



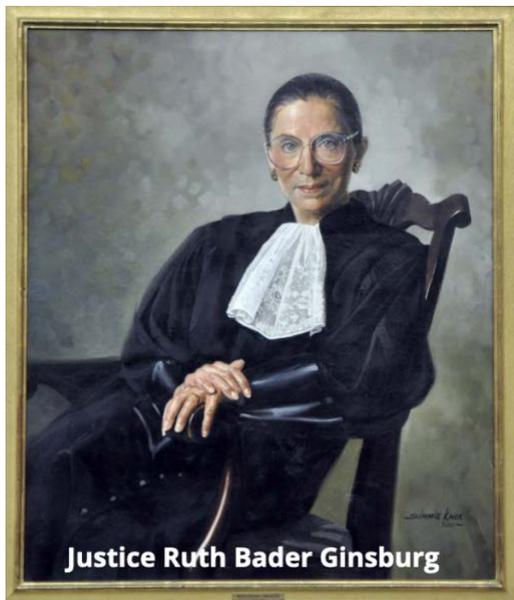
# Historical Society of the District of Columbia Circuit

Newsletter #45 - October 2020

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

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## IN RECOGNITION OF, AND WITH GRATITUDE TO, JUSTICE RUTH BADER GINSBURG AND JUDGE STEPHEN F. WILLIAMS



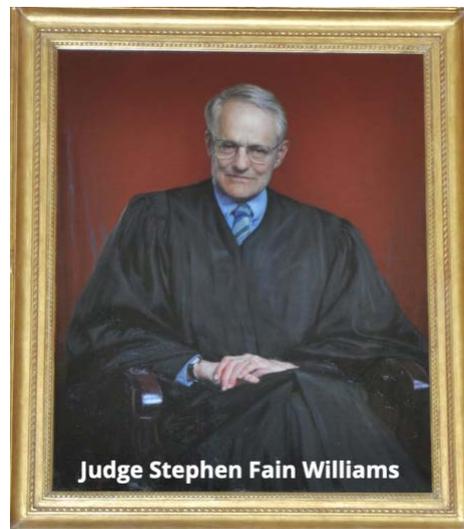
We share with the country our admiration and immense respect for Justice Ruth Bader Ginsburg, her life's work, and her commitment to equal justice and concern for all individuals in our society. A giant in the law, she championed protections for women, minorities, workers, the disabled, and others not always able to achieve equality before the law. As Judge Goodwin Liu, a former Ginsburg clerk, put it, she widened the nation's "circle of inclusion." She was a scholar and

thinker who inspired young and old alike.

Her somewhat fragile appearance belied her toughness and courage. Illness and medical treatments that would have proved disabling to most, never kept her from her work on the Court. Often called the Thurgood Marshall of the women's movement and the Notorious RBG, she was nonetheless innately shy. That shyness, however, masked the strength of her views revealed in brilliant, powerful opinions for the Court and dissents that live on.

Justice Ginsburg is even more to those of us who are officers and Board members of the Historical Society of the D.C. Circuit. She was the earliest advocate for the creation of the Society, the writing of the history of the D.C. Circuit Courts, and the creation of the Society's oral history program. Justice Ginsburg served as Honorary Chair of the Society, and was a major participant in the Society's 2013 program, "Women in the Life and Law of the District of Columbia Courts." In her honor, the Society will be offering a special tribute in the near future.

Judge Williams was a highly admired member of the U.S. Court of Appeals for the D.C. Circuit for more than three decades, and, according to Chief Justice John G. Roberts, Jr., “one of the shining jewels of the Federal Judiciary \* \* \* [who] combined an incisive mind with a gracious manner.”



Perhaps the best way to remember and honor Judge Williams is to reflect on the way he is viewed and respected by those who knew him as well as anyone but his own family – his colleagues on the Court of Appeals. Here is the judge they knew, drawn from their remembrances of him posted on the Court’s website, [www.cadc.uscourts.gov](http://www.cadc.uscourts.gov):

“an uncommon love of ideas, an extraordinarily broad-ranging intellectual curiosity, an infectiously good-spirited demeanor, and a joyful sense of humor”

“an incisive mind with a gracious manner”

“possessed the intellectual curiosity of a scholar and the commitment to justice of a public servant”

“fierce commitment to human freedom and the rule of law”

“distinctive voice and mind – brilliant, to-the-point, and independent”

