

Induction of Robert A. Katzmann
as
United States Circuit Judge
on
The Court of Appeals for the Second Circuit
Remarks of Frank M. Coffin
U.S. Senior Circuit Judge
Foley Square, New York city
October 25, 1999

My close association with Bob Katzmann, probably fortunately, did not really begin until after he had been hammered, honed, and polished by Senator Moynihan and Judge Bownes. In 1984, I became Chairman of the Judicial Conference Committee on the Judicial Branch, succeeding this court's own Irving Kaufman. I had the idea that our Committee could have aims for a broader focus than purely bread and butter issues. So, I proposed we engage in a basic study concerning relationships between the judiciary and Congress. Bob, a Fellow at Brookings, was a perfect resource, which he has continued to be for my successors. Our work led to our founding of the Governance Institute, a research organization which assembles knowledgeable people and attacks specific problems of governance, many concerning the judiciary.

The first thing I want to say about today's happy occasion concerns this court. If Bob views his joining this bench like an acolyte in a cathedral, it is for good reason. This court has long enjoyed an eminence compounded of many ingredients - its location in the pulsing heart of commerce and metropolitan society, serving and served by the justly celebrated Association of the Bar of the City of New York, operating under the spell of a long line of some of the nation's most respected judges, and observing and continuing to observe a tradition of vigorous intellectual and collegial interchange.

The second thing I want to say is that this is not a one-sided transaction. In turn, this court will be receiving into its bosom a person of integrity, idealism, and wide-ranging intellect. A respected Brookings Senior Fellow, a Georgetown University and Law School teacher and scholar, and a sensitive facilitator of better relationships among the three branches of government.

The third thing I have to say has to do with the process of becoming a federal judge. As I have lived vicariously through Bob's invigorating experiences as a candidate for judicial office, I have been awed by the rigors of the contemporary judicial qualifications inquisitions -- not one but at least three stages of questioning. I hesitate to speculate how many of us here today could have survived such ordeals.

Here is an example of how many of us of a certain age might have prospered. This is an actual case where this lawyer was a candidate for a federal judgeship today. This is how his completed questionnaire would look:

Q: How long have you practiced law?

A: About 12 years.

Q: What was your first entry position?

A: For five years I was helping a lawyer in a one-man office in a small community.

Q: What was the nature of your work?

A: Mostly bill collections and writing briefs for others.

Q: Describe your most exciting case.

A: I represented a young woman in a paternity case. But the other lawyer accused me of trying to blackmail his client. All I could think of was to offer my client \$50 of my own money as consolation. My employer didn't even let me do that.

Q: Describe other positions you held and clients represented.

A: I later worked for a firm in a large city. But in five years, I brought in only two clients.

Q: How do you assess your abilities as a lawyer?

A: "I was never any good as a lawyer. I didn't have any success, any at all."

We know what happened to that unfortunate chap. Yet, Learned Hand made a pretty good judge.

Whether we are from the pre-questionnaire era or not, we can all agree on the nature of our job. David Bazelon, late chief judge of the D.C. Circuit told this story. As a young and new judge he made a pilgrimage to New York City to absorb wisdom from Judge Hand. As he entered the Judge's chambers, Judge Hand came forward, stretching out his arms and expounded: "Isn't this just the greatest job in the world!"

And so it is -- if we can keep it so.