, and those judgeships were filled as they occurred. I've always been fortunate to be in courts that have had extraordinary collegiality among the judges. The judges in Superior Court were a fascinating group of individuals, men and women; they came from all walks of life, they were ready to share their experience as the cases developed before them. We had a lunchroom which assisted measurably in getting us together as frequently as once a day if we wished to join at lunch to talk about our various issues. We encouraged judges to pick a mentor and come to chambers and chat about anything which seemed to be a problem; each of us gained much from that kind of dialogue and that input. As the years went by, this became especially important with the increasing number of judges and the very little space available in the court system. We were in seven different buildings (for all but the last of my 11 years there). The

chief decided it was necessary for us to walk to our assignments, literally carrying the robe over the arm, sometimes accompanied by a Marshal, sometimes not, no books, just ourselves. Most of us didn't take our law clerks with us so they could stay back in chambers and do the research. I would be completely separated from my staff, and I would go to the building that had the particular discipline that I was assigned to. As example, if I was in civil, I'd go to the Pension Building (now the National Museum Building); if I was in domestic relations, I would go to the building at 5th Street and Indiana Avenue; if I was in criminal, it would be to one of the two criminal buildings on 4th or 5th Streets, NW. Chief Judge Greene believed that this would allow the citizens to find us. I might say we had some difficulty finding each other and finding the citizens, but nonetheless this is what we did for year upon year upon year, through rain and snow and even personal danger. It became all the more vital that the judges have an opportunity to gather together or meet to talk about ongoing activities of the day; indeed, just to have a little R&R becomes mandatory when surrounded by stress and turmoil constantly, as is commonplace in any court system. We needed the levity of lunching together.

MS. PORTER: So scattered among so many District buildings, how did you go about getting to know each other and the lunch meetings? Was there any other mechanism?

JUDGE GREEN: Other than the monthly judges' meetings, which generally were devoted wholly to business, and the training courses, we would pick up the phone, call another judge and just say I need help or I'd like to talk about something. We made the opportunity to get together, despite the long hours on the bench. The collegiality was there. Many of us became social friends outside of the court because we wanted to. We took great pleasure in the companionship of our colleagues and their families.

MS. PORTER: We seem to have confused ourselves at various times through this interview by talking about things off the tape. My recollection is that in one of these moments you mentioned a buddy system that Judge Murphy had invented. What was that?

JUDGE GREEN: You remember correctly. There was a buddy system that sort of wavered over later years, although it could have readily been instituted by anyone who had that desire. Initially the idea was that a more experienced judge would be assigned to a less or non-experienced judge and then always be ready to answer the questions and assist as to the procedures and the mechanism. Obviously you didn't do the research for the other judge, but this was, when you just had a very basic question, where do I go, where do I sit, how do I stand, how do I address a group of people sitting out there in the courtroom, what is expected when I am ready to get up from the bench – do I announce it or does the bailiff announce it – things that you take for granted when you have been a judge for a long period of time, but if you have never done it, and if you have never seen the inside of a courtroom, as some of our brethren had not, it becomes all the more vital that they feel comfortable in performing these activities.

MS. PORTER: If we could just go back for a minute to a subject that we touched on earlier, and that was collegiality on the court, and the efforts that you and Judge Murphy made to try and bring together those in buildings spread out across blocks of the city. Talk about why you thought collegiality was such an important thing. I've always thought of judging as an isolated sort of activity, where you are ultimately responsible for a decision. In thinking about collegiality, do you actually talk to each other about your cases and compare notes, or how does that work and why is it important?

JUDGE GREEN: It’s absolutely essential. Collegiality clearly has to be with your

colleagues, rather than with the lawyers who appear before you. In Superior Court and its predecessor court, general sessions, I'll refer to both as Superior Court, in a court that goes from such a small size to such a huge size quickly, with the great breadth of jurisdiction, and the separation into seven buildings, it was vital that we find the cords that would bind and draw us together. One of those vehicles was the teaching that Judge Murphy devised and that a number of us participated in; another was a newsletter that several of us participated with, that was sent around to the Clerk's Office, to the other judges, to the law clerks, to the staffs, just sharing bits of information we thought might be of interest and importance, on occasion even gossip, and sometimes, believe it or not, judges' humor. This is the kind of thing we tried to do to enhance collegiality. We asked for participation because, as in any occupation, the more you participate the more you become part of the function.

MS. PORTER: Well it has always struck me, Joyce, that judges can't talk to you. There are friends in a way whom I'm able to talk to about work that I'm doing. You can't talk to me about your cases because that would be inappropriate. But is there a case where you feel free with all your judges to talk about your cases and to get the sort of feedback or encouragement or support that the rest of us like to get in our everyday lives?

JUDGE GREEN: That's exactly what I mean. You can say virtually anything with the collegiality that you share with your colleagues. You can talk, discuss and argue about politics outside the court, but a judge cannot attend political rallies or participate in any way in campaign finance, other than casting a vote. You can thoroughly and candidly talk about cases; you can share concerns about matters; you can talk about lawyers who in turn talk about judges; you can talk about other judges who in turn talk about you; yes, you can share that and it helps to

round out your dimension in life so that you're not always looking through your own prism, but you are getting feedback from others who have either gone through this same situation or are about to encounter it.

