

**ORAL HISTORY OF
FEDERAL DISTRICT JUDGE REGGIE B. WALTON
FIRST INTERVIEW
MARCH 16, 2007**

My name is Harold Talisman and this is tape number one of what will be a series of taped interviews to obtain the oral history of Federal District Judge Reggie B. Walton of the District of Columbia Circuit. This is part of an oral history project for the Historical Society of the District of Columbia Circuit and this interview is taking place on the afternoon of March 16, 2007, at Judge Walton's office in the E. Barrett Prettyman United States Courthouse at 333 Constitution Avenue, N.W, Washington, D.C.

Harold Talisman: Let's begin at the beginning, and start with your early childhood, when and where were you born, and what was your early childhood like, and your parents, siblings?

Judge Walton: I was born in a small town in western Pennsylvania, actually, North Charleroi, Pennsylvania. My parents lived in Donora, Pennsylvania, which is a few miles from North Charleroi, and I grew up in that small town, Donora, which is fairly famous. Stan Musial is from there. I grew up with Ken Griffey, Sr., and I played several sports with him. It had the great smog in 1949 when a number of people died as a result of that. And it was a great place to grow up. When I say it was a tough place to grow up, I do not mean it was a bad environment, but it was a tough little steel mill town and you had to be tough in order to survive.

When I was growing up, I was fortunate, I had excellent parents. Because of the circumstances, however, of them being African American, at that time when they were young people they did not have the opportunity to go to college. My mother was an honor student, but the

opportunity of college was just not available to her. My father was a very good artist, but was never able to really take advantage of those skills. He went into the military, in the Navy, during World War II, but because, by and large, African Americans were not permitted to fight, he did serve on a ship, but only in a support role. My parents, my mother actually, had been married before my father married her and had one child and then my father married my mother when he was probably, my brother, was probably about two years old. And we never considered ourselves half-brothers, we were brothers and then we had a sister after that. There were the three of us.

My father, for nineteen years, after he left the military, worked in a steel mill, US Steel. Unfortunately, there were not opportunities, at that time, for African Americans to hold supervisory positions. And, therefore, all he ever did when he was in the steel mill was, he worked as a laborer, even though from all indications he was an outstanding worker. My parents collectively probably never made more than \$20-25,000. We lived, throughout my entire life when I was with them, in a large tenement house that my grandmother owned. We lived in the first floor apartment, it was just a two-bedroom apartment, so three children all slept in the same room. We were fortunate that we survived the existence there, because a large number of people in that area died as a result of carbon monoxide poisoning, because most of the houses had small gas stoves, and we had one in the bathroom and one in the living room. They were

not vented, so if the flame went out, obviously that could be a disaster. And when it was extremely cold, and it got cold in that area, we would have to actually use the kitchen oven, and we would leave the door open and turn the heat on, in order to try and heat the house. It was a tough existence, but not as tough as some may think.

I had a loving home that I grew up in, never wanted for food, never wanted for love or attention, from my parents. But the reality was that they had a difficult time, you know, making ends meet from day-to-day. And they did something right, however, because all three of us went to college, all three of us have advanced degrees. My brother and sister are, well were, both teachers by profession, my sister still is a teacher, she was selected several years ago as “Teacher of the Year” in Ohio. My brother was a teacher in the Pittsburgh school system, he is now retired. And I went to law school. So we had good parents who did something right, despite the difficulties they experienced in their lives. I remember my mother always saying that she wanted to make sure that we had a greater opportunity than what they had.

I saw, and I think it was the reality of most young men in that community, both African American and white, although I think to a larger degree the African American population of young men, saw their way out of the town, and to be able to acquire some level of prosperity through athletics. And I, as a result of that, put greater emphasis on athletics than academics. And the result was that I was an average student. I think I

graduated with a C plus average out of high school, but I did enough to stay eligible to play football on Friday nights. And, despite the fact that I was small, I did relatively well, received a football scholarship to West Virginia State College, which is now West Virginia State University. And went there and lettered for three years, broke my ankle the last year, actually it was the spring practice of my third year, and it was shortly after the Baltimore Colts had sent a scout down to actually look at another ball player on our team and he saw me in practice and talked to me after practice and told me he wanted to watch me in my last year and, if I did well, they may consider bringing me to camp as a free agent. He said they would not probably be prepared to draft me, because of my size, but if I did well in my last year, they would consider bringing me to camp. A week after that I was running the ball and was tackled and broke every bone in my ankle and every ligament was torn, every muscle was ripped apart and I had several surgeries to put my ankle back together.

