



# Historical Society of the District of Columbia Circuit

Newsletter #39 - April 2019

Historical Society of the D.C. Circuit - [www.dcchs.org](http://www.dcchs.org)

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## PROGRAM ON CHEVRON DOCTRINE SET FOR JUNE 13, 2019

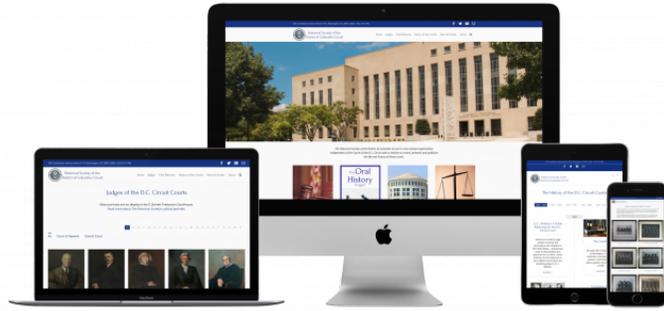
On Thursday, June 13, in the Ceremonial Courtroom, the Society will take a retrospective look at the Chevron Doctrine, 35 years old this year. The program, the first of the newly-announced “Judge Patricia M. Wald Programs on Life and Law in the Courts of the D.C.

Circuit,” will feature a re-enactment of the arguments over EPA’s interpretation of an ambiguous provision of the Clean Air Act presented in *NRDC v. Gorsuch*, 685 F .2d 718 (1982). On review of this decision, the Supreme Court laid down the famous Chevron Doctrine dictating that, in the face of statutory ambiguity, a court should defer to a reasonable agency interpretation. A panel discussion will follow the re-enactment delving into the legacy of the Chevron decision and its current status.

Participants will include Prof. Gillian Metzger, Columbia Law School, who will set the stage; Prof. David Vladeck, Georgetown Law Center, and Vinson & Elkins partner John Elwood who will reenact the arguments in *Gorsuch* before Circuit Judges Judith Rogers and Gregory Katsas; Prof. Christopher Walker of Ohio State University’s Moritz College of Law, who will moderate a panel of Harvard Law School Dean John Manning, Professors Metzger and Vladeck and John Elwood.

[TAKE A LOOK AT THE  
SOCIETY’S NEWLY  
DESIGNED WEBSITE](#)

The Society is pleased to announce the imminent launch of our new and expanded website. The new site, which will be at the same address as our current site (<http://www.dcchs.org>), has been reorganized and updated to make it easier for readers to access and interact with information about the Society and the



Courts of the D.C. Circuit. We have added new features, including a timeline of the Courts' history, reorganized judges' and oral history pages, and a YouTube channel for all of the Society's programs and oral history videos. The new website retains all of the content from our old website, while adding new material and presenting the existing content in a more user-friendly fashion. And the home page will continue to carry information about upcoming events and most recent news items.

One of the new features that we are still working on is to make the oral histories and other PDF documents on the website text-searchable. This new capability should increase our exposure on the web and provide users with a greatly enhanced ability to conduct research. We hope that this part of the project will be completed in June. Taking advantage of the flexible nature of the WordPress platform, our new site is optimized for mobile and desktop devices. We hope you will visit the site often to stay up to date on the Society's business and to learn more about the Courts of the D.C. Circuit.



## OUTSTANDING STUDENT ADVOCATES PARTICIPATE IN THE SOCIETY'S 14TH MOCK COURT PROGRAM

[Pictured left: Judge Christopher Cooper and outstanding advocate Eliza Roberts, Marek School]

Each of the 100 high school students who came to federal court on March 1, 2019, argued either a 1st or 4th Amendment case before a federal judge. Chief Judge Garland welcomed the students from Marek,

McKinley Tech, School Without Walls, and H.D. Woodson before they entered individual courtrooms to present their well-reasoned arguments. Applauding the

students for their preparation and subject matter knowledge were the 10 participating judges: Circuit Judge Srinivasan, Chief Judge Howell and District Judges Contreras, Cooper, Moss, Walton, and Rothstein, Federal Circuit Judge Bryson, and Magistrate Judges Robinson and Harvey.

Acknowledged also were the 30 attorney volunteers who visited the schools and worked with the students over the one-month period preceding their day in court, the teachers who assisted along the way, and Chief Judge Howell and Judge Ketanji Jackson for their considerable organizational support, and Society Vice President, James Rocard, who orchestrated the Society's 14th Annual Mock Court Program.

[Photos](#) of the participating students and judges appear on this site as do the names of the [outstanding student advocates](#).

## UPDATES ON THE SOCIETY'S ORAL HISTORY PROGRAM

[Newly Released: an Unusual Oral History of Justice Antonin Scalia](#)

Six years after he joined the Supreme Court of the United States, Justice Antonin Scalia [pictured right] sat for an oral history interview with his good friend, Judith Richards Hope. Sadly, the oral history never proceeded beyond this first session. But even in only twenty-plus pages, the reader is rewarded with a fascinating glimpse into the origins of the man who became Justice Scalia: his childhood and family roots; his schooling; his early career; his interests and passions; and his gregarious personality.



Read the [oral history](#) and an [article](#) written about it by Steven A. Steinbach, "Justice Scalia Reflects on His Early Life."



### [A Cache of Articles Summarizing Society Oral Histories](#)

Communications Committee Chair Steve Steinbach and volunteer interviewers are writing short pieces to introduce and highlight the persons whose oral histories are available in the Society's archive. Take a look at articles focusing on: [Magistrate Judge Patrick Attridge](#) [pictured left], [Harvard Law Dean Erwin Griswold](#),

[District Judge Thomas Penfield Jackson](#), [Robert Kopp](#),  
[Irv Nathan](#), [Jack Olender](#), and [Harriet Shapiro](#).

## CHIEF JUDGE PATRICIA M. WALD - IN MEMORIAM

Excerpts from a Eulogy delivered by Judge David S. Tatel at the Memorial Service for Judge Wald on February 2, 2019.

Judge Wald's [pictured right] profound impact on the law is impossible to capture in just a few minutes. Her opinions are models of judicial craftsmanship. They reveal deep respect for constitutional and statutory text, careful and honest application of precedent, and crisp analytical reasoning. In each opinion, the holding emerges not from Judge Wald's personal ideology, but from her faithful application of legal principle to record evidence. In every one of her more than 800 opinions--which she hammered out on her old Selectric typewriter--she approached her task carefully and seriously--whether the issues were of major national importance or involved just one person's effort to seek the law's protection. To Judge Wald, opinion writing was far more than an intellectual exercise. "Judicial opinions," she once wrote, "demonstrate our recognition that under a government of laws, ordinary people have a right to expect that the law will apply to all citizens alike."



Judge Wald loved oral argument and believed strongly in its importance because, as she explained to her oral historian, Steve Pollak, oral argument is "the last contact the judges have with a case before they go across the hall and vote." It has been said that appearing before an appellate court is a little like getting a root canal. But when Judge Wald was on the bench, that was true only for those unwise enough to show up unprepared--in which case a root canal would be putting it mildly. Lawyers who had the privilege of arguing before Judge Wald were awed by her thorough, laser-like, always-polite questioning. She left everyone in the courtroom with a deep respect for the fairness and integrity of the judicial process. Read the [entire eulogy](#).

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