(TAPE 6 A)

MS. PORTER: This is a continuation of the interview that was started on December 2, 1999, on tape 5. The interview is being conducted on behalf of the Oral History Project of the District of Columbia Circuit. The interviewee is Judge Joyce Hens Green, the interviewer is Jennifer Porter. This interview is taking place at the judge's residence on December 2, 1999.

JUDGE GREEN: Continuing what we just finished talking about, collegiality: eating lunch together was important where judges could group and break bread, and talk and do fellowship. Through the efforts that we made, and I think they were really very successful efforts, many of us did become lifelong friends, social friends as well as court colleagues, and I look back on that experience as one of the more treasured in my life. I spent 11 years on the Superior Court and with those friendships and relationships and the devotion of those judges I served with at that time, and with the staff, even today it remains a large part of my life. But back to when the judges would consult together. Very often they were seeking, and of course I include myself in this, seeking advice as to how the other would handle a particular situation, and in order to get to the bottom line you obviously have to give many specifics about the problem or the background of the case you were referring to, and whatever happened that was important in a courtroom. You might just be ventilating that, but not really seeking advice. Different dynamics go into this, and one of the more important contributions to the court and to the collegiality, I

believe, was an idea accomplished in Superior Court through the suggestion of Judge Greene, and later incorporated by the judges, on a purely voluntary basis. It was recommended that those judges who worked during the same period in the same area of criminal law, especially with the most serious crimes, denoted Felony I, get together periodically, share each other's presentence reports, and then examine: If you were in my situation as the sentencing judge, what kind of sentence do you believe should be imposed on this particular individual? I should say quickly that in those days we did not have sentencing guidelines, and so we were unencumbered to sentence as we believed appropriate. Only the statute could curtail our discretion. In short, the sentence could be uniquely tailored to the particular defendant and the crime committed.

MS. PORTER: And did all the judges in the criminal area participate in this or did some not want to?

JUDGE GREEN: Not all of them did participate in this, however, those that did saw a dramatic change. The judge known as the most lenient judge, or the judge known as the one that would give the harshest sentence changed radically over time, drawing more towards the center of whichever direction had been their original tendency. These judges could incorporate those changes in their sentences. I think that overall it benefitted all: the government, the defendant, and the victim. Judging can be isolating and it becomes all the more necessary to have the input of others. While, at bottom, it was our decision, and we would call it that way, the decision was formulated with the thoughts and interaction from other experts. A number of us carried that project for years and years.

MS. PORTER: Before I go on to ask you some more detailed questions about the organization of the court and how it actually ran, we have touched on training for the judges

and you have alluded to some more detailed training that you received at some point. What was that and when was it?

JUDGE GREEN: Are you talking perhaps about the judges' school in Nevada?

MS. PORTER: I think so, yes.

JUDGE GREEN: All right. We didn't have any school for the local Superior Court judges when they came on the bench, but there was, and is, a national college for state judges in Reno, Nevada, which you could attend, and actually were expected to attend, at some time after you started your judgeship. In my case, I had put it off for some years because of my three young children, but in 1972, with several of my colleagues in Superior Court, I traveled to Reno for the month required for attendance at the judges' school.

MS. PORTER: By that time you were almost experienced enough to be the faculty.

JUDGE GREEN: Not really. I'd only had about four years on the bench. And actually I think it is good to go when you have had some years of experience – not too many – so then you really understand what they are talking about, can relate your experience to them and they to you, which is part of the curriculum, and see how you can improve that which you had been doing for many years, absorbing the ideas of others. I took to this course my children and the nanny, so, although I had to work, we could still be together many hours daily; and my husband, who was in the private practice of law and couldn't abandon it for a month, joined us the last week and was allowed to attend the sessions as a spectator, and he found that absorbing. Afterwards we went on a two-week vacation in Nevada. It's tremendous to learn from others' experience. There were about 120-130 in our class; I was one of two females. We were all

together during the day, and in the evening, we were in groups of only 10 or 12, each of us coming from a different state, a different experience, so that we could bring something to the discussion. The school began at 8:00 a.m. and ran until 1:00 p.m., six days a week. If people thought we were playing out there in Nevada, they are wrong, wrong, wrong. We had an afternoon during which time we were expected to digest and analyze 600 pages of required reading daily; we would then parse those matters the next day in the sessions. That evening we would return at 6:00 p.m. and stay until 9:00 p.m., gathered together in that smaller group; we would not only discuss the lesson structure of that day and the anticipated ones of the subsequent day, we would analyze the latest cases from the Supreme Court and other courts, and we would talk about what each of us did in our court to implement procedures. It was enlightening to hear what was done elsewhere. This sharing was enormously helpful, stimulating ideas for the Superior Court. We learned how to deal with rebellious litigants, or witnesses, determined to destroy the efficacy of the system in a democratic institution. This was on the agenda because of a fairly recent experience that had happened at the Democratic convention in Chicago and how that judge, unable to cope with intended destruction, behaved poorly and became the scorn of the nation, the embarrassment of the judiciary. And while nothing can really prepare you for the actual happening of a situation, education about such matters can help if you encounter the unexpected.