I had thought about law school before that, because a number of my fraternity brothers wanted to be lawyers. I was in the fraternity in which Dr. King was a member, and also Thurgood Marshall. So, after I broke my ankle, and it was clear that I was not going to be able to make a living playing football, I thought about what do I want to do with my life, and going into a courtroom and using my intellect to do battle was the alternative I took. And, fortunately, I was able to get into a program that existed at that time that was trying to increase the number of African-

American lawyers in the country called The Council on Legal Education Opportunity Program, which was funded by the federal government. And I came here to Washington. The institute that year was at Howard University Law School. I graduated from that program near the top of my class and, as a result of that, received an academic scholarship from American University Law School, where I went to law school and graduated.

Harold Talisman: I know that I read that you had some problems when you were in high school. Why don't you tell us a little about those?

Judge Walton: Well, I mean, I think I was a good kid. I had good parents, I had a good upbringing, but I think a lot of young men in my situation, which you see now, gravitate towards negative behavior because they want to fit in and they want to be accepted. And, some of the guys from the community where I grew up, they were involved in, we were not involved in drugs, anything of that nature, stealing or anything of that nature, we would get involved in fights. It was a way, I think, of exhibiting, from a perverse perspective, one's manhood and, as a result of trying to fit in and trying to be accepted and trying to be, I guess, looked up to by your peers, you did things that you knew were wrong. Because I knew some of the things I did were wrong. I knew it was wrong to sneak my father's pistol out of the house, but I did it. I knew it was wrong to sneak his straight razor out of the house, but I did it. I do not think I would have ever used either one

of them, but it was, again, trying to exhibit this machoism as a young male.

And I got involved in several fights and, as a result of that, ended up in court on three occasions and, on one of those occasions, was remanded to the juvenile authorities. I did not actually receive any type of supervision, I did not need it because my parents were pretty, you know, fed up with some of the things I was doing and they were the ones who did the supervision.

But, I also had some experiences with law enforcement that were not very positive. I remember when I was in junior high school, I think I was in either eighth or ninth grade and I was on my way to a dance in the evening and, apparently, there was a delivery truck from a department store making a delivery in Donora. I guess a rear door had been left open and a young black male had gone in and taken something and that was reported to the police and I was walking down the street and I guess because there was a report of a young black male having stolen something, I was stopped and taken to the police station. Fortunately, the driver did not identify me, because I had not done anything. I ultimately found out who had done it, and he looked nothing like me, but because I was a young black male walking down the street, I ended up being stopped.

I also had an experience, I actually was a lawyer at that point, but it was in that same area where I grew up. I was working in the United

States Attorney's Office. I had just bought a brand new black Corvette and went back home to show it to my parents and was out at a club one night and was on my way home. I had not done anything wrong, but a state police car pulled me over. And it was late at night, I was on a dark road. I pulled over and I wanted to get out of the car and they ran up with guns pointed at me and they wanted to know who I was, what I was doing with that car. Obviously, I believe, I was stopped because I was a black male who they probably thought should not have that type of vehicle. And when I showed them my Justice Department badge, they immediately ran and I did not get their squad car number or their badge numbers or anything, but it was another negative experience I had with law enforcement, I think, just because I happened to be a young black male.

So, yes, I had a couple scrapes with the law, they were not major, they could have been, I mean the last scuffle I was involved in, I had not intended what occurred to have happened, but one of the guys I was with had an ice pick and he stabbed one of the individuals who we were involved in a fight with multiple times in the back. The guy who had been stabbed, got into his car and fell over the steering wheel and clearly was injured, and myself and another guy rushed him to the hospital because his friends had left, had run off. That was a scary, obviously scary situation. The following day the police came to my house to question me and that afternoon I left with my cousin and went to New York and spent the summer working in a small town outside of New York City, right before I

went to college. So, those were some of the experiences I had as a young person, they are unfortunate experiences, but at the same time, I think they helped to mold me into who I am now.

