

October 21, 1998

MS. GERE: Good afternoon Judge Green, how are you?

JUDGE GREEN: Fine thanks, Sally.

MS. GERE: Today is October 21, 1998. We are continuing the oral history of Judge June L. Green of the United States District Court for the District of Columbia. When last we met, in August I believe, Judge, we were talking about some of the more memorable cases that you have had, over which you have presided, during your time on the bench. I think we've probably just scratched the surface. I doubt that we'll be able to do much more than this unless we plan to have many, many more tapes to hear about your many trials. But perhaps there are a few more that you would be willing to share with me this afternoon—some of the highlights of the more significant cases over which you presided.

JUDGE GREEN: You have forced me to look at some of the cases, so that it's been brought to my recollection, finally. I know that some of them I have felt were more worthwhile for the general human race than others. One that I feel was worth spending the many months, and years even, had to do with farm workers. The farm workers originally came to court on the basis that they had no personal facilities in the fields where they worked. These people who were expected to pick our vegetables and fruit were not given any of the facilities for their own health at all. They were never provided with any bathroom facilities, they did not even have clean drinking water. If they finally were given one big bucket of water for a whole group of people, it would have maybe a ladle in it, and everybody would share it.

MS. GERE: It was communal.

JUDGE GREEN: It was. Neither men nor women—and they were working

together—had any facilities for going to the bathroom. The women were very embarrassed to have to urinate in front of their colleagues, so they wore very, very long skirts to protect them if they had to do this. Elimination probably would be done on the vegetables, and there was no toilet paper for the workers. They would use leaves of whatever vegetable or whatever was around. The workers would be in very terrible shape. The case was brought against the Labor Department, so that they would require, under OSHA, that require people to have certain facilities.

MS. GERE: Right, certain minimal requirements. This case was brought in the late to mid-seventies, is that right?

JUDGE GREEN: Yes.

MS. GERE: My recollection was that I think that it was pending, at least some portion of it, when I was clerking for you.

JUDGE GREEN: It was indeed. It started and it went for years. We had a full-blown hearing on it. We had witnesses who came in to testify. We had the clinical doctors who were utilized by these people. It was finally proven that their life expectancy, for this group, any of these workers, was 45 years.

MS. GERE: That's very young.

JUDGE GREEN: It really is. This was a very serious matter, and I felt that there was no way that the government could possibly turn them down. I met with most vigorous defenses.

MS. GERE: What could the defenses have been? Were they technical legal defenses?

JUDGE GREEN: They were claiming that I was trying to order them to put flush toilets in the fields, which of course was an absurdity. I indicated that I thought that we had already, the law had been taken care of at the turn of the previous century, that all workers had to be given facilities for sanitary reasons and reasons of health, if nothing else. There were ways that this could be done. I expected OSHA to provide for notice and comment and make the necessary changes and do what was right. These workers were not provided with any way to wash their hands. They were not able to get pesticides from their hands, so it was going through their bodies. In addition to which, the general public should have been dissatisfied because of germs that were passing from these fields. I could not understand why the workers' request was met with a "pooh-pooh" attitude—that Judge June Green just wants to be so impractical. So, when I'd get it back from the Court of Appeals—

MS. GERE: It went up to the Court of Appeals?

JUDGE GREEN: Back and forth.

MS. GERE: More than one time?

JUDGE GREEN: Back and forth, back and forth. The Court of Appeals would tell me various and sundry. Sometimes that I was no expert and that OSHA was. I didn't think OSHA acted like experts so I would utilize witnesses that the plaintiffs had sensibly brought. We kept trying. Eventually I realized that OSHA would never implement the details of a regulation to require necessary and appropriate facilities for the workers, so I thought I'd better think it up myself. I decided that there was no reason in this world why, with the use of farm trucks, which they had when they had at least eleven people in the field—they would not consider any smaller group of being under control of the Labor Department—there was no reason why they

couldn't use the typical johnny-on-the-spot on the truck, with paper cups and a washing machine, as well as clean, cool, drinking water. Sometimes in the past the people had been drinking what was in mud puddles, in desperation, when they were so hot and so thirsty. OSHA finally published a regulation. I might say, Chavez, the situation on the West Coast, did a lot for those workers. OSHA realized, I think, that it could be done.

MS. GERE: Both to bring it to the public's attention and that there could be some way of resolving the issue.