MS. PORTER: What sort of strategy was there for dealing with a litigant who refused to cooperate?

JUDGE GREEN: Above all, to stay calm.

MS. PORTER: Not duct tape?

JUDGE GREEN: To stay calm, to not lose yourself in the passions of others, who are absolutely beyond control, to have courage, to decide when it is wise to call a recess and wise to continue on, decide whether it is wise to react as expected when you know that will create an unnecessary issue. To illustrate: When I saw a person sitting with a hat on in the courtroom, who was clearly determined to remain so attired, clearly anxious for confrontation with the system, my action was simple. I told the Marshal to not say, "Everyone rise," and I walked into my courtroom and said, "Everyone remain seated." No issue created, man walks in and out of courtroom. There are many, many ways you do it. Most of it comes from experience, some is reaction. But it is helpful to know that others have been in similar situations and have been able to ride it through and, hopefully, to do it well. The important thing is that we in a court system have to continue due process no matter how we personally feel about a situation and no matter how some may be determined to confront us. Our democratic institution, with its constitutional protections, has to surmount obstruction in a dignified, firm and understanding manner.

MS. PORTER: The program sounds as though it's a blend of practical plus academic. Is that a fair description of it?

JUDGE GREEN: That is a fair description. Also collegiality. Most judges came with spouses and each had an apartment in a particular building. I took a cottage because I arrived with the three children and the nanny, awaiting my husband. We stayed together in that cottage. I hired the lifeguard there to teach the children how to swim, while I studied my 600 pages; I could sit out by the pool and watch them and the lifeguard, and study my reading. We could do fun activities with each other, including picnics and horseback riding; this was a really

important time and helpful. I went out at the time that my Chief Judge did, as well as Joe Ryan, one of the domestic judges; both had been on the bench longer than I. Judge Hamilton also was in our group, so it was a good one. We were, as they would say in the vernacular, tight with each other, and had a great deal of fun as well as worked very hard. We brought these experiences back to Superior Court.

MS. PORTER: How was the court structure after it changed in Superior Court and you had large numbers of judges? How, for example, when a litigant came in, filed a complaint, now how was the judge's calendar organized?

JUDGE GREEN: The structure changed with so many judges and the so many added disciplines. The Chief Judge continued the assignment of the judges, initially for a month; later the assignments were for longer periods of time, usually for one year, and then we rotated to other assignments. The most serious criminal cases, involving murders, conspiracies, armed kidnaping, multiple defendants, most complex issues and longest trials would be assigned to one of the judges in Felony I. Eventually the judges would be moved to different assignments, because it becomes too much of one thing after a period of time.

MS. PORTER: So you have a number of judges assigned to criminal?

JUDGE GREEN: Right. And there are different areas in the criminal division. Felony I (the most serious), Felony II, the armed robberies, the burglaries, certainly serious matters but much more volume. Four hundred cases at a time on your docket, that you were to monitor and move. All demanding jury trials at the outset, many of them, of course, resulting in pleas, some of them resulting in bench trials rather than jury trials.

MS. PORTER: Did you have the Speedy Trial Act to deal with at that time?

JUDGE GREEN: No, the speedy trial particulars required by law at that time found it not unconstitutional if it took one year (or even more) to get a trial with a detained criminal defendant. After I left the court in 1979, that changed. You must accommodate. The federal court was different, with much stricter speedy trial matters.

MS. PORTER: So when a case came in, how was it given to a judge? Was there some sort of roster when the case comes in, and they see you've only got 399 cases, so they give you the next one?

JUDGE GREEN: Essentially, yes. The additions to a calendar were made as equally as possible. Yet, each judge works at a different tempo and some cases take longer to resolve than others. Some judges have more pleas. Whether they are more lenient in sentencing or not, it just happens that way. You are constantly working, constantly moving your calendar. There came a time that we went off what we call the central assignment system, which is, whenever the next judge is available, the trial is assigned to that judge, whatever kind of case it is. And, as earlier related, there would be a certain number of judges assigned to civil, a certain number to domestic relations, and juvenile matters. So that if I were in criminal, I wouldn't be doing any civil cases unless I elected to do additional matters.

MS. PORTER: And once you were assigned a criminal case, for example, did you keep that case the whole time?

JUDGE GREEN: Yes. You kept it the entire time that you were in that assignment category, perhaps for a year, so you probably would complete the case there. If you had not tried the case by the time that you were moved to another assignment, then it was left to the next judge to try the case. If you had remaining only the sentence of the case which you had

tried and the individual had been convicted, then you would carry the sentence with you to the new assignment.

MS. PORTER: So when you were in the civil area, did the system operate the same way?

JUDGE GREEN: Yes. The major civil cases, the ones that were more complex, the ones that would take longer to complete, the ones that had more parties, would be in Civil I, and a few judges would be assigned to that particular area. Civil II would be a hybrid of everything else, including all the motions, and the case would go to the next judge available to take those cases. It was a mix and the dynamics of that kept changing. As new things were tried, some things were scuttled later on as not having worked successfully under a one judge one case situation.

MS. PORTER: So was there a time like, for example, when you could go to court down there and have a different judge hearing different pieces of your litigation?

