



HISTORICAL SOCIETY OF THE DISTRICT OF COLUMBIA CIRCUIT

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ANATOMY OF A FALSE STATEMENTS PROSECUTION IN THE D.C. CIRCUIT

Over 200 people attended the Society's latest program in the Judge Patricia M. Wald Programs on Life and Law in the Courts of the D.C. Circuit. The program, which the Society co-sponsored with the American College of Trial Lawyers (D.C. State Committee), explored the nature of a quintessential criminal case in our courts: a high profile prosecution of a government official based on alleged false statements and obstruction of justice in the course of a government investigation. Such cases have taken place in our court for decades. This program focused on the 2007 trial of *U.S. v. Lewis "Scooter" Libby*.



In early 2003, the Bush Administration was preparing for war with Iraq. Its justification was, in part, Saddam Hussein's acquisition and development of "weapons of mass destruction." In his State of the Union address, President Bush stated: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa." On May 6, 2003, the New York Times published an article disputing the accuracy of President Bush's statement, reporting that in 2002 an envoy who was sent to Niger at the request of the Office of the Vice President to investigate whether Iraq had attempted to procure uranium, had advised that the allegations were false.

Multiple published news reports in June and July 2003 stated that the wife of the envoy was a CIA operative who had a role in arranging the trip that her husband took to Niger. The FBI commenced an investigation in September 2003 to determine if any government employee had disclosed her role with the CIA in violation of national security laws. In December 2003, a Special Counsel was appointed to head the investigation.

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Eventually, one member of the Bush Administration, Lewis “Scooter” Libby was indicted and tried for making false statements to the FBI and later to the grand jury. Libby was not the source of the leak, but according to the Special Counsel he had misrepresented the extent of his knowledge about the role of the envoy’s wife in ways that obstructed and misled the investigators. The trial took place over seven weeks in early 2007. Mr. Libby was convicted on 4 of 5 counts and sentenced by Judge Walton to 30 months in prison. President Bush promptly commuted his sentence, and in 2018 President Trump issued a full pardon.

The Society experimented with a new format for this program. Instead of the standard short “reenactment” followed by a panel discussion, the program consisted of informative dramatizations of five key parts of a false statements case: (1) an FBI interview in which the false statements were made; (2) a pre-indictment meeting between the prosecutors and the U.S. Attorney discussing the strengths and challenges of the case and whether it should be brought; (3) Judge Walton’s thoughts when the case was assigned to him on how to deal with the expected intense media interest, jury selection (it took 4 days to seat a jury), and public statements by the litigants; (4) an overview of the defense team’s strategy and tactics, including shortened arguments

of two key defense motions and Judge Walton’s response to each; and (5) a dramatization of possible jury deliberations based on actual juror notes sent to Judge Walton (and his responses) and certain post-verdict juror interviews. Attendees uniformly praised the format as a highly engaging and interesting way to present a complex set of events in a short (90-minute) program.

In all, thirteen individuals participated, all highly regarded attorneys, several of whom (like Judge Walton) participated in the 2007 trial. They included Board member Robert Trout, Stephen Raber (ACTL State Committee President) and June Jeffries, whose oral history is on the Society’s website (the FBI Interview); former Board member and former U.S. Attorney Jessie Liu, Peter Zeidenberg and Professor Katie Kedian, both originally on the trial team (the prosecution meeting); former Board members Bill Jeffress, Alexandra Walsh, both of whom represented Mr. Libby at trial, and former Board member Sara Kropf (the defense strategy); and Board member and Federal Public Defender A.J. Kramer, former Board member Addy Schmitt, and Public Defender Service Director Heather Pinckney (jury deliberations).

The program was filmed by the Federal Judicial Center, and will be available on the Society’s website later this summer. «



WELCOME TO OUR NEW BOARD MEMBERS!

On April 30, 2026, at the Annual Meeting of the Board of Directors, the Historical Society welcomed seven new Board members: Brian M. Boynton (WilmerHale LLP), Judge Jia M. Cobb (U.S. District Court for the District of Columbia), Courtney Forrest (Kaiser PLLC), Andrew George (Bourelly, George, and Brodey PLLC), Elizabeth (Sally) Gere (Office of the Attorney General for the District of Columbia, Retired), Kufere Laing (White & Case LLP), and Jason McCullough (Wiley LLP).