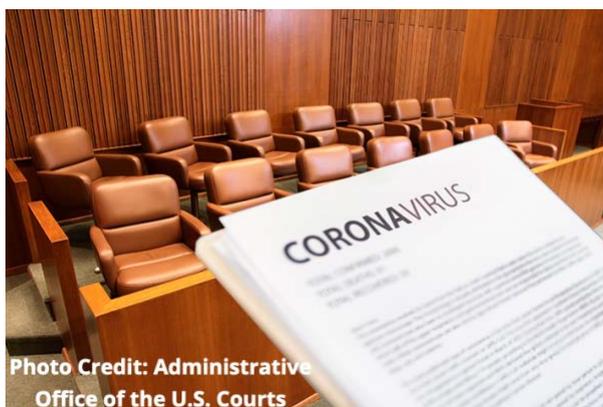
“giant in the law with an unparalleled intellectual vibrancy”

“a true expert in disagreeing agreeably”

“blessed with a sense of humor that reduced tensions”

“cared deeply about the well-being of the planet we inhabit.”

## COVID 19, THE D.C. CIRCUIT COURTS, AND THE HISTORICAL SOCIETY



The past six months brought many changes to Court and Society operations as the coronavirus pandemic spread. Occasioned by the partial closing of the Courthouse to protect judges, staff, lawyers, litigants, and others having

business with the Courts, many judges and staff began tele-working. Court hearings and other proceedings began taking place remotely, thanks to the rapid changes the Courts were able to make, the flexibility of everyone involved, and the technological marvels of teleconferencing and ZOOM.

Although the Court of Appeals suspended all in-person, on-site oral arguments, it continued its work without delays and held four en banc hearings – three in April and one in August -- by teleconference. Then, on September 9, 2020, ZOOM for Government hearings began, allowing judges and litigants to see each other during argument and permitting judges to have visual contact during post-argument conferences.

The District Court suspended most operations in mid-March. To prepare for their restoration, Chief Judge Howell appointed a task force to consider expert public health and safety guidance, particularly with respect to the eventual resumption of in-person trials and other proceedings. The Court entered Phase 1 of a newly developed Continuity of Operations Plan in June, resuming grand jury sessions on a limited schedule with precautions taken to protect the health and safety of grand jurors and continuing remote court proceedings with audio access available to the public. Preparations for the resumption of in-court proceedings continued in consultation with an infectious disease expert, including the outfitting of courtrooms with strategically placed plexiglass and marked seating for appropriate distancing. Phase 2 began September 14, 2020, allowing proceedings other than jury trials to be conducted in person at the request of a party, provided the presiding Judge agrees they are necessary.

The Courts softened rules concerning paper filing requirements and in some cases permitted e-mail filings. Masks and temperature checks have been required of all Courthouse visitors.

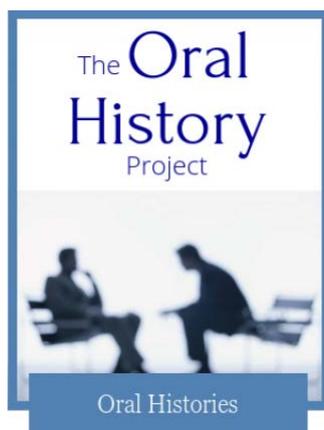


When the pandemic hit, in-person mediation in the D.C. Circuit Courts came to an abrupt halt. With the use of Zoom and other technologies, the Mediation Program transitioned to mediating remotely. Now, rather than meeting with participants around a conference room table, mediators conduct their sessions “Hollywood Squares” style on Zoom, often with barking dogs, lawn mowers, and children’s voices in the background. (Read [“Mediation in the Courts of the D.C. Circuit during the Pandemic”](#) by Carolyn Lerner, Chief Circuit Mediator)

Similarly, the Society’s oral history interviews, previously conducted in-person by a volunteer interviewer with his/her interviewee, were also halted since interviewee and interviewer prefer to be able to see each other’s expressions and reactions throughout each interview. Since ZOOM allows

these visuals, it has offered an alternative to postponing interviews indefinitely.

## SPOTLIGHT ON THE SOCIETY'S ORAL HISTORY PROGRAM



### **Read what judges who have sat on the D. C. Circuit Courts say about their lives on and off the bench**

The interests, perceptions, family lives and careers, private, public, and judicial, of 23 judges who have sat on the D.C. Circuit Courts are revealed in their oral histories, all of which can be read in their entirety on the Society's website at [www.dcchs.org](http://www.dcchs.org).