JUDGE GREEN: Usually. A very untidy way to handle litigation. Of all cases that should have the same judge, the domestic/juvenile area needed this most, yet that area was the last to have particular judges assigned to see the case all the way through. When I was in Superior Court, it was not unusual to have seven different judges hearing the same domestic relations case at different stages, ruling on different motions and, particularly with the juvenile cases that come within the family area, you would have different judges seeing the children at different times, and, if the youngsters had been sentenced, reviewing their cases that had been before a different judge. I found that appalling and, therefore, even when I went on any other assignment, criminal or civil, I carried roughly 400 children with me from the time that I had

initial interaction with those cases. Because children's cases are confidential and there must be a closed courtroom, I would do these at the end of the day and review each every three months, since I saw that child at least four times a year. I would have to keep detailed notes because it is true that after a while, things begin to blur, and you can't quite remember what was said three months earlier, particularly when you have a heavy volume of adult criminal cases ongoing at the time. But, I have never regretted doing that. It took lots of extra work for my staff and for me to put this together, but was absolutely worth it to give the youngsters continuity and the sense that they were cared for as unique persons, no matter the offense. Many of the children remember me, have found me in federal court, and visited through the years. They often talk about "my promotion" there to the federal judgeship and share photographs of their families. One carried my newspaper picture in his pocket the day he came to visit me and to watch as another judge sentenced his father in some criminal matter.

MS. PORTER: Joyce, you mentioned that when you sat on the bench you had to grab your robe and walk to the building. When you are doing that and you are separated by quite some distance from your chambers, how do you deal with the little research questions that come up quickly, or did you have your clerks with you when you went on the bench? How did that work?

JUDGE GREEN: No, you didn't have your clerk with you. It didn't work well. I thought that we could not do nearly as well as we could had we been in an assigned courtroom, wherever located, if we had the ability to have some research tools with us – the law clerk, the books – the ability to take the time to digest matters. It didn't work that way. Maybe, in fairness, some adjustments had to be made due to the enormity of the change in our jurisdiction and the

space constriction, but it would get confusing. I would walk, as I indicated earlier, from my chambers to an assignment several blocks away. Sometimes, not infrequently, I would walk past the very defendant I had just sentenced, often riding in the same elevator with them and then walking out on the street with them as they were attended by one Marshal per defendant. It enhanced the interesting moments in life. I would arrive for my assignment at a building designated as a civil building, or a domestic building, or a criminal building, and would wait in a paint peeling, barren room for someone to send me a case. And a huge file, no exaggeration, often a foot or two high, or several files related to the same case, would be walked in by the deputy clerk who would happen to be sitting with me that particular day in that courtroom. The litigants and lawyers would be waiting for me and the jurors. I would be expected to stroll out and just start trying this case, never seen before. So, not knowing what it was about, my first question always was, is this tort, is this contract, what is it? Is it jury, is it bench, who are the lawyers? Once getting that answer (if available), I would take about 20 minutes to quickly flip through the file just to see the issues I was trying. Remember, we were dealing with volume and as soon as I finished this case, another awaited. So I would walk into the courtroom and say to my lawyers, before we actually did empanel a jury, just give me a brief synopsis of what this is about so I can intelligently preside over this particular case. That's how we tried them, or settled them. Talk about doing it on spur of the moment, that's the way it was, day in and day out, a bit nerve-racking. If you really needed assistance in research (I tried not to ask for it, most of it just had to come from my knowledge and, hopefully, I was correct), I'd take a brief recess, go to the waiting room, and, if there was a working telephone (not usually), call the law clerk and say two minutes, really in two minutes, I need this information. Let me add that we did not have

computers in those days, nor did we have LexisNexis. In another two minutes I would get a call back, I'd go back on the bench and do whatever I could with the response I got, sometimes accepting it and sometimes rejecting it. It was a very clumsy way to do justice. It slows the process, it is certainly not the best application of mind and ability, but it surely did keep me challenged, and some of the issues were absolutely engrossing. The miracle is that we were able to do as well as we did under such trying circumstances and in that atmosphere, which just shows that when you are called upon to do something and you have X number of resources you learn to live within that number. Surprisingly, justice did get served most of the time. The judges and staff worked ever so hard to make this happen.

MS. PORTER: You talked about telephoning your law clerk. How did you get a law clerk? Here you are, 1968, catapulted onto the bench. How did you go about finding a law clerk?

JUDGE GREEN: For my first law clerk, Stephany Joy, I called my law school, GW, and said I had just come on the bench and needed a law clerk (a judge had but one law clerk in Superior Court) and this person would probably stay on staff for perhaps a year and a half to two years, but that the applicant and I would discuss that. I was told that Stephany was a very experienced candidate, highly recommended by faculty; I knew them well and respected their views. Consequently, I only interviewed Stephany and no others. Today, she is a state judge in California. She was excellent and happened to be also taking Virginia bar review courses with my husband at that time, so that made it more of a family situation; we became good friends and have remained such since. After that I learned there were other ways most law clerk applicants arrive. There are many candidates for the same position. But here again, there was no one to tell

me this. I had to learn and after a while I would ask the other judges, "What do you do, how do you do it?" In those days in general sessions in Superior Court, it was customary to interview three, four, five months before the clerk came on board. In federal court today, the interviews take place 18 months prior to commencement of the clerkship. It was a different time with a different expectation for the law clerks. In the early years, my law clerk also served as my courtroom deputy clerk, and, therefore, was with me 100 percent of the time when I was on the bench. Then both of us had to do research after I left the bench for the day.