In addition, the Board recognized and thanked all outgoing Board members for their dedicated service. The Society is grateful to have such talented individuals ready and willing to join its leadership and participate in ongoing activities. «

PASSING OF JUDGE ROSEMARY COLLYER

With sadness but great respect for her wonderful career and service, we note that District Judge Rosemary M. Collyer passed away on June 7, 2026. Judge Collyer was nominated by President George W. Bush on August 1, 2002 and confirmed by the Senate on November 14, 2002. She assumed senior status on May 18, 2016. The following is excerpted from her family's recollections of her life and career.

Judge Collyer graduated from the University of Denver Law School (now Sturm College of Law) in 1976, after which she began a lengthy career in labor law. She was general counsel of the NLRB from 1984 – 1989, and after 13 years in private practice, she began her service on the U.S. District Court for the District of Columbia in November 2002.

Throughout her career, Judge Collyer was highly regarded for her careful judicial reasoning, humility, and generous mentoring. “One of her skills was she was not so taken with herself. She didn’t pretend she knew everything while in front of the lawyers,” said Senior Judge Thomas F. Hogan, who was the court’s chief judge when Collyer joined. At her portrait ceremony in 2017, then Chief Judge Beryl A. Howell said Collyer immediately served as a mentor at the district court. Collyer was “a go-to sounding board” for all judges, someone who “will listen and raise questions, but without dictating answers.”

On the court, Judge Collyer ruled on a range of high-profile cases on voting rights, the constitutional power of the purse, the U.S. military’s drone killings of Americans in Yemen during the Global War on Terrorism, and more. She also served as presiding judge of the Foreign Intelligence Surveillance Court (FISC), handling the oversight of surveillance



of Carter Page, a Trump campaign adviser suspected of colluding with Russian government officials.

Collyer often said she loved every job she ever had, but that serving as a judge was an honor. She made friends throughout the courthouse and viewed her many clerks over the years as family, calling them her “kids” and proudly displaying their photographs in her chambers. At her portrait unveiling, she stated that “a chambers is not a judge. It’s a judge helped by very smart people.”

Judge Collyer completed her oral history with the Society in 2011. It is currently under seal and will be released in accordance with her wishes after the publication of her memoir, expected in April 2027. «

WEBSITE ANNOUNCEMENT: ORAL HISTORY OF THOMAS C. GREEN

The oral history of renowned D.C. trial attorney Tom Green, conducted by Jeffrey Bauman (2 sessions) and Judith Feigin (8 sessions) between 2017 and 2025, is now available on the Society's website. His oral history is an invaluable primary source account of an inflection point in American legal culture.

Green talked his way into the U.S. Attorney's Office in 1967 by arguing that serving in a Vietnam artillery battery was the equivalent of a legal clerkship, then required by Department of Justice policy. Green began what he would later describe as "probably the greatest time we ever had, as lawyers and as colleagues" at an office of just 16 AUSAs, including Earl Silbert, Judith Rogers and Oscar Altshuler. They tried cases of every kind before judges including Gesell, Bryant, and Aubrey Robinson — names that loom large in the history of the D.C. federal courts.

When Green left the U.S. Attorney's Office in 1970, the high-profile representations followed almost immediately. The Watergate scandal, combined with the new Independent Counsel Act and the Foreign Corrupt Practices Act, was giving birth to an entirely new field of legal practice, and Green was positioned at its center. He describes the early white-collar defense bar as "a very small fraternity of guys" who "stuck together and traded cases" and "kind of commandeered the field." The lawyers who built that field alongside Green included Edward

Bennett Williams, Bill Hundley, Plato Cacheris, Jake Stein, Bob Bennett, Brendan Sullivan, Chuck Ruff, and John Dowd — a roster that reads like a who's who of Washington litigation. The cases that followed Watergate — Iran-Contra, the Keating Five, the Manafort prosecution — confirmed Green's place at the very top of that bar.

Green's oral history is also a personal portrait of a long marriage to Pam Green, four children, a decade-plus on the board of the National Symphony Orchestra, and a lifelong passion for ham radio. It concludes, remarkably, with his 2025 founding of the Washington Litigation Group, a 501(c)(3) law firm dedicated to promoting the rule of law during the current moment in American governance.