JUDGE GREEN: Finally we received the agreement from OSHA. I might say I had required the head of OSHA to come in and testify on several occasions, and she didn't distinguish herself. OSHA did eventually agree that it was going to promulgate the rules and regulations and they were going to do it by a certain deadline. Meanwhile, there had been a change in the rules, that cases that had deadlines would go straight to the Court of Appeals, if that was the only subject matter. So when it was brought before me again I utilized that and said it was in the hands of the Court of Appeals, under this particular new section. Finally, Judge Patricia Wald, who was the chairman of that panel, made a wonderful opinion, and had indicated the tracings where it had gone back and forth for all those years with my court, and said enough. This was outrageous and the regulations were overdue and OSHA was going to be in contempt. They'd had it now. This is one that made a lot of difference to me. And I might say I did receive some wonderful letters from people who had been in the clinics taking care of the people as well as they could, and other people who had been working them, saying that they wanted to tell me thank you. I felt this was worth my being there.

MS. GERE: Do you think, Judge, that there were more cases that were brought

before your court that touched on significant social issues in the '70s and '80s than there are now?
Do you see any change in what's being brought to your court?

JUDGE GREEN: Yes, I think that's true. I think every now and then we'll have something that I think means something to somebody, and it means something to me, because I feel that it has accomplished something. One I remember was not a world-shattering situation. There was a poor woman who lived out in northwest Washington, who owned her own house, and it was in dire straits and apparently needed to have every kind of repair made. I think she had already been ordered to make changes by the powers that be. She was trying very hard to get a new mortgage.

MS. GERE: I think we talked about this case.

JUDGE GREEN: Did we talk about that one?

MS. GERE: Yes. This is the one that, she thought she was getting a mortgage but they had gotten the deed to her home.

JUDGE GREEN: Gibraltar was the name of the outfit. Gibraltar was doing business by leaps and bounds. They also had a set-up in Annapolis, as well as Washington and Virginia, the Rockville area and all these places. I haven't seen the name since, for quite a while. In any case, they didn't get away with it.

MS. GERE: Those represent sort of the spectrum of cases for you. The one involving the farm workers really touched a significant number of people across the country. And Gibraltar, one that really touched—

JUDGE GREEN: One at a time.

MS. GERE: Yes, an individual or smaller group of individuals. I take it from what

you're saying that both kinds of cases were rewarding for you as a judge.

JUDGE GREEN: Absolutely. One significant case, to me at least, was, and I don't think I've mentioned it before, was where the women who had been picked up for a driving offense, or parking offense, were being taken down to headquarters and strip searched.

MS. GERE: I remember hearing about this.

JUDGE GREEN: They had ordered women to be sprayed with lice remover. All of these people were normally clean, normal, decent, whatever race was immaterial. They were only picked up for something that was totally—no violence, no anything of that sort—and they made them show what they might have had inside their bodies, and hold up their breasts, and jiggle up and down, and do this sort of thing at the police station. When I learned this, they had brought an action. I had ordered that the police must cease and desist, that they had absolutely no basis in security or any other thing for this conduct. That was still an outstanding order. Later, when a woman drove into a parking lot, they kept motioning her in so she wouldn't be blocking anybody. She stopped and then she tried to find out how much it cost. They said, "Well we only have it by the day." And it was a very large amount of money by the day, \$10 a day or something of the sort. She was only going to run in some place and pick up something, and she said she couldn't stay and so she started to drive out, never having gotten out of her car, and they called the police and had her arrested.

MS. GERE: This was here in D.C.

JUDGE GREEN: It was indeed, it was in D.C. This was a large, open parking area, parking lot. They said that she owed them this money and she was not paying them and they wanted to have her arrested. She was taken down and given this same treatment. I did

indicate my displeasure at that and indicated that they had violated the terms of the court's order. I believe it's been of aid, as far as I can tell.

MS. GERE: How long ago was that?

