

Remarks of Robert M. Morgenthau

New York County Lawyers Association Edward Weinfeld Award  
Ceremony

Museum of Jewish Heritage

October 27, 2016

Never has it been so true as today, that the right award is being presented by right organization, to the right person, in the right setting.

First, it is the right award, for it is named in honor of Edward Weinfeld. The parallels between the careers of Judge Weinfeld and Judge Katzmman are truly striking. And the first that comes to mind is this: no two judges -- in the whole history of the federal judiciary -- have been more firmly committed to the judicial principle of the bow tie as fashion accessory. This uncanny parallel alone would merit today's award.

But there is more. Both Judge Weinfeld and Judge Katzmman represent total commitment to the true administration of justice.

Judge Katzmman in particular brought a unique perspective to his administrative role of Chief Judge. He is the first federal judge ever to have earned a doctorate in Government. And it is perhaps for this reason that Judge Katzmman has such a profound and nuanced understanding of the institutions of government. For Judge Katzmman, the laws are not brought down from the mountain, nor are they interpreted by a bevy of Platonic guardians. In his recent book, *Judging Statutes*, he takes readers behind the curtain to explain how laws are really made, and by implication, how courts must interpret them, if they truly seek to implement the will of the people.

This is no merely technical contribution to the world of jurisprudence. Rather, it is a direct confrontation to those who would pretend to read only the plain language of the law, somehow always finding therein confirmation of their own prejudices, and advancement of their own interests.

So the Weinfeld award is the right award for Bob

Katzmann. And the County Lawyers are the right people to present it to him. 108 years ago NYCLA was formed, not as just another bunch of lawyers, but as an institution committed to stand foursquare in support of those who are underrepresented and excluded among the bar, and in our courtrooms.

These are the same values that have animated Judge Katzmann's entire career on the bench.

Soon after he was sworn in, Judge Katzmann was struck by the scandalously poor quality of the records on appeal of many cases from immigration courts. In countless instances, the record was so poorly developed that there was simply no way to be confident that justice had been done, or ever would be done.

And so Judge Katzmann issued a challenge to the entire legal community. In a now-legendary Marden lecture at the New York City Bar Association, he brought out from the shadows what he called the "human drama on display in the immigration process." All immigrants, he said, were strangers to our culture, to our laws, perhaps to our language, and certainly to "the complicated maze of immigration laws."

And then he focused in particular on those who came to our shores fleeing persecution in their native land, only to fall victim to a legion of notaries and travel agents and unauthorized practitioners, who were waiting to victimize them again in their new country.

By the time their petition arrived at an appellate bench, the result was a losing case, docketed before a judge who, in Judge Katzmann's words, was "left with the feeling that if only the immigrant had secured adequate representation at the outset, the outcome might have been different." And in many instances, it would not be an exaggeration to say, that "different outcome" was potentially a matter of life or death.

Judge Katzmann ended his lecture by issuing a challenge to all of us -- a challenge to right a desperate injustice. And Judge Katzmann himself led the way. He formed a Study Group on Legal Representation, which issued a comprehensive report, of which one fact speaks more eloquently than any other: the most important single

determinant of whether an immigrant wins or loses their case is not the merits of their petition, but whether or not they have a lawyer.

And thus was born the non-profit Immigrant Justice Corps, a fellowship program to recruit and train new lawyers and college graduates, which today provides high quality representation for immigrants so effectively that, in almost every statistical survey of America's immigration courts, the figures for the New York region merit an asterisk.

And that is why this award is being given in the right place. Judge Katzmann is always proud to remind us that he is the son and grandson of immigrants, the son of a refugee from Nazi Germany. And so there is no better place than the Museum of Jewish Heritage, in the shadow of the Statute of Liberty, to present this award. For it is here that we might recall the words of Emma Lazarus, the poet who imagined the great statue crying out, "Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door."

And that's because there is yet one more parallel between the Judge for whom this award is named, and the one to whom it is today given. When he was on the Supreme Court, Justice William Brennan famously said of Judge Edward Weinfeld, "there is general agreement on bench and bar throughout the nation that there is no better judge on any court." This, perhaps more even than his bowtie, explains why Robert Katzmann so richly deserves this award. For there is no finer judge.