One of the things that I received a lot of satisfaction from when I was on the Superior Court as a judge was serving in the juvenile court, and having been in the juvenile process myself and, as a result of that, I think having some appreciation of why young boys get into trouble, it gave me, I think, the ability to communicate with them in a way that a judge who did not have my background probably could not. And for those kids who I thought had a potential of making it, despite their circumstances, I would tell them about my background with the hope that it would be inspirational to them. And I am happy to know that there are at least three boys that I know who had been before me who ultimately went to college and got college degrees.

Harold Talisman: I think you indicated that when you completed your undergraduate work at West Virginia State University, that you entered a program or a prelaw program or introduction to law program at Howard, I guess it was a summer program. How did you learn about that and how did you get into that?

Judge Walton: I had acquired an interest about law school and I cannot actually remember how I learned about the CLEO program. I am sure I learned about it in some manner while at West Virginia State because I had applied for admission to the program while I was still at West Virginia

State and I was admitted while I was still in college for the CLEO summer institute because it started in June and ran through mid-July; it was a six-week program. And, it was taught just like a regular law school program, with law professors, and you were graded as if you were in law school. And, at that time, there was a commitment by certain law schools that if you graduated near the top of your class in that program, they would admit you despite what your prior academic history had been. I mean, I guess you could not have been a total failure in college, but assuming you showed some promise, the fact that you went through this program successfully and did well gave them some indication that you could endure the rigors of law school. And therefore they had a commitment to admit students who did well in that program and that was how I got into American University.

Harold Talisman: You had a scholarship to American University?

Judge Walton: Yes.

Harold Talisman: What was that experience like at American University?

Judge Walton: Law school was tough, the first year, at least, because it was very demanding. I had to develop my reading skills to a greater degree than what they were at that point. I studied extremely hard in order to make it through. I, and this is the honest to goodness truth, I used to study 14 to 15 hours every day, and to this day I only sleep two or three hours a night it seems like, but it took that much time in order to grasp the information and get through it. But I did relatively well my first year, my last two

years I did a lot better, but it was a tough existence even though I received a scholarship, money was tough.

My parents were not really in a position to help me financially. They would do what they could, but they did not have much to help. During the summers, I would go home and I think the first year, I know when I was in college I worked in the steel mill for two years. Actually, when I was in law school, my first summer, between my first and second year, I actually worked in the CLEO program as a tutor for the students who were in the program. Then, in my second year, I worked in the law library. Actually, starting with my second year of law school, I was able to get a job in the law library working the reference desk. And I worked a full forty-hour week. But the good thing about it was that, most of the time, I was able to study. The only time I was not was when there was a request for me to get a book or something of that nature. Plus, the advantage of having that position was that I received a key to the law library. And at that time the law library closed at twelve at night and was closed until seven in the morning, when I would open the law library, because I had to be back to open it. But it gave me the opportunity to spend evenings working in the law library and weekends when it was closed otherwise, which gave me an advantage as far as having time to have access to the books. But American University was tough, I mean it was not easy, but I did relatively well and finished, took the bar examination, passed it the first time and moved on from there.

Harold Talisman: Were there any professors there that had a particular impact on your career?

Judge Walton: I am trying to think of my evidence professor, but I cannot even think of his name now. I am drawing a blank, but I always enjoyed evidence and I thought he taught it very well. [Name subsequently provided: George Horning.] He had been a former practitioner, he had been a prosecutor at one point and I think a defense lawyer also, but I am drawing a blank as to what his name was. He was obviously an inspiration, but I cannot think of any, besides him, I cannot think of any other professors who I had a very close relationship with. But, I believe I received a very good education at American University. In fact, I serve on the dean's advisory council now and have been very active with the law school.

Harold Talisman: After law school, what was your first job?

Judge Walton: I knew I wanted to be a trial lawyer and I knew I wanted to be a criminal trial lawyer. I actually felt I wanted to be a prosecutor, but I was willing to do either, so I applied to prosecutors' offices and I applied to Public Defender offices. Most of the prosecutor offices wanted you to have at least a year or two of experience before they would hire you and the only job offer I received where I would be able to start immediately trying cases once I received my bar results was the Philadelphia Public Defender's Office, so I moved to Philadelphia and took that position.

They permitted me, because my financial situation was not the greatest and I needed to start immediately and they agreed, even though I

had not passed the bar yet, they agreed to bring me on board. And I was able to do things like interview witnesses and things of that nature and they made it clear if I did not pass the bar, they could not keep me on, obviously, until I could take it again and received a passing score.