JUDGE GREEN: In all it's been about ten years, I would say. I'm hesitant, now I'm trying to think of these other things that strike me, but I think that I did mention to you that I felt that so often, when one of the prisoners or one of the defendants would take the stand, and they were shown an exhibit by an attorney, it was perfectly obvious to the court—and probably to anybody else—that the person couldn't read. They would say that they hadn't their glasses, or they would just clam up and look stricken. I always said to counsel, I think you should read it into the record, so they at least would know what the contents were of what we were seeing. About that time was when I wanted to do something for these people who were illiterate because I thought it was so pathetic. I had the feeling that everybody was being thrown down the drain by this court, since I was handling so many criminal cases, a necessity at that point. I wanted to do something to feel that I was a help to some part of civilization. When John and I were in the public library one day, we saw that they were advertising a course to be given to adults who were unskilled in reading and writing. They were going to teach the teachers. John having inveigled me into the law business, I inveigled him into the teaching business. I asked him if he would be willing to go with me to the D.C. Jail to see whether there was anyone who would like to be taught to read and write. He said yes he would and we took the course, then went to the jail. I told them that I would be willing—the jail was not under my jurisdiction at that time—that we were willing to give our time to whatever inmates would like to be taught. They explained to me that they couldn't possibly get us in there. They only had one schoolroom and that was being

occupied all the time. I had explained to them that we didn't need a whole classroom because we were going to work one-on-one. All we really needed was two interview rooms, which I knew very well they had, because when I had been appointed to represent indigent defendants I went there to the jail and utilized them. I knew they were never full. All we needed was one each of the interview rooms, no matter how small. We would have one inmate apiece, at a time, and we would like to come 6:30 to 8:30, twice a week, if anybody wanted to have our services. They didn't know what else to put in my way, so they would say the jail count hadn't cleared, so we would have to wait to have our students come to see us. In any case, we were patient, and they'd get there. The students were so pleased, because many of them hadn't anybody to come to see them at all. As much as the fact they were going to learn something was the fact that they would get to have a human being speak to them. We had very many students in time, because we found that we had to go a little more often to get them all in, then they finally gave up on telling us that the count was always so late all the time. They were expecting always that I was a spy in the place, but I never saw anything. I was very careful to not see a thing out of order. That was not what I was there for. I had felt in hearing from all of these people when they finally got out, some of them hadn't even been tried, they were there awaiting trial and couldn't make bond, and had been there for a very long time. In some cases they were found guilty and were sent off to Lorton or Occoquan, or one of the others. But the ones who were still in the jail, we finished—and as I say many times they just hadn't made bond, they couldn't do that—in time they did get out. They would tell us what they were doing for a living. We had a number of Hispanics, and they had been taught by one of our, it was John's, student from Puerto Rico, who knew English as well as the Spanish. He was teaching them himself before we came there. He

had classes of thirteen, I remember, and he wrote his own dictionary for them.

MS. GERE: With truly useful words.

JUDGE GREEN: It really was, I wish I had it. In any case, he would say to his “students,” this is meaning the people “stateside,” and then he would put it in their way of saying, in Spanish, so they would get the pronunciation, and explain exactly what it really meant to them—the words. They were very, very good. There was only one person that we’d had in the whole group who was not able to be taught, really was so unemployable as well as unable to learn anything. He couldn’t remember the ABC’s, but that really wasn’t our fault. He was disabled. The others all learned, and we would always teach them how to make an application for a job.

MS. GERE: Good useful skills.

JUDGE GREEN: We taught them how to put their money in the bank, we taught them what they were supposed to do about those things. We taught them about streets, street names and how to get someplace. So that when they were now able to read, it would help. We taught them arithmetic as well. As I said we had people who were waiters and able to take the menus, explain to the people what it was, and able to write it, write their tickets and so on, and they were doing well. Another thing that had not occurred to us in the first place, but which we certainly should have thought of, and that was the people who were doing assembly things could not read the directions on how to do them, to assemble the simplest things. They were now able to do those things, and they were getting jobs doing it. All of them, the wonderful fellow, the one from Puerto Rico, had changed so much and had so much self-respect from what he was doing teaching his colleagues, that when he went to trial he was found not guilty. He was let go

back to Puerto Rico right away. When he was there, as soon as he got there, he was killed.

MS. GERE: How?

JUDGE GREEN: I don't recall whether he was shot to death or stabbed to death, but he was killed violently.

MS. GERE: How sad.

JUDGE GREEN: Really, this upset John tremendously. He had an elderly woman after that, who was his next student, and he was quite taken with her. She was always saying that she had done everything that was bad in this world and she'd been found guilty of them, all of them, but that she loved her granddaughter so much. She wanted her granddaughter to not have any troubles, so she was learning so that her granddaughter would be proud of her. John said, "And I know you will stay without any of these troubles anymore," and she said, "Oh don't say that, I wouldn't lie to you. I wouldn't know how to go straight to save my soul." But he said, "Well to save your granddaughter." She was a very interesting elderly person, who was still trying to do some good.