Click on the judge to access his/her oral history:

[Judge William Bryant Mikva](#)

[Judge Abner](#)

[Judge James Buckley](#)

[Judge Louis Oberdorfer](#)

[Judge Charles Fahy](#)

[Judge John Pratt](#)

[Judge Thomas Flannery Randolph](#)

[Judge A. Raymond](#)

[Judge Douglas H. Ginsburg](#)

[Judge Charles Richey](#)

[Judge Joyce Hens Green](#)

[Judge James Robertson](#)

[Judge June Green Robinson](#)

[Judge Aubrey E.](#)

[Judge Harold Greene](#)

[Judge Antonin Scalia](#)

[Judge Stanley Harris](#)

[Judge David Sentelle](#)

[Judge Thomas Penfield Jackson Silberman](#)

[Judge Laurence](#)

[Judge Henry Kennedy](#)

[Judge Reggie Walton](#)

[Judge George MacKinnon](#)

Click [here](#) to see a complete list of the 107 judges, lawyers, and Court managers whose histories appear on the Society's website.

### **Just Added to the Society's Archive - Highlights from the Oral Histories of:**

[James Davey](#) - Clerk of the U.S. District Court for the District of Columbia from 1970 until 1991.

[Marcia Greenberger](#) - The first Washington, D. C. lawyer to focus full-time on gender equity issues and the founder of the National Women’s Law Center.



[Judge Harold Greene](#) - The “father” of modern telecommunications who served as the first Chief Judge of the D.C. Superior Court and then spent 22 years on the U.S. District Court involved in a “tapestry” of famous cases.

[Jamie Gorelick](#) - A career reflecting legal, policy, and corporate accomplishments both in and outside government.

[Zona Hostetler](#) - From Harvard Law School, where she was one of seven women in a class of 500, to a life-time practice of public interest law.

[Patricia King](#) - A life pursuing public interest law in furtherance of social justice.

[James McKay](#) - Of many career highlights, two stand out: representation of the NFL and service as Independent Counsel.

[Judge James Robertson](#) - A career spanning service on a U.S. Navy destroyer, civil rights representation in Mississippi, law firm practice in Washington, D.C., and years of federal judicial service.

[Lois Schiffer](#) - Rafting down the Colorado River led to a lifetime commitment to protect the environment.

[Robert Watkins](#) - From Roxbury to Harvard and the Army, the Freedom Summer in Mississippi, and DOJ’s Civil Rights Division, to distinguished trial practice at Williams & Connolly.



**Ezra B. Marcus**

## MEET EZRA B. MARCUS, THE SOCIETY’S NEW TREASURER

An attorney at Zuckerman Spaeder, specializing in white collar defense and complex civil litigation, Ezra has always balanced his “day job” with a number of related activities. In his first year at Harvard Law School, he worked in Harvard’s Prison Legal Assistance Project, representing Massachusetts prisoners in adversarial disciplinary hearings. In short order, he became Executive Director of the organization. At the same time, his six-member team was participating in the Ames Moot Court Competition, ultimately becoming a finalist, with Ezra arguing before a judicial panel which included Justice Antonin Scalia.

Ezra grew up in Washington, D.C., having lived with his parents – both lawyers – and his sister Sara in Cleveland Park. His first memory of the

federal courthouse was when, at age six, he attended a Naturalization ceremony at which his father became a U.S. citizen.

He returned to the Courthouse years later to clerk for Judge Ketanji Brown Jackson, where he spent a highly rewarding year working for a “brilliant judge” in “vibrant, dynamic, tightly-knit chambers.”

The Society welcomes Ezra whose service as Treasurer follows that of Jason Knott, who served the Society admirably for six years.

## YOU CAN HELP

- Research and record important events, actions, announcements, and historical anecdotes involving the D.C. Circuit Courts since their inception.

- Volunteer to take an oral history or to write an article about an oral history.
- Critique our website and recommend improvements.

Contact us at [info@dcchs.org](mailto:info@dcchs.org).

## The History of the D.C. Circuit Courts

The image shows a horizontal timeline titled "The History of the D.C. Circuit Courts". The timeline has five segments: "1800 - 1850" (highlighted in blue), "1851 - 1900", "1901 - 1950", "1951 - 2000", and "2001 - present". A vertical line marks the year "1801".

**The Earliest Judges**

The earliest judges to ever be appointed were William Cranch, Thomas Johnson (who refused to serve), and James Marshall, in 1801. Buckner Thruston, a former U.S. Senator, was appointed in 1809, and James Morsell joined in 1815.

**The Creation**

One year after Congress moved to Washington, D.C., the Federalist-controlled Congress passed—and President John Adams signed—the Judiciary Act of 1801.

## Historical Society of the District of Columbia Circuit

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