So, fortunately I did pass, and once I passed I ended up not doing what I expected to do because I wanted to actually go into court and try cases. Now I did get a chance to do that to some degree, but at that time I think I was making \$7,200 per year and when I first went to the office, most of our appeals were farmed out to the private bar. We did not have the capacity to handle many of the appeals before the appellate courts and we received a grant from the Justice Department to increase the capacity of the appellate division to handle the appeals. And as a result of that grant, I had done some writing during my first six months or so in the office and the head of the appellate division came to me and asked me if I would like to come to the appellate division. I really did not want to, because I did not want to write appeals and argue before the appeals court, but there was a salary increase from \$7,200 to \$14,000, so I could not turn it down. So I took it and, actually, it was a good thing for me to have done because the head of the appellate division was a guy named John Packel, who was an excellent appellate lawyer, and I learned tremendously from him and he was very influential in enhancing my writing skills and research skills. So it was the best thing for me to have done. So I did that for a little over a year.

I was not really enamored with the Philadelphia judicial system at that point because there were some of the judges, I think it has improved tremendously as compared to what it was, the positions were elected positions. There were a number of people who I did not think were the best of judges. In fact, at that time, judges could sit on the Municipal Court, where people could receive up to a five-year sentence, because misdemeanors in Pennsylvania carried up to a five-year sentence, who did not have to be legally trained. You had non-legally trained judges and I had received some very negative treatment from some of them on several occasions and I aspired to come back to Washington. So, I applied to the United States Attorney's Office and received an offer and came back.

Harold Talisman: What was that experience like in the United States Attorney's Office?

Judge Walton: I actually think that my experience in the United States Attorney's Office was the best job I ever had. Not that I did not enjoy my work as a defense lawyer, but I just had an opportunity to do a lot of different things when I was in the United States Attorney's Office. I was in the office almost six years. During that time I went through the appellate division, the grand jury division, the misdemeanor trial division into the felony trial division. And shortly after I was in the felony trial division.

I had been fairly successful early on in my tenure in the felony trial section. Charles Ruff, Chuck Ruff, became the United States Attorney. And, at that time, there were very few-American supervisors in the office, and one of the things he had committed to was to try and identify people

who he thought would be good supervisors, who were of color, and to promote them. And an opening became available in the Career Criminal Unit, which was a unit that handled recidivist offenders, and he came to me and asked if I would take that position, and I did and did that for about one year heading that section.

Then an opening became available in the number three position in the United States Attorney's Office and Chuck Ruff asked me to do that, and I did. I enjoyed that a lot and had no inclination that I would not be in that office for an extended period of time.

But, Victor Capute, I do not know if you knew him, he was in the United States Attorney's Office, and at that time I was living in Virginia and he told me I should move into the city, because he thought I would be a good candidate for the Superior Court bench. So, I knew I wanted to ...

Side B of Tape 1 Begins here.

Mr. Talisman: All right, you were in the United States Attorney's Office at this point and you were put in charge of a group there, were you not, after a while?

Judge Walton: Yes, I was in charge of the Career Criminal Unit for about a year, and then I became the Executive Assistant United States Attorney, which was the number three position in the office and I, like I said, I had anticipated remaining in the office for an extended period of time. I had no inclination to do anything different.

But, there were three openings on the Superior Court bench and by then I had moved into the city, and I was encouraged by Vic Capute to

apply for one of the positions. And I thought it was a long shot because I was 31, just about to turn 32, I think, at that time and thought there would be no way that I would receive an appointment. Plus, at that time, I was a Democrat and President Reagan was in the White House. But, I decided that I would submit my name. I had received a fair amount of publicity, because I was trying some of the biggest criminal cases being tried at Superior Court and so I decided to put my name in the hat. And I was surprised when the commission, the Judicial Nominations Commission, sent my name to the White House. I think there were nine names that were sent for the three positions, and I still never thought I would receive an appointment. And, much to my surprise, I was just talking to him not long ago, Fred Fielding called me and said that the president had selected me for one of the three positions. And I was 32 at that point, which was very young.

Shortly after that, President Reagan was shot and the decision was being made as to who would try that case. And I was, at that point, one of the top litigators trying the street crimes being prosecuted in that office and I agreed that, or at least volunteered, to withdraw my name and try that case. But Chuck Ruff would not permit me to do that. He said, "No, you have got to go ahead and take your shot if you want to be a judge and you have got to do it." So, he would not permit me to do that. So, I was ultimately confirmed and became a judge in July of, so long ago, I guess it

was 1981. So, most of my adult life has been spent on the bench as a judge.