MS. PORTER: In those early days were clerkships as highly sought after as they are now? Was it as strongly competitive?

JUDGE GREEN: It was. It was considered a real stepping stone to a new chapter in law after the clerk completed his or her term. It was very competitive, a premier kind of position, and as soon as it became known that you were a judge on the court (it takes a while for this word to filter through), the applications arrived from persons all over the country.

MS. PORTER: Who are some of your law clerks?

JUDGE GREEN: My second clerk was Pat Gurne, subsequently a partner in the firm of Jackson & Campbell, now a partner in Coates, Davenport and Gurne, who remains among my closest friends; our friendship has continued from that early time (1967-71) to today. Indeed Pat adopted our family, visiting our home almost every night bearing her McDonalds' hamburger. She was followed by Sue Low, now a wife, mother of two, and practicing law in Iowa. The others included Ann Keary, now a Superior Court judge, Anne McKenzie, a Minnesota judge, Helen Bollwerk, Office of the Pardon Attorney, Nancy Lawson Schmidt, now a hearing examiner in California, Don Hamer, judge and new Episcopal priest. They were, each

and all, special and wonderful. The clerks had graduated from law schools across the nation, some with years experience in the real world, others not.

MS. PORTER: Did they have some sort of program to introduce the clerks to the court?

JUDGE GREEN: Not really, it was very individual. You decide where you are going to find your applicant, or the applicant finds you, and you interviewed whenever it was convenient for you and your schedule, it was a much less regimented way than we do today.

MS. PORTER: When you hired a clerk, what were you looking for?

JUDGE GREEN: I was looking for someone who, first of all, could, in effect, "live" with me for the period of time that clerk was there, because we were going to be doing most things together. Someone who was skilled at doing research. Someone who was skilled at people relations, because this individual, initially, also acted as my deputy clerk, was constantly in the courtroom and had to be able to get along with the myriad of people that come through the courtroom (the litigants, the jurors, the witnesses, the other court personnel and the other judges). In those days, there was relatively little writing done by most judges and, therefore, relatively few memos or research had to be done by the clerk. But, that increased with my desire to write some opinions. I would be on the bench 99 percent of the time in Superior Court, and the time to write the opinions could only be in the wee hours of the morning or after I finished bench time.

MS. PORTER: Does this mean that you were giving your decisions on the bench orally?

JUDGE GREEN: Absolutely. The volume was torrential and if I didn't give my decisions in the main from the bench, with multiple findings of facts and conclusions of law, I

simply could not return to the matter for a long time. So, if I took something under advisement, it could be months before I could produce the written opinion. It became almost impossible, so most of my opinions were from the bench and anyone interested would have to buy a transcript or be seated in the courtroom at the time I rendered this judgment. Some judges like to write more than others, I among them. I did do more writing and that, of course, created more work for my law clerk, who then did more research and, on occasion, some initial drafts.

MS. PORTER: Did what you were looking for in your clerks change?

(TAPE 6 B)

MS. PORTER: This is a continuation of the interview being conducted on behalf of the Oral History Project of the District of Columbia Circuit, on December 2, 1999. Before we were cut off by the other side of the tape, Joyce, I was asking you a question about whether your criteria for selecting clerks changed over time.

JUDGE GREEN: Essentially the same qualities were needed throughout the entire time that I have been a judge. But, as the years went by, first in Superior Court and then always in the federal court, I put great emphasis on the ability of the clerk to do writing. Drafting quick orders for me, preparing more lengthy memoranda, if need be, concerning the arguments I was about to hear. Let it be said that I read every piece of paper in a case and, therefore, was well aware of the written legal arguments, as was my clerk. The clerk and I then discussed the matter and decided whether I needed a memorandum when about to hear the oral argument, or whether I needed a rough opinion for something that most likely could be resolved in its entirety as soon as I held the hearing. But the law clerk's ability to write quickly and gracefully (if only to highlight certain problems or to advise me of the research) is really important now, as is a terrific sense of

humor. In small chambers you not only need to get along, but to have some lightness in a day of heavy serious concerns.

MS. PORTER: Going back to the days when you were giving your opinions orally, or the judgments, how did you go about preparing for that? Your trial finished, and you sat there and said well I've decided this is the way it's going to be, or did you take a recess and make a few points on your legal pad? How did you do it?