MS. GERE: To improve herself, her family.

JUDGE GREEN: Eventually I had cases of conflict with the jail and I had to stop going there. I decided I would try to take people who were on probation and teach them in my chambers during about the same hours and so on. The difference was, when you're on probation, or been acquitted or whatever, you're out, you have your own life, and it's not nearly so important to—it's important but it's not enough giving up the things you've been deprived of. I found that most of them were so irregular in coming that that was not working. With one exception, and that was one whom I had started with at the jail, who went to Lorton and did ten

years, and was then on parole. He was anxious to still get his G.E.D. So he came to me, religiously, every time that I was there. I could always count that he was going to be early, he was not going to be late. He was going to be working and keep you informed if for some reason he was held up. I was interested to find that he had gone to school in Guatemala, that was his home. For all of the fact that he was not proficient in reading and writing, he had great knowledge of science, which apparently they'd had very good courses in Guatemala for certain things. The G.E.D. things are really quite varied, the lessons, but the science ones, he always knew more than I did. He, of course, is slated to be returned to Guatemala, but he is resisting that. Incidentally, he is now married and he has a brand new baby, who he brought in to see me, about two months ago.

MS. GERE: Did he end up getting his G.E.D.?

JUDGE GREEN: Yes, he did. Now he's trying to get into community college. Incidentally, there's still lots of discrimination going on. They told him that he didn't speak English well enough in one of the county places.

MS. GERE: Was he applying for a job?

JUDGE GREEN: No, he was applying for school.

MS. GERE: Oh, for school.

JUDGE GREEN: The community college.

MS. GERE: And they wouldn't admit him because his English wasn't good enough?

JUDGE GREEN: Well, his English is pretty great. He still will write me themes, and the only trouble is, I have a very difficult time getting through to him, that you don't want to

use every big word you've ever heard of in your life.

MS. GERE: Right. That's not a prerequisite to good writing or good English.

JUDGE GREEN: He loves to do that with Reader's Digest, you see. They want you to learn these different words, but you don't want to put them all in the same paragraph, I'm afraid. He never misses my anniversary on the bench, he never misses my birthday. This little tiny baby that he placed in my arms was a surprise. He brought his wife in, too.

MS. GERE: Today Judge, we're doing this interview here in your home in Washington. We previously have been out in Annapolis. I know when I came in today you showed me a painting that someone, a prisoner, had given to you. Is that correct?

JUDGE GREEN: Yes.

MS. GERE: Tell me, there was a little letter, a little note with the painting that's here in your dining room.

JUDGE GREEN: He is one, I performed his marriage. He is still in Lorton. He has a sad story. He and his wife were always sending me cards for every holiday, telling me how much they appreciated me and how they were so happy. One of these days they'd be able to get together. He did indeed get paroled. When he got out, he started to drink, and apparently it set him off. He became violent and mistreated his wife. It was so upsetting that he realized that he had been in jail so long, that he really didn't know how to act when he got out. He went back to Lorton and turned himself in and said, "I don't ever want you to let me out again, in my lifetime. I don't know how to act." They took him back, and he's still there. I still receive cards from him that he has made himself. He has been doing the art forum down there that they have. Mia has been very loyal. She's a wonderful art teacher. She goes down there and teaches the people,

things that she can be a help with. Every year she has them do paintings to have in an exhibition and sale. They are for sale and they get their own money from that, I mean the individual artists. I always go to the show every year, and I have bought one of the paintings every year.

MS. GERE: I notice you have one this year, that you have gotten. I like it. It's a purple cabbage.

JUDGE GREEN: Right. It was unusual, but it hadn't been very popular in the show. There were a lot of other people who wanted some of the others, and I thought that this would be nice to have, and I might say there is another one I remember, it's in the living room, that I had bought at another show. It's a pastel, and I think it's rather nice. I have some of them that I have thought maybe they could re-do, put them in another show and sell them, because the ones that look like gallows, for instance, I could not stand myself. I think that maybe somebody else would. They are well done, but I don't really—

MS. GERE: They're not your theme.

JUDGE GREEN: They're not my theme, no.

MS. GERE: Actually you've had a fair amount of contact, then, with Lorton, not just these individuals but on the bench. Isn't that correct?

JUDGE GREEN: Oh yes.

MS. GERE: I'm not sure if that's one of the cases that you would—well I'm not sure in what category you would put the Lorton case, other than one of longevity.

