



Federal Judges Association

# The Bench Press

*The Federal Judges Association Newsletter*

September 2024

Dear Federal Judges Association (FJA) Members:

September presents an opportunity to remember the enduring legacy of our nation's founding document – The Constitution. On September 17, 1787, the Founding Fathers signed the final draft of the Constitution in Philadelphia, Pennsylvania, marking the establishment of the nation's democratic principles, rights, and freedoms. September 17 is now the official date for Constitution Day.

Protecting the Constitution, the Rule of Law, and Democracy remain the responsibility of not just judges, but all Americans. We each play our respective roles: attorneys challenge constitutional rights; legislators propose legislation that aligns with the Constitution; the executive branch enforces the law consistent with the Constitution; judges rule fairly and impartially as they interpret the text of the Constitution; civic organizations advocate for civil liberties and civic education; and, citizens engage in conversations about civic responsibilities and democratic values and vote based on their perspectives. In our respective roles, we each shape the country's response to the major issues of our nation. There is no democracy without a collective commitment to ensure that everyone is allowed to engage in their respective roles.



God Bless the United States of America!

FJA President, J. Michelle Childs,  
United States Court of Appeals for the District of Columbia Circuit

## Member Spotlight

**The FJA Spotlights the Honorable Gary S. Katzmann**



“Shoebomber prosecutor comes to the trade court” is not the typical headline reporting on the arrival of a new member of the United States Court of International Trade. But then, Judge Gary S. Katzmman has not had a very “typical” life or career in any sense. “Exceptional” is more appropriate.

Justice Stephen Breyer said of Judge Katzmman, before swearing him into the Court: “Gary was my first law clerk [on the First Circuit] ...and he helped me right along.”

“My new colleagues told me that if I had a really difficult legal or ethical question, I had to see Chief Appellate Attorney Katzmman,” said former federal prosecutor and now Massachusetts Superior Court Judge Robert Ullmann.

Alluding to Judge Katzmman’s service as an Assistant U.S. Attorney in Boston, he added: “I soon learned that Gary was not only smarter than the rest of us, but also generous with his time, and unlike some super smart people, he was grounded in the real world.... I quickly became a member of the Gary Katzmman fan club.” Author of books on criminal process and juvenile justice, his impact nationally was shown in the pension fraud initiative he designed for the Attorney General, in the health care fraud statute he drafted, and in sentencing reform.

Former fellow Associate