JUDGE GREEN: It's amazing how you learn to do something you have not done before, and learn very quickly how to do it. I've always taken copious notes as a case is ongoing, simply because it's my style (somehow I convince myself that facts/conclusions are more firmly in mind if I can see it in my scribbles and my writings, often hard even for me to decipher). Nonetheless, I would take notes and as the lawyers were making their arguments, I would highlight those points necessary to make oral findings of fact in the case. And so, no, I usually did not leave the bench. I just sat there and started rolling off findings of fact and conclusions of law. On rare occasions I might take five or ten minutes in an anteroom just trying to put things in a more logical, coherent order, or deciphering an illegible note. But, most of the time I did this without the benefit of research (except that research opposing lawyers provided prehearing and those that my clerk unearthed for our discussion). Then I'd state the findings, legal conclusions and the decision. If I did not render my decision then, it would become virtually impossible to go back and recap this; too many new judges fell into that trap. Although warned, they didn't realize initially that the volume created impossibilities. So they would wait to write up literally scores of cases. I had tried to do that, but recognized in the very first week that I could not write opinions, except rarely. Today is a different matter. In federal court, busy

as we are, there is not the staggering volume we had in Superior Court. The Superior Court judges performed remarkably well in light of that continuous volume. No matter how bright, no matter how diligent, it is inescapable that exhaustive hours will be spent to accomplish the work, leaving scant time for anything else.

MS. PORTER: Let's talk now about your cases, some of the ones that you remember from your time on the court.

JUDGE GREEN: If we are going to talk about episodes in the law, I think I should probably complete what I have started to say about the Vietnam War demonstrations. Somewhere around the years 1970-71, students revolted around the country and descended on Washington, to give expression to their views concerning acceleration in the Vietnam War. They blocked all of the bridges in Washington so people could neither come in nor leave. We judges had fortuitously received news of this a day or two earlier when we secured a copy of their war plans. We were asked to come in on a Sunday so we could all be lodged in a hotel and ready to go on duty. Military personnel stood outside of the hotel, bayonets at the ready, which, perhaps, called a bit of attention to the fact that somebody of importance was in the hotel, but the result was that we were able to walk to our assignments and perform them. The entire court went on 24-hour duty, just as was done during the Martin Luther King assassination situation in 1968, but this time, rather than being asked to take over the entire court and not the midnight duty, I was assigned to the 2:00 a.m. to 8:00 a.m. duty. Thousands of people, including these rebellious students, were arrested, as were innocent bystanders. They were just swept by the police into RFK Stadium, kept out in the open, and detained there to await their hearings in court. And when a court system is unexpectedly obligated with thousands of cases at one time and has to rise

to the occasion, it is an extraordinary matter. The judges came in shifts. I can only speak to my moment of time on duty, as four of us gathered together. We believed the arrests were not being performed or processed appropriately, in violation of the detainees' rights. It was obvious that the police officers were unable to make identification of the individuals they had arrested to the charge that they were being charged with. Law enforcement hadn't learned in those days, but did as a result of this, to take Polaroid pictures of those arrested and write a few remarks to remind themselves why they were doing what they were doing. But, in defense of the police, they were overwhelmed by the numbers of people that were blocking the streets of Washington, not allowing others to go to their responsible duties; yet, although noisy, they were essentially non-violent demonstrations, unlike the Martin Luther King assassination episode. So we had these people milling around the courthouse, lying on floors, eating snacks, unrelated adults who had been recruited by the parents of our student demonstrators to come and rescue their children and act as third party custodians, lawyers who obviously had never been in a court before, other lawyers who were recruited by the bar associations to represent these youngsters. In the midst of all of this, we four judges who had met together decided that if the processing of these papers were not completed within a couple of hours (and we had given fair notice to the Corporation Counsel), and if the police were unable to make positive identification to match the individual to the charge, we would immediately dismiss those cases. We circulated that decision to the other judges who were sitting on similar cases or were coming in to take their tours of duty, saying you do what you want, but this is what we are doing.

MS. PORTER: Joyce, did the other judges on the early shift follow your lead on this issue?

JUDGE GREEN: On the early and the later shifts, most did so. And, most of the cases were dismissed. For those few thousand not dismissed, for whatever reason, they were processed and assigned trial dates that would not interfere with the examinations most of these students were to be taking a few months later. Eventually, a large class action was filed constituting those who had been detained in RFK Stadium interminably. That was tried before a federal judge, William Bryant, who is one of my colleagues today. He had the case for a number of years and some did, eventually, recover modest damages for that extraordinary period in the history of Washington, D.C.

MS. PORTER: Now, hearing judges criticized for their rulings, was it at all controversial when you released all of these students, who after all had paralyzed the city?

JUDGE GREEN: Other than the fact that these student demonstrations had hijacked the city for days (peaceful, although vociferous, demonstrations), I don't remember much in the newspaper concerning the court's activity with these demonstrators, other than they appeared in court, something to that effect; nothing further about what the judges did. To the best of my memory, we were neither criticized nor championed. But we felt good about it, recognizing that while there were some problems, we provided due process, and despite the enormity of the volume, not the difficulty, squarely met the challenge doing what we believed was right.

MS. PORTER: Now that we've dispensed with the Vietnam demonstrations, what other cases did you have that stick out in your mind as memorable?

JUDGE GREEN: As you can appreciate, in 11 years on the Superior Court bench, serving in every facility of the court, I undoubtedly was involved with thousands of cases.