JUDGE GREEN: Well, it is going on forever. I might say that I don't know whether you had caught one of the things that I had said one day, about the fact that at one point, one teacher down at Lorton had been raped by an inmate, and everybody was up in arms about it.

It was in the papers and much to-do, it was probably twenty years ago. In any case, when they were asking the mayor, Barry, on his first time around, how outrageous you should have had more people who were supposed to be guards, watching out, then this would not have happened. He said, “Well, it’s all the fault of Judge June Green and Judge Bill Bryant.”

MS. GERE: And his reasoning was?

JUDGE GREEN: He said that we had spoiled the prisoners to such a degree that, after all, I had ordered air conditioning, color television and steak every night for the inmates. Barry’s comment was picked up by the papers and they realized that it was made out of whole cloth, because they had been there, and they knew what had been ordered, and they reported that in the paper, for which I’m glad. Because, as you know, I don’t give interviews, and it’s nice if somebody actually follows through with something, that maybe you’re glad they did. Customarily, I’d just rather not have somebody saying that. But the reason for that actually, of course, I wanted to know what he could—what his reasoning was. Television, all I had said, was that it was too loud for the people who couldn’t stand it and they couldn’t sleep—and they had to cut down for the sake of the rest of those in the dormitory.

MS. GERE: That’s a far cry from ordering color T.V. for everyone.

JUDGE GREEN: Next, they were not given anything that anybody could tell for sure was food. It was something that was so disgusting, that it was not even a legitimate gravy, with something under it that everybody was frightened to try to find out what it was. I indicated that they had to be fed regular, normal food. Clean, cooked.

MS. GERE: But not necessarily a steak.

JUDGE GREEN: Not steak, no. They had over-crowded Occoquan. Occoquan

was the largest facility at that point, down in the Lorton area. They were putting triple decks in what, first of all, had never been designed for a dormitory. They were designed for storage room. They were warehouses, and without changing the condition of the warehouse, they simply put in triple-decker beds. It made them go—the top one was almost scraping the pipes that were going across the roof of the room. Those pipes were steam pipes, and were something over 300 degrees. I ordered them to stop putting triple-decks, because it was cooking the inmates. They had to stop it or move the pipes. One or the other. One of them had to go.

MS. GERE: Not air conditioning.

JUDGE GREEN: No. It is still overcrowded, all of these things, but I have stopped them from doing some of the things.

MS. GERE: Were any of your rulings ones that led to the decision to close Lorton and move people, or is that just in the ordinary course of whatever their plans are?

JUDGE GREEN: The buildings are in horrible shape. They are really uninhabitable, but here they are being overly inhabited. They're still overcrowded. The way they met with our terms at one point, you know, whenever there was to be a count, in the normal events, they put them in buses, and drove around from one facility to another, until such time as they had the count and then they'd bring them back. People were suffering very much in that situation too, because they were taking them around in bus rides all the time. They wouldn't stop for any kind of facilities. It, of course, solved absolutely nothing, but they thought that this would look good on the record that they didn't actually have all these people there, which, in fact, they did. At one point there had been a riot, and they had started to burn down buildings. That is something that we are always very careful, to never make any such allusion to in our

remarks about it. With our Special Master, we are always very mindful also of not saying it's likely to bring on a riot. But when they were not being fed food at all, I said I didn't know of any man who was not in pretty bad shape if he didn't get his meals. I did say at that point that I thought that this was something that we were not going to tolerate, having people not be fed decent food. Mrs. Moore [Prison Superintendent] indicated that she couldn't help it, because they owed everybody and nobody would ship them anything. Then she said that they had finally cleared some money that they could spend, and I said, "Well, then, have somebody go to the store and buy it and serve them a decent meal tonight." Well, she couldn't do that, but I said the next night would be all right then. I have received word from some of the people, thank God, but they still didn't have enough food, as they were giving them skimpy portions.

MS. GERE: Do you still to this day maintain some review process or some residual jurisdiction over the case?

JUDGE GREEN: Yes, for all time.

MS. GERE: Still.

JUDGE GREEN: Yes. Many of the things that we decided about the women's place at the jail area, CTF, that was designed really for people who were either mental cases or needing special attention—that was a good idea but they never used it that way—they were just locking all of these women in their cells, and they were being raped. Many times they would not be pregnant when they would enter the place, but they'd become pregnant while they were there, having been impregnated by a guard, or an inmate. Then they wouldn't be given any kind of medical attention. I did order all kinds of remedies which turned out to be rather much more than I should have. But still a number of those things that the Court of Appeals did not strike down

are still in effect.