Green's oral history captures not just a career but the arc of Washington's federal legal culture across six transformative decades. It is, as Green himself puts it, "a hell of a journey and quite rewarding." A more extensive summary by Elizabeth Geise, as well as the [full oral history](#), are now available online. «



FOLLOW US TO STAY CONNECTED BETWEEN OUR QUARTERLY NEWSLETTERS



ICYMI - RECENT SOCIAL MEDIA POSTS

Here are some of the popular posts since our April 2026 Newsletter:

- Posts in honor of Mother's Day—[Justice Ruth Bader Ginsburg](#), [Judge Patricia Wald](#), and [Judge Joyce Hens Green](#).
- Likewise, posts in honor of Father's day—[Justice Antonin Scalia](#), [Judge Stanley Harris](#), and [Judge Henry Kennedy](#).
- A post about the earliest women to serve as Assistant United States Attorneys our D.C. federal courts—[Carol Garfield Freeman](#) and [June Jeffries](#).



JUDGE AMY BERMAN JACKSON'S PORTRAIT CEREMONY

By Robert P. Trout, Society Board Member and former law partner to Judge Jackson

Where to begin. Was it a Broadway revue? Or was it an homage to the rule of law? Or a clinic on writing well or a compendium of greatest hits from a very quotable jurist? Or was it simply a wonderful tribute to a whip-smart, obsessively well-prepared, caring, courageous, and compassionate judge with a side gig in theatre and fashion? To the delight of all in attendance at the Ceremonial Courtroom on May 29, the portrait ceremony honoring Judge Amy Berman Jackson was all of those things. And more.



As guests arrived, they were greeted with the sound of Broadway standards—a fitting “There is Nothing Like a Dame” was one—and after the judges took the bench, Chief Judge Boasberg opened the proceedings with his customary equanimity.

A “View from the Bar” was jointly delivered by former Assistant U.S. Attorney Molly Gaston and longtime Deputy Federal Public Defender Shelli Peterson. Together, they described Judge Jackson as exceptionally prepared, tireless in handling multiple high-profile cases, and unwaveringly fair and compassionate.

Judge Tanya Chutkan followed with a warm and witty “View from the Bench,” praising her former chambers neighbor for maintaining composure under extraordinary pressure and mentoring colleagues during a period when threats against judges had become increasingly routine.

In a deeply personal and loving “View from Home,” son and Jeopardy champion Matt Jackson reflected on “Judge Mom,” a nickname that began as a family

joke but became reality. He recounted her performances at Shakespeare Theatre mock trials and her role as his steadfast “corner-mom” throughout his Jeopardy appearances.

Judge Jackson’s first two law clerks then delivered the “View from Chambers.” Liz McDonald, now Judge Jackson’s permanent clerk, described the clerkship as not just a plain-language boot camp that made the clerks better lawyers, but an experience that transformed clerks into better people. In his final court appearance before leaving the Department of Justice, Philip Trout assembled tributes from probation officers, jurors, journalists, judges, citizens, and even Reddit commenters, all praising Judge Jackson’s intellect, fairness, and devotion to the rule of law.

In surely a first, music also played a memorable role in the proceedings. Former clerks Eliza Simon and Suzanne Zakaria delivered a beautiful rendition of “For Good” from *Wicked*, earning a well-deserved standing ovation from the audience.

“In Her Own Words” followed: Judge Jackson’s former clerks reading selections from some of her most quotable judicial statements. Some were clever and witty, but to the point. Others were poignant and powerful, and to the point. In every case, the rule of law was the point.

The ceremony culminated with the unveiling of Jon Friedman’s striking portrait of Judge Jackson, drawing an audible gasp from the courtroom.

Judge Jackson concluded with reflections on her 15 years on the bench, including the lesson she learned from Judge Lamberth: “just because you were reversed, doesn’t mean you were wrong.” She expressed gratitude for mentors and family, and praise for her colleagues for their judicial courage at a time when “the rule of law itself was at risk.” Then, sending guests to the atrium reception, she closed with a fitting final line: “I’m still here, and I’m not done yet.”«



BRYANT INN OF COURT HOSTS SOCIETY PANEL ON LIFE OF JUDGE WILLIAM B. BRYANT

On April 14, 2026, the [William B. Bryant American Inn of Court](#) hosted a Society-sponsored panel to discuss the life of Judge Bryant, featuring a discussion of *Soul of the Court – The Trailblazing*

Life of Judge William Benson Bryant Sr. Moderated by Dean Roger A. Fairfax, Howard University School of Law, the panel also included Judge Emmet G. Sullivan and William B. Schultz, partner at Zuckerman Spaeder and former law clerk to Judge Bryant (1974-75). The panel spoke for almost 90 minutes to a gathering of over 40 members of the Inn of Court.