I've never had the time to count them, and probably couldn't find documentation today for most, but yes, of course, there are a number that do stand out. I'm just going to recite a few, otherwise we would be here for the next year, and I know none of us want that to happen. I can't give you exact dates when these cases occurred, but most, if not all of these cases, are in the 1970s, and they make particular points worthy to mention at this time. I'll start with the *Merriweather* case, brought by Monroe Friedman, a lawyer and activist. I did constitute this a class action – the first ever in the family division. It involved foster children, 28 in number, who were supposed to stay in this foster home for no more than two or three weeks, awaiting placement with families who would adopt them (those families had to be located and scrutinized to be appropriate for the purpose). As it turned out, most of these children stayed at the Merriweather home for two and three years, and the dismal neglect and appalling situation in that home were matters of enormous concern. We had several weeks of testimony. The children were allowed to roam at will, there were no real caretakers, usually the cook was called upon to watch the children. The children weren't known by anything but come here you, as if they were animals and did not have names. It was a most impersonal attitude, but more importantly, perhaps, there were no safety protections. No fire protection, no other safety protection, and no one to see to the activation and implementation of even the most basic safety features, such as removing shards of glass from bedroom windows or tending to festering cuts. According to the regulations, the children were supposed to be given three nutritious meals per day, with specific types of food spelled out. They were supposed to receive cookies and milk at night. These were small children, these were children needing substantial amounts of food and types of food (vegetables, fruit, milk), so that their bones could grow strong, so that they received sufficient calcium and potassium. The

authorities that ran this home did not provide these essentials, although they received payment for providing these mandatory matters. The children never had the balanced nutrition, the snacks or the nighttime milk. Charitable persons and companies would donate toys for the use of the children, and when examined we found there were closets filled with hundreds, hundreds of toys, still in cellophane wrappings, that had never been taken out for the use of the children, just stored. The 28 children had four toys to play with, all broken. The clothing was in disarray, mismatched, buttons missing, children 12 years of age (most of them were younger) were wearing the clothing of a five-year-old. Sexual proclivities were rampant. The District of Columbia and its welfare agency were clearly not providing supervision over this home. The agency had directed that certain things be done, but there was no follow through to see that those things were actually done. The children were endangered as a result of this. I made the decision that the court would close this home unless, within 30 days, Merriweather's operators put into implementation all protections that the child welfare and District of Columbia regulations required for safety, for sanitary reasons, for psychological reasons, to be strictly monitored by D.C. thereafter. Merriweather decided not to put them in effect. This was the first foster home closed in America, not to be reopened unless there was proof of appropriate protections in full use, to be supervised and implemented according to the regimen that I had set out. That was one of my sadder cases. Another case, the "lemon car" case, came when I was on civil assignment. Some of the facts are a little hazy, but essentially this was a car advertised as new, which had been purchased from a certain dealer and had been owned by the plaintiffs for about three years, during which time they had driven it only 8,000 miles, primarily because it could not hold an air conditioner. It had been bought with the assurance that it would have air

conditioning. The air conditioner on one occasion literally fell out of the car, stopping movement of that vehicle for a few months until repairs could be made. There was a reason for only 8,000 miles on this car. No matter what you did with this car, it not only could not generate air conditioning, it couldn't generate a lot of other things. It had one mishap after another. At the end of the hearing, I decreed that this car was so defective that the plaintiffs were entitled to a new car, with no mileage on it, save the usual ten or so miles that one begins with and that it have workable air conditioning. I am told this was the first such decision in the nation and there was substantial press given to the case. It became even more interesting because this was the time the Redskins were playing their first Super Bowl against Miami and the game was in Los Angeles. My husband and I were going there after I gave my decision in this case. I took a recess from my other cases, so I could leave with a good conscience. When we returned from the game, who was in the airport? The counsel for the plaintiffs in the lemon case, the counsel for the defendant, the plaintiffs themselves, and my husband and I. The only one not there was the dealer company. We elected not to discuss the case. The world is small and moves in surprising ways.

Another was a tax case. I am certainly no expert in the tax field and, in fact, never had a tax case nor a tax course before this case came into being. This case had to be treated with urgency: *Clarazel Green v. District of Columbia*, was brought by the immediate former chair of the D.C. City Council, Gilbert Hahn, who by virtue of his office, had been restricted from bringing any cases against the city for X period of time. The day after that period expired, he brought this action, leaving but five days in which to complete the case. Here, too, I maintained this as a class action, the first such in the tax division. I found that the district government was guilty of misinforming its citizens about property tax assessment procedures, piling misleading

"clarification" on top of misinformation, and that these actions of the city in its implementation of the collection of taxes on all single family residences were in violation of the Fifth Amendment guarantees of equal protection in the law and citizens protections specified in the D.C. Administrative Procedures Act. I declared the city's real estate tax assessments illegal and then took two weekends to write the opinion. It is the one and only time that my order was issued prior to issuance of the opinion. The hearing (trial) ran 15 to 18 hours a day, in the sweltering summer, without any air conditioning in the courthouse, with windows open, and surrounded by truckloads of files brought in by the District of Columbia that rung the courtroom. It was a serious case, with constitutional implications. The taxpayers proved discrimination in the assessment of taxes among different areas of single family homes, even though, of course, all like properties were supposed to be treated similarly. Although there was a 1926 law which demanded an assessment of 100 percent of market value as to apartments and commercial properties, which instead were assessed at 65 percent, single family homes were assessed at 55 percent; yet 78,000 single family homes were assessed at the 65 percent level and about 19,000 homes were assessed at the lower level. I required a rollback and that the city not take any action to collect real property taxes until all single family residences were at the required 55 percent of estimated market value. You could literally have a home on one side of the street assessed at 60 or 65 percent (even this varied) and a home on the other side of the street assessed at 55 percent, with no rational reason whatsoever for the disparity. The rollback I understood would cost the city about $3.8 million and reduce taxes on bills that were scheduled to be paid within the next several days, hence the urgency in pronouncing the decision. I also found several constitutional violations. How pleased I was when a short time after my decision appeared (it should be noted