MS. GERE: It went to the Court of Appeals?

JUDGE GREEN: Yes. That was an interesting approach to some of it. The position was that certainly women didn't have to have the same opportunities in the way of bettering themselves as did the men.

MS. GERE: That would be a bad argument to make before you.

JUDGE GREEN: Yes.

MS. GERE: Or was this the finding of the Court of Appeals?

JUDGE GREEN: The Court of Appeals. They cited a Smith College case, what they'd found about this and that. I ordered people to stop, if the person was having a baby, actually having one, that they were not to be chained with their feet together. I didn't think this was exactly necessary. They were not going to jump up and go running out.

MS. GERE: After just giving birth, no, probably not.

JUDGE GREEN: Furthermore, they were having trouble giving birth, if you're not able to open your legs. Although I have never had any children, I didn't have to have anybody explain that to me.

MS. GERE: As they say, that doesn't sound like rocket science.

JUDGE GREEN: Right. There are a few things like that I'm still monitoring, up there.

MS. GERE: In your talking about matters that you are continuing to monitor, have you found the time you have served as a senior judge to be significant to you and a contribution to the court? I guess those are two different things. Maybe you don't know what the rest of the

court thinks, but what you think.

JUDGE GREEN: My feeling is, I am still in the regular draw. I'm in it for fifty percent of the civil cases. That is anything that comes down the pike, except I'm not taking new OSHA cases. I don't mean OSHA, I mean Freedom of Information cases. But I still have the numbers. They usually start with people in the deck seven times, and four is fifty percent. I never did know how you always got four out of seven to be fifty percent, but that's what it is. There is never a time that I don't get to be in the docket, four out of the seven times. I have recently had a number of bankruptcy appeals, and they are very time consuming. You have very little ability to move them because you are dependent upon the bankruptcy courts, taking all kinds of additional actions, and back and forth and back and forth they will come. The day that you realize that you can finally say it's finished is one happy thing, because they are very unreasonable people in many cases who are engaged in bankruptcy. I would not care to specialize in that.

MS. GERE: I can imagine a lot of emotional issues, people tied up with their money and their lives.

JUDGE GREEN: Oh yes, oh yes. Some of those have been memorable but not in the way I'd like to remember them. I have had several big antitrust cases.

MS. GERE: Those are coming back to the fore.

JUDGE GREEN: Right. I have one that goes on, it's quite a lengthy thing, from the construction of the subway. All of the insurance companies are fighting each other over that, who was responsible for the failure of the plates that went under the tracks and so on. Every time there is a status call we'll have maybe fifty lawyers attending, and they are just about as

representative as you can get. All the people from all around, and out of town, all running the meters. I find that the sympathies are not as much in this, although I am quite aware that it's very important to get these things straightened out, and one of them has finally decided something, which should have been done some time ago, and that is to file an interpleader. Now they have done it. A particular antitrust case, now that it's filed—I have not been notified officially—but I have read in the paper that the government is withdrawing the case, because they have withdrawn their desire to purchase. That's Rupert Murdoch, and so on. That's Primestar.

MS. GERE: It doesn't sound as though having taken senior status is really a significant change, at least in the kinds of cases, perhaps only in some of the numbers.

JUDGE GREEN: And now lots of people are filing these employment cases. They are just about akin to domestic ones, they are pretty close to a domestic squabble. One wonders how they could either go back to work at the same place or—

MS. GERE: Or how they ever worked there in the first place.

JUDGE GREEN: Right, or how they would be hired someplace else with the reputation that they get in some of these cases. I don't know that the almighty dollar is going to be worth that much to them in the long run. But we try them the way we see them. I am not in the criminal draw, but I do take cases, for instance I have had several criminal cases because Judge Rick Urbina is just starting his long Espy case, and so I've taken a couple from him, and some of them have been—and I've also taken some civil ones from him.

MS. GERE: What kind of an impact—it seems as though your court goes through this probably on a fairly regular basis, from Watergate to the major drug cases, where there is one judge who will have a case that will go on for weeks if not months—what impact does that have,

for example, right now with Judge Jackson in the Microsoft case that's projected to last a fair number of weeks—what impact does that have on the rest of the court?

