

Introduction of U.S. Circuit Judge Patricia M. Wald  
Third Annual Frank M. Coffin Lecture on Law and Public Service  
by U.S. Senior Circuit Judge Frank M. Coffin  
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Although this lecture series is still young, enough has happened to give us a sense of where we have gone and where we are. Our first lecture honored two men, great in law and service. Justice Brennan had spent a life on the bench, reaching the highest pinnacle in the profession. The late Joe Rauh, whose lecture was delivered by his wife Olie and son Michael, had spent a life in private practice, carving a unique niche in the annals of service for the public good. Last year we honored one who was not a lawyer but one whose concerns were with the larger society within which lawyers find their highest mission, the then occupant of the Albert Schweitzer Chair in the Humanities of the City University of New York, Professor Arthur Schlesinger, Jr.

Now, on the occasion of the third lecture, we honor all of these facets of service and add a new one. For Judge Wald, in her life and practice before becoming a judge, has built a Rauh-like record of service for the common good; in her years as judge and chief judge of the Court of Appeals for the District of Columbia Circuit, she has met the standards of Justice Brennan; and in her wide-ranging extra-judicial work, she has demonstrated that the law as she has pursued it truly ranks as one of the humanities exemplified by Professor Schlesinger.

But we are not only retaining all the values of the earlier lectures. We are adding one by honoring a person whom we may call a "First Lady of the Law." In Judge Wald's resume, almost buried under an avalanche of positions held, tasks performed, and articles written, is the notation that, after distinguishing herself at Connecticut College for Women, she graduated from Yale Law School in 1951. A reader today might be forgiven for overlooking the almost unprecedented nature of this fact. For this was the front line in the long campaign on the part of women for acceptance by the legal profession. Pat Wald entered Yale Law School in the fall of 1948. I had just graduated from Harvard Law School, where there was not even a whisper that women might some day invade our exclusive preserve. My own Dean, Erwin Griswold, however, was keenly aware of the anomaly of admitting women to the Medical School but barring them from the Law School. Finally, in 1949, the Dean and a few others had received favorable reports from Yale and other prestigious schools. As Dean Griswold wrote in his autobiography, "Ould Fields and New Corne," the deans of these schools "said that we would never get as many as five percent women students. In urging the change on the faculty, . . . the information was advanced to show that the change would not be very important." Seldom has such a faulty prediction served such a worthy purpose.

Well, Pat Wald obviously flourished in law school. In 1951 she became a law clerk serving the then preeminent "inferior" court of the nation, the Second Circuit Court of Appeals. This was the court of Learned and Augustus Hand, Charles Cleric, Thomas Swan, and Harrie Chase. And also the court of a prodigious reader, provocative scholar, and a leader of the realist school of jurisprudence, Jerome Frank, who, according to court historian Marvin Schick, "may well have been the most successful and influential inferior-court judge of his time." This was the judge for whom Pat Wald clerked.

Following this heady beginning, she became an associate of the growing Washington firm of Arnold, Fortas, and Porter. Then something interesting happened. . . a ten year hiatus, filled by her and husband Bob's five children. This was not a complete hiatus, for she served as a

member of, or consultant for important commissions and conferences on bail, crime and criminal justice, law and poverty, and civil disorder. But she must have wondered if she would ever amount to anything as a lawyer. She need not have worried.

Beginning in 1967, there followed a dozen years of work in virtually all areas of the public interest: criminal justice in the Department of Justice, Neighborhood Legal Services, Co-directorship of Ford Foundation's Drug Abuse Research Project, Center for Law and Social Policy, Mental Health Law Project, and Assistant Attorney General of the Department of Justice. Finally, in 1979 she was nominated by President Carter for the District of Columbia Circuit Court of Appeals, serving as its chief judge from 1986 to 1991.

During these years she managed to serve in many organizations devoted to the improvement of law and the administration of justice. Perhaps most relevantly, she is now the First Vice President of the American Law Institute. She has received honorary degrees from a dozen law schools and six colleges and universities. She is the recipient of no fewer than seven awards for women lawyers and judges. Her bibliography of writings fills six tightly packed pages of titles of articles on criminal justice, juvenile law, mental disability law, poverty law, administrative law, statutory interpretation, constitutional law, judicial process, and women in the law. In recent years she has given generously of her time and talent in working with the lawyers and judges of eastern European countries, Russia, and China on new constitutions, courts, and codes.

Now a word about Judge Wald's court and cases. The Court of Appeals for the District of Columbia Circuit is a hybrid. First, it has the jurisdiction and business of any of the regional courts of appeal like my own First Circuit. But it also is charged with a highly specialized mission. Ever since and even before the days of the New Deal, the country has relied more and more on administrative agencies to carry on its business. And the principal court of our administrative state is the D.C. Circuit Court of Appeals. What this means is that its judges must tackle cases where the administrative records fill box cars; they must understand and assess not only statutes, but regulations, rulings, and interpretations; and in doing so, they must preserve a delicate balance between agency autonomy and the rule of law, and maintain in working order a good part of the engine of national government.

Judge Wald's opinions reflect this rich diet of complexity and diversity, ranging from the regulation of sulfur dioxide fumes, oil pipeline pricing, and mining safety laws to nuclear plant evacuation plans and urinalysis testing for executive branch employees. The judge sits on a court in an area where there are no United States Senators. This means that its judges reflect the swings of the pendulum of presidential politics. Despite this, Judge Wald has shown that she can work harmoniously with judges of a different ideological persuasion. Nowhere was this more apparent than in the case of Armstrong v. Bush, in which, writing for herself and two Republican appointees, she upheld an injunction preventing the administration from erasing from National Security Council computers the last two weeks' traffic in the Reagan era. But her dissents are also memorable, ranging from standing up for unpopular activities such as demonstrating on the White House sidewalk and a Ku Klux Klan march from the Washington Monument to Capitol Hill to an unheeded call that Oliver North did indeed receive a fair trial in all respects.

It is my privilege and honor to present the Honorable Patricia M. Wald.