that the decisions of Superior Court were not reported unless the *Washington Law Reporter* was inclined to do so), a circuit judge, Albert Bryan, Sr., then of the Fourth Circuit, and formerly a district court judge for the Eastern District of Virginia, asked for a copy of my decision saying that it would contribute to his writing of a tax decision. And then, in handwriting, he wrote me a second time – a letter that I have preserved – and advised that my decision had made a great contribution to tax law and that he did indeed base his opinion on the very matters that I had discussed. You can imagine the joy that praise brought to this Superior Court judge from this esteemed federal judge. I walked on clouds that day. Another memorable case is the *Gail Cobb* case. Gail Cobb was a young, 24-year-old rookie policewoman and the first policewoman on active duty killed in the line of duty in America. She was approached on the street by a lawyer who had witnessed something unusual. He had seen a man running frantically into the underground of a parking garage at 20th and L Streets, NW, in Washington, D.C., right next to the Columbia Bank Building, and he sensed something was wrong. Officer Cobb was then writing traffic tickets, but nodded her head in understanding and ran down into that parking lot. As the story was later related by parking lot cashiers who were underground in a glass encased area, the man had run into the bathroom, changed his clothes, and came out wearing strikingly different attire. The policewoman arrived at that time, made him straddle the wall, put his hands up on the wall, spread his legs wide while she proceeded to hold her radio in one hand attempting to summon help, and frisking him with the other hand. The man turned around, pulled a gun from his waistband and, at face-to-face range, shot her in the head. She died immediately. He then ran out of the parking lot, was promptly accosted by police. Sirens wailed all over the city; there had been an attempted bank robbery. The killer and the would be robbers belonged to an

organization that called itself The New Nation. The organization, comprised of at least the eight persons arrested, was to obtain money from armed robberies for the purpose of overthrowing the U.S. government. It was to have an assassination unit, a drug sale unit, an intelligence unit, and a unit that would kill all the white people in the area. This was the first effort of the group to put into effect its criminal conspiracy. As the proceedings commenced, it was obvious that we had to keep all eight individuals in different facilities, we had to be particularly vigilant because Gail Cobb was the daughter of a corrections officer at Lorton. He and his wife, the parents of Gail Cobb, and her four-year-old son, were in court for every single action that was taken: the most customary motion, the most serious motion, and, of course, the trial. They never missed a moment. It was a highly volatile situation. Law enforcement did not know if others were members of this conspiracy who could be silently ready to commit other crimes, but suspected there were many; the defendants had talked among themselves about hundreds and thousands of other people, mostly professionals, who were silent members of this group. At the time this case was considered the second most dangerous ever in the history of this city, the first being the Hanafi murders. One of the eight defendants in the *Cobb* case pled early on, and fully cooperated with the police. Day by day, during trial, one or two of the defendants pled guilty, and were eventually sentenced; two went through trial, were found guilty by the jury and were sentenced in September 1975. The court of appeals affirmed. It should be noted that the mastermind, a college graduate and the second most dangerous perpetrator, John Dortch, after release from prison, went to law school. For years he has sought admission to the bar of the District of Columbia, contending that he was only a minor participant, that he had turned himself in immediately, and that he pled guilty immediately. In fact, his role was major, and he didn't plead

guilty until several days into trial, which occurred many months after the actual commission of the crime. To the best of my knowledge he has not yet been admitted to the bar. I shall remember this sad and intriguing matter. Another case, in the domestic field, involved a divorced wife seeking alimony as well as other monetary assets. She was an older woman, a Ph.D., but because her husband had been a foreign service officer, she had not been permitted, as the spouse, to work in any of the countries to which he was assigned. That was the law at that time; those were the regulations under which she had to abide. Her husband at one time was stationed in Russia, she accompanied him, and indeed, the wife of the Ambassador to Russia testified about the responsibilities of wives of foreign service officers and how this plaintiff had contributed mightily to her husband's success in advancing in the foreign service. She therefore aided the augmentation of income that he earned. Other than being a typical alimony case with an international twist, the most compelling matter was that this woman, by reason of her inability to pursue a career while her husband performed his work, had been unable to get enough Social Security credits, which would have provided a small lifetime "annuity." I directed the real property be equally divided, not to be sold for three years, during which time the plaintiff's wife would continue to live in the property, maintain it, pay the full mortgage, and could rent a portion of her share, becoming landlady and thereby gain the needed social security credits. The court of appeals affirmed.