JUDGE GREEN: That's one of the problems. That judge would be taken out of the criminal draw, so that he or she wouldn't get ones that really had to have attention. The only ones that you'd take from them would be ones that had already been set, and sometimes that's ticklish. You have to change your own schedule. I try when I'm setting up my cases with counsel, because I certainly don't try to set anything arbitrarily—both sides, all sides are agreed to—and I don't interrupt them in the middle of the trial, especially with a jury trial. Therefore I set a lot of cases for a status call at 1:15 or 1:30 so that I can take a shorter lunch and take care of that business and not hold up other people. That works I think pretty well. Of course you get pretty tired by the time you get finished and find all of those papers on your desk that still need attention.

MS. GERE: Are there any cases—talking about the Microsoft case and Watergate—in your years on the bench, are there any cases, that truth be told, you wish that you had been assigned?

JUDGE GREEN: No. I don't think so. In the first place, I don't want publicity. That is not my game at all. I couldn't be less interested in that. I am interested in having the report correctly, if they are going to report a case. I think we've been very fortunate in having some very good reporters assigned to our cases. I think that generally speaking the ones who have gotten into this Clinton business have been far out of line, and I think they should have known better, and I'm sure they did. To have been having the mobs around the courthouse all the time, to have never known if you're going in one door that you're going to have to push

through all of these people. You can't see. If you're going directly, instead of out to C Street, if you're going to Pennsylvania Avenue or Constitution, they have blocked it to such degree, it's a very dangerous operation to go that way.

MS. GERE: With all of the trucks and the satellite dishes on top of them and all that.

JUDGE GREEN: This is an absurdity. The idea of lawyers going out there and giving all these self-serving speeches to everybody. It's an intolerable situation. I think that it is demeaning to the entire profession, not of just the press, but of the legal profession. I feel very strongly about that.

MS. GERE: As you were saying that Judge, I think that many years ago I had a case before you and the name of it was Halkin, H-A-L-K-I-N, and it went up to the Court of Appeals. It had to do in part with extrajudicial statements made by lawyers. The Court of Appeals read the local rule very narrowly, as I recall. I hope I have this right, if I can remember. We had thought that the lawyer on the other side was saying things outside the courtroom about matters in discovery that we thought was violative of the local rule. I think that you ruled in our favor—the government. It went up on appeal and the Court of Appeals affirmed your ruling, as I recall. But it seems to me that that local rule must have gone out the window of late because that was not even anyone giving an interview outside the courthouse on the steps or anything like that. I guess the times change. Lawyers do things that they think may help in the case but probably as much, that will help them personally get on TV or develop new business or new clients. I agree with you, it's not very seemly.

JUDGE GREEN: It certainly isn't. Of course, as we've talked about before, I'm

sure, the incivility in the profession is troubling. Absolutely, the lawyers are so rude to each other. They do not care about anything. I just was happy when I was in practice. I had friends go to war on the opposite sides of cases. We certainly didn't have any clients suffer as a result of it. It was simply, nobody was giving anybody anything that they weren't entitled to. Instead of fighting on every item, and I now am putting out little notices to people, do not call chambers or write letters to the judge. We will only receive motions and orders. Many of them now are giving you in the title, "Proposed Order." What good does that do?

MS. GERE: You could put some white-out on it.

JUDGE GREEN: It's so dumb, and also I dislike very much signing my name as "the Honorable," and something. I hope I'm honorable. I believe it to be, I am, but I don't want it coming from me. I'm a judge, and that's what it's supposed to be. It's what I really feel. I remember receiving a card from a judge from another court one Christmas, which he had indicated was from "the Honorable so-and-so," and I thought "what taste." Not from him, he shouldn't be saying "the Honorable." I'm perfectly willing to have him say what his title is. When I complain about it in the office, they say, "Well you don't want to strike it out and say I'm not honorable."

MS. GERE: That wouldn't have the right effect exactly either.

JUDGE GREEN: But there's so many questions of just plain normal taste.

MS. GERE: Do you think, Judge, that there are additional ways to remind lawyers of the importance of civility, both in the courtroom and out? In addition to orders that you're publishing, do you have occasion, and do you take the occasion, to remind lawyers who appear before you that you value that?