Harold Talisman: During your career at the United States Attorney's Office, you said you were in charge of the Career Criminal Unit. What did that mean – the Career Criminal Unit?

Judge Walton: The Career Criminal Unit prosecuted individuals who were recidivist offenders. We had criteria for who we prosecuted and they were all violent offenders.

Harold Talisman: They had made crime a career, is what the idea was, right?

Judge Walton: Right. And violent crime, not any crime, but violent crime. So we prosecuted murders, rapes, child sexual assaults, burglaries, cases of that nature. And what we, what I was able to do, in the short time I was there, was to get the office to agree that we as a unit should prosecute those cases from the time of arrest through conviction and sentencing. When I first took over, the only thing that unit did was, they would prosecute the case through indictment, and then it would be passed on to another unit to try the case. And I thought that that was not the most efficient or effective way of prosecuting those cases. So, I did receive authorization to have the unit prosecute those cases and now that is the norm of how those cases are handled. I thought you would get better prosecutions when you had somebody handling that case from the beginning to the end.

Harold Talisman: During your time in working at the United States Attorney's Office, were there any lawyers that had a particular impact on your career or judges you appeared before?

Judge Walton: Well, Judge Moultrie; I tried a number of cases before him and he was very influential in helping me when I first came on the bench. And I think very influential in helping me get the appointment. Judge Leonard Braman was also very helpful in that regard. I tried a very lengthy trial, a complicated, lengthy trial before him and had gotten a conviction in that case of three individuals. And I know he was very helpful in that regard. Chuck Ruff was obviously very helpful. Bob Ogren, who was the number two person in the office, was very helpful. There was another supervisor who, unfortunately has passed, Jim Owens who was also extremely helpful to me. And then there were other lawyers like Hank Schuelke, who was a very good lawyer, and Bob Shuker, who ultimately became a judge on the Superior Court, but died of a heart attack fairly early. They were also sort of mentors for me when I was in the office.

Harold Talisman: How about defense attorneys?

Judge Walton: Ken Mundy, I had a lot of respect for Ken Mundy. John Shorter, I had a lot of respect for him. Francis Carter, who was in the Public Defender's Office, ultimately became the Chief Public Defender. Those were some of the individuals that I had a lot of respect for, as far as their abilities were concerned.

Harold Talisman: Okay. Thereafter in the United States Attorney's Office, you became Executive Assistant?

Judge Walton: I became the Executive Assistant United States Attorney, which was the number three position.

Harold Talisman: What did that job entail?

Judge Walton: It entailed, well a big part of it was training existing Assistant United States Attorneys. I was in charge of our training effort and also recruiting and hiring. Those were my two principle responsibilities. And I thought in both of those capacities I was able to make a significant contribution because I was able to help identify and bring into the office people who became extremely good prosecutors. And then I was able to implement a training program, because at that time there really was not a lot of training going on, that I thought really enhanced the quality of the prosecutions we were engaged in.

Harold Talisman: What happened after that position ended? Where did you go?

Judge Walton: I came to the bench. I went to the Superior Court bench.

Harold Talisman: And you were there quite a while, I think.

Judge Walton: I was on the bench — the first tenure for about eight-and-a-half years. I became the Deputy Presiding Judge of the Criminal Division, Bob Shuker was the Presiding Judge at that time, Chief Judge Moultrie had appointed me to that position. So, most of my time when I was on the Superior Court, was spent in the Criminal Division, although I also served in the Family and Civil Divisions. And I was very happy as a judge and

anticipated I would be there throughout my entire career and had no inclination of leaving.

But, Bob Bennett called me one day and said that he would like for me to meet with his brother Bill Bennett, who had just been nominated by the first President Bush to become the first, what they called the Drug Czar, the head of the Office of National Drug Control Policy. And I agreed, along with some others, to meet with Bill. He did not know a lot about the criminal aspect of drugs and we went out to Bob Bennett's house and met with him and told him our ideas about things that needed to be done to address the problem. And, at the end of the meeting I told him, and I was sincere in this regard, I was not looking for a job at all. I told him, I said, "You know I do not mean to suggest to you that the drug problem only impacts the African-American community, but there is no doubt that it has a disproportionate impact on the black community. And I feel that if you are going to have a systemic impact on the situation, you have got to have somebody in your office who can go into that community and try and effectuate change in that environment." And, so, about a week or so later, I got a call from him and he said, "I agree with you, that I need to have somebody at the top of my organization who is African American and I have decided that person should be you." And I was very reluctant to do it, because I was enjoying my position as a judge.