Dean Fairfax began the discussion by highlighting Judge Bryant's connection to Howard University, both as an undergraduate and then law school graduate. He reflected on the many distinguished alumni of the School of Law, several of whom attended around the same time as Judge Bryant. Judge Sullivan, himself a Howard School of Law graduate (1971), spoke eloquently of his relationship with Judge Bryant. "If I had to pick a second father, Judge Bryant would have been that father." He recounted the challenges that Judge Bryant faced and overcame throughout his career, including having to try cases in the District Court while being denied access to the Bar Association's library in that very courthouse.

Despite these obstacles, Judge Bryant persevered to become the first African American AUSA to try cases in the federal courthouse, developed a stellar reputation as a trial lawyer, and then became the second African American to be appointed to the federal bench in Washington, D.C. Judge Sullivan highlighted two of Judge Bryant's trial preferences, in contrast to practices today, accepting the first 12 jurors seated in the box and objecting in trial only when absolutely necessary to preserve a legal point for his client. He thought this put him in the strongest possible position with the jury.

Bill Schultz recounted Judge Bryant's origin story as originally told to him in Judge Bryant's oral history and recounted in *Soul of the Court*. Born

in Wetumpka, Alabama in 1911, Judge Bryant's family moved to Washington, D.C. shortly after his birth, because his grandfather had to flee a white mob angered when he stood up to several white youths harassing his daughters at the country store he ran. Judge Bryant then grew up in a segregated Washington, D.C., not meeting a white person during his first 10 years, other than the local grocer. Despite the challenges he faced, he excelled in school (Dunbar High School, 1928) and then at Howard (1932). "While he felt very deeply about the racial attitudes he confronted, he lived his life without bitterness or anger towards others. He was a very quiet, humble man, to the point that outside the courthouse he always introduced himself as "Bill Bryant", never using or insisting on "Judge."

Both Judge Sullivan and Bill Schultz spoke about Judge Bryant's advocacy in *Mallory v. United States*, representing the defendant (without compensation) all the way to the Supreme Court, where he argued successfully that his client's rights had been violated by the government's choosing to keep him confined for many hours before having him arraigned. The Supreme Court unanimously threw out Mallory's pre-arraignment confession, made at the end of his improper confinement. The *Mallory* rule was a precursor to the Supreme Court's decision several years later in *Miranda*.

Among other things, Judge Sullivan also reflected on the Houston law firm, which Judge Bryant joined in 1954 and Judge Sullivan in 1973. A small but prestigious firm, no less than ten of its members went on to serve as judges on D.C. courts, both local and federal. And finally, Bill Schultz spoke eloquently about what it was like to clerk for Judge Bryant.

The panel focused on many other aspects of Judge Bryant's life and career. All of these events in the history of Judge Bryant's life can be found in *Soul of the Court*, the first full length biography of Judge Bryant, and the second full length book sponsored by the Society.

[Soul of the Court](#) may be purchased online at all major online booksellers, and on our website. «

VETERANS OF THE AMERICAN REVOLUTION ON THE BENCH: CHIEF JUDGE WILLIAM KILTY & JUDGE JAMES MARKHAM MARSHALL

As the nation prepares to mark the 250th anniversary of the Declaration of Independence on July 4, 2026, the Society's website now includes a new essay commemorating two of the Circuit Court of the District of Columbia's earliest judges, Chief Judge William Kilty and Judge James Markham Marshall, both veterans of the Revolutionary War.

Judge James Markham Marshall, the brother of Chief Justice John Marshall and one of President Adams' so-called "Midnight Judges," enlisted in the Continental Army at the remarkable age of fifteen, and rose to the rank of Lieutenant. His instinct to serve was quite probably easily fostered. His father served as a distinguished Colonel, and his brother John likewise became an officer in the Continental army.