JUDGE GREEN: I do, in every pre-trial, where we're very informally gathered, no clients in there. The lawyers, I can see immediately whether they're going to be troublesome or not. I've already found it out, usually, by that time I've seen them a few times, at status calls. If it's necessary, and I have had reason to believe it is, I will explain in the first place. There is another thing besides the fact that I don't want to have somebody demanding, indulge me, Your Honor. I always explain to them that I find that offensive. I won't indulge anybody. But if it's a simple matter, that you will be delayed picking up something, just say excuse me please, Your Honor. I will. But I won't indulge anyone. Along with that, I'd like to say another thing. I know that many courts, this is different, so I want to make sure, I'll just tell you, in mine, you don't have to ask to approach the witness. Just do it, but don't hang over them when you get there. Point out what you're going to ask them, and go back to the lectern. There is another thing. You are professionals, I know that, of some standing. So I expect you all to do the professional thing, and that is, the give and take of normal gentlemen, ladies, decent people, and not be coming down here in court or demanding to have a conference telephone call because you can't agree to something that's totally immaterial, just because you want to be obnoxious. I will tell you, because I have a short fuse on it, and that is, you start this, I'm going to pin your ears back. Because I don't think this is how you practice law. It has very often had a rather salutary effect.

MS. GERE: That's good. But listening to you, Judge, by the same token, you are advising the lawyers that you, as the judge, intend to treat them civilly and courteously.

JUDGE GREEN: And I expect to have it the same way.

MS. GERE: Are there judges that you recall from your days of practice that you

think demonstrated civility to lawyers that was something that you still remember and that you use as a model for your own practice as a judge?

JUDGE GREEN: I think there were a lot of them. There were some I thought were incompetent. There were some I thought didn't care about anybody or anything. But basically I think, just as I think the lawyers were, they were nice, decent people. I think that most of them, if you are willing to give and not be a taker, then somebody else will be giving as well. I had, I think maybe I've mentioned to you, a very fine judge before whom I appeared for many years. It was Judge John Gray, who was in the Southern Maryland circuit. He was courteous, he didn't fool with anybody, but he absolutely knew what anybody was doing at any time. When I was being treated to some of these comments—oh well, I don't know what kind of lawyer she is, she's decorative or some such thing—when you'd really want to go bam bam, I never had to change the expression on my face because he would tromp up and down on them.

MS. GERE: He would set them straight.

JUDGE GREEN: That's right. Sometimes it would really build my ego and I'd think: "So I don't give a damn what you think. The judge thinks I'm all right."

MS. GERE: I guess because you are on the bench now and have been on the bench for a number of years, that you've not had the opportunity to appear before any of your colleagues.

JUDGE GREEN: Not anymore, but I had when I came on the bench of course. I had been before most of them.

MS. GERE: Are there some now that you think demonstrate some of the qualities that you thought were good of a judge who is civil and treats attorneys respectfully?

JUDGE GREEN: I thought there were more of them than I keep hearing about, frankly. I really thought that most people were behaving better. I believe, for example, Judge Rick Urbina, although I don't yet know Rick Urbina very well, but I think that we are very similar in our reactions. There is one thing though that I don't do that he does. He asks, in a criminal case, to have pre-trial. He has the defense indicate what they are relying on, and I know enough about criminal cases, I think this is an unfair burden that he is placing on the defense. I think there are times that something will come up in a criminal case that a defense attorney has a perfect right to take advantage of. I don't mean something illegal or—

MS. GERE: Unethical or improper.

JUDGE GREEN: Right, but it wouldn't have been known. Or if it were known, it was tipping it, so that they wouldn't ask the question for instance.

MS. GERE: To open the door.

JUDGE GREEN: Yes, this is what I mean. So I don't believe that that's a good way to do it. Basically, Judge Urbina is a gentlemanly individual, and I think he is a caring individual. It seemed to me that the rules he had laid down I could utilize in many ways, and a little gentler, maybe, but there. As I say I don't believe, I think I will discuss it with him when he has some time, because he can talk with me very well. He takes it very well, any comments. Some of them wouldn't take a comment about anything. "Who does she think she is?"

MS. GERE: Right. But there are some of your colleagues I think that, at least I as a practitioner, have heard positive things about, in terms of lawyers who appear before judges. Judge Joyce Green is known for being polite, civil to litigants who appear before her.

JUDGE GREEN: Well I would expect she would.

MS. GERE: But that may be because you have certain expectations for people.

JUDGE GREEN: That's right.

MS. GERE: I guess she, in particular, since you know her so well.

JUDGE GREEN: Yes, I remember when she actually started.

MS. GERE: Are there certain characteristics that over the years you have concluded really make someone in your view a good judge?

JUDGE GREEN: Care. I think you have to care. I think if you don't care it shows in your work.