My wife, I had just gotten married shortly before that and my daughter had just been born. My wife had been a physician's assistant at

Howard University Hospital and she had decided that she was doing all of the work that the doctors do and making a little bit of the money. So, she decided she wanted to go back to medical school and she had gone to a night program to brush up on her sciences and she had just been admitted into Georgetown Medical School. And, so, we lost her salary, which was, I do not know, \$35,000, or whatever she was making at the time, and picked up a \$35,000 tuition cost at Georgetown Medical School. And I was, in order to take this job, I was going to have to take a \$9,000 salary cut, which may not seem like a lot, but it was a lot of money. But I felt so strongly about the issue of drugs and what they were doing to our community, and I felt that, as I said, it was going to be important to have somebody of color in that office to reach out into the African-American community, that if I did not take it and if nobody ended up being selected who was of color, I could not sit back and be critical. So, despite the hardship, I agreed to leave.

And the only way that we were going to be able to make ends meet with me taking that salary cut was to pull out my retirement, so that we would be able to use that to supplement the lost incomes.

And so I left and was in that office for about two years. In less than two years I traveled over a half a million miles. My job was to take the message of the White House throughout the country and to try and get state and local governments and the private sector to buy in on the president's drug policy. So, I was on an airplane almost every day. Two,

three, four, five airplanes every day. I gave, probably 40 to 50 speeches per month, all throughout the country.

And, ultimately, when Bill Bennett left, I had been told – he had told me that he was going to recommend me to succeed him, which he did. But former Governor Martinez, of Florida, lost his election. He was good friends with John Sununu, who was President Bush’s chief of staff, and, from what I understand, Martinez was asked what he wanted to do, and he said he wanted to be the Drug Czar. So, because he was good friends with Sununu, he got the nod over me and when he came in, I think he was rather insecure and he tried to get rid of me.

And the White House then brought me over to the White House itself to be the senior advisor for crime. I basically had the responsibility of assisting the president in getting the Crime Control Bill, which was being considered at that time, adopted by Congress. And so, I did that for about nine months. And, actually had been told at that time, that if there was an opening on this court, that they would try and get me on this court. And that was back in 1991.

Harold Talisman: This court being the Federal District Court?

Judge Walton: The Federal District Court. There was an opening, Judge Boudin, who now is the chief judge in the First or Second Circuit, one of the two, First Circuit, I guess it is, up in Boston, left and there was an opening. But, the administration, at that point, had gotten caught up in the re-election effort, and I guess they thought they would take care of me after the fact, so I did

not get the nomination. And, Bush lost, and so obviously that meant there would not probably be another opportunity for anytime in the near future. But it worked out fine, because, I stayed on the Superior Court, I vested and as a result of that, when I ultimately was appointed over here I was able to retire from the Superior Court, whereas, if I had received an appointment in 1991, I would not have been able to do that, so I am able to get two checks, which helps.

Harold Talisman: And you were appointed to the Federal District Court by present George Bush?

Judge Walton: Correct.

Harold Talisman: And how long have you been on the Federal District Court now?

Judge Walton: About five-and-a-half years.

Harold Talisman: How would you compare sitting on the Federal District Court to the Superior Court? Do you think it is more difficult? Not as difficult? In terms of the kinds of cases you have? How would you evaluate that?