Chief Judge William Kilty served with the 5th Maryland Regiment, first as a surgeon's mate, and later as the Regiment's surgeon. Notably, Kilty was taken prisoner at the Battle of Camden in 1780, and returned from captivity to a successful legal career in Maryland. Kilty is among the very few judges in the Court's history for whom the Society has no photograph or portrait. But the essay captures something of his character as a man — patriotic, learned, and, by one account, "a scholar and a musician." Chief Judge Kilty's long post-judicial career as Chancellor of Maryland, and his distinguished role in compiling

the laws of Maryland, earned a memorable tribute upon his death in 1821.

The essay traces both judges from the battlefield to the bench, capturing the moment the new court first convened in March 1801. At that first session, charging the grand jury, Chief Judge Kilty described the court's purpose in words that still resonate: a "community compact in situation, united in interest and happily placed in that center from which must emanate the collected wisdom of united America."

The essay draws on [Calmly to Poise the Scales of Justice](#), the history of our D.C. Circuit courts commissioned by the Society, as well as other sources, including the correspondence between Chief Judge Kilty and President Jefferson at the time of Kilty's appointment and a 1918 article in *Maryland Historical Magazine*. In a year when the

nation is reflecting on its founding, the essay is a reminder that the history of these courts is inseparable from that larger story. [The essay, written by Board member Eva Petko Esber](#), is available on the Society's website at dcchs.org. «



Above, Judge James Markham Marshall. No portrait or picture of Chief Judge William Kilty survives that the Historical Society has located. Should readers locate such a likeness, the Society would be grateful to know of it.

ATTENTION D.C. CIRCUIT AND DISTRICT COURT LAW CLERKS— FALL 2026 LAW CLERKS AND JUDGES RECEPTION

Former clerks, be sure your current contact information is up to date with the Historical Society. The Society hosts its Annual Law Clerk and Judges Reception in the Fall. The date for Fall 2026 is not yet set. But the event is held on a weeknight from 5:00–7:00 pm in the Atrium of the Bryant Annex, with a guest speaker and light

refreshments. We welcome current and former law clerks, their judges, and Historical Society members.

To ensure you receive event updates and details, please reach out to Leith Alvaro at info@dcchs.org to update your contact information and receive full event details. We hope to see you there! «

NEW ORAL HISTORY OF GENNINE HAGAR

“[W]hen to be quiet, when to listen, when to step in, when to say no, and when to let them cry.” Gennine Hagar, with 30 years of experience as a probation officer, poignantly identified these as the most significant skills of a probation officer. In her oral history, taken by Kurt Hamrock for the Historical Society, Hagar shares her story of rising to become Chief Probation Officer for the US Probation Office in the District of Columbia, and all she experienced along the way.



The oral history reveals the bedrock decency that characterized Hagar’s approach to her crucially important work. “I don’t recall talking to any offender who wanted to return to crime or drugs,” she shared. “Overall, I would say 99.9% want to do the right thing, and live a decent life, but things happen – and it doesn’t end that way.”

The events and changes that stand out, she shares, include “the AIDS epidemic and the ostracism that was associated with the disease; crack – severe addictions and long prison sentences; technology – it changed and continues to change everything; and the return to focusing on rehabilitation and treatment.” Hagar’s complete [oral history](#), and Hamrock’s fuller summary of it, are now available on the Society’s website. «

JUDGE LAMBERTH RECEIVES FBA AWARD

The Society congratulates Senior Judge Royce C. Lamberth upon his receiving the Federal Bar Association’s Elaine R. “Boots” Fisher Award for Exemplary Community, Public, and Charitable Service at its annual meeting in September 2025. The FBA provided the following background on the award.

“Elaine R. ‘Boots’ Fisher was the wife of former National FBA President and Northern District of Ohio Chapter President Stanley M. Fisher. The ‘Boots’ Fisher Award is presented as a memorial to the outstanding and unselfish contributions made by Boots Fisher to improve the quality of life and opportunities of all persons. She gave of herself willingly to help others to overcome adversity. The charitable contribution made in the name of the recipient reflects the essence of the person in whose honor this award is established. With a career spanning 60 years as a lawyer in the U.S. Army’s Judge Advocate General’s Corps, an assistant United States Attorney, and a U.S. district judge, Judge Lamberth exhibits the ideals of Boots Fisher and is dedicated to the rule of law and an independent judiciary.”



Congratulations to Judge Lamberth! «

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Historical Society of the District of Columbia Circuit