Judge Walton: I mean, there are some similarities, but there are a lot of dissimilarities between the two positions. In Superior Court, you are in court every day, almost all day. I think, and I do not mean to denigrate the Superior Court in any way by what I am going to say, I think the legal issues tend to be a lot more difficult over here, although you get difficult legal issues there, too. But I think the dosage of tough issues are more prevalent over here than in Superior Court. However, I think that the Superior Court is a more difficult job, as it relates to the type of cases that you deal with, the

emotionalism that comes into play. The ability to use skills other than legal skills in order to come up with appropriate resolutions of cases. I mean, handling cases involving child sexual assault, murder, rape – I mean those are draining emotionally and I think that from the standpoint of Superior Court, it is a lot more demanding from that perspective. As far as the intellectual challenge, I think it is a greater challenge over here than over there. But, again, not to denigrate in any way the significance of what happens in that court because I enjoyed very much my experience there. But, the legal issues here can be extremely difficult, especially now with some of the issues that we are dealing with in reference to national security, the *Guantanamo Base* cases. I have had cases involving some of the Islamic charities and the seizure of their property. Those have been very challenging cases. The *Libby* case. I think the complexity issues, as far as a regular diet is concerned, is a lot greater over here.

Harold Talisman: And what about the quality of the bar appearing before the two courts, what do you think? How do you evaluate that?

Judge Walton: As far as the criminal bar is concerned, I think it has changed over in Superior Court as it has changed here as far as the appointed counsel are concerned. When I was in Superior Court, there basically was no real criteria for who was eligible to receive appointments. As a result of that, sometimes lawyers who were not really up to speed got cases they should not have received. That has changed. The Superior Court now does a screening and they have criteria that you have to meet in order to be on the

panel to get appointments. And I think that has improved the quality of the representation that indigent defendants receive.

The same was true over here. When I first got over here, there really were not any criteria for who could receive cases. It was decided, however, that as the Superior Court has done, that we needed to look at the pool of people who were applying to receive cases and make a decision as to who the best were, and weed out those who we thought were not. And we went through that process. I was a part of that effort. And it was an arduous task, but at the same time, I think it was an important task because I do think now the people who we have on the list are proven individuals. And I think they do a pretty good job. So, I think that, with those changes in both courts, I would say that the quality of representation is as good over there in the criminal cases for indigent defendants as it is over here.

Obviously in some of the white-collar cases, where you have a lot of money involved, and where you have legal defense funds involved, you are going to get some of your better white-collar criminal lawyers over here than what you may see in, white-collar-type crimes, in Superior Court.

As far as the civil bar is concerned, again it depends. I mean, I think there are very good lawyers who I saw trying cases in Superior Court and there are very good lawyers over here. Many of the cases over here involve a lot of money. And, obviously, sometimes money does

result in better representation, so I think the amount of money involved over here in a larger number of cases than what you may have in Superior Court, you see really some of the really high-priced civil lawyers over here, I think to a greater degree, than you do across the street. Although I saw very good civil lawyers over there also.

Harold Talisman Were there any judges on the federal court when you came over here that were particularly helpful?

Judge Walton Well, Chief Judge Hogan has always been very helpful. Judge Lamberth has always been very helpful. Judge Bryant, even though he was up in age. I remember I called him, somebody, there was an issue that had come up and somebody said well I believe Judge Bryant wrote an opinion years ago and I called him and it was just like yesterday, I guess to him, that he had ruled on that, and so he was very helpful. But I think those are, there have been a lot of people, Judge Kessler who had been over here before me, Judge Sullivan who had been over here before me have also been very helpful to me.

Harold Talisman You have handled, certainly recently, some high-profile cases. What do you think you have learned and what would you recommend to judges in terms of handling high-profile cases in terms of trying to keep control of the case and things of that nature?

Judge Walton Well, the first thing, I think, it is important when you get one of those cases, to not yourself make any type of public statements about it. I think judges can get in a lot of trouble when they do that. The other thing I

think is important is to try and get, which I did early on and would have done it earlier, but things happened that precipitated me, letting the lawyers know that I was not going to tolerate them trying the case in the media. And I threatened to issue a gag order if they did not adhere to that admonition. Fortunately, they did and after I admonished them in reference, because both sides had made some statements and I was not going to tolerate that. So I think the first thing that you have to do is harness counsel, and yourself, to make sure that statements are not being made to the press that end up causing the case to be tried in the press before it comes to trial. The other thing I think is to, and I think this applies to any complex litigation, whether it be high profile or not, is to early on set a schedule and to maintain that schedule. And, in the *Libby* case, I mean I was inundated with motions. I think we issued 14 opinions. And I think it is important, in a case of that nature, to set deadlines for yourself. And even though you are going to work extremely hard to meet those deadlines, to make sure that you are issuing rulings in a timely manner. Otherwise, a case like that is going to bog down and you will never get it to trial. I think you have to hold the government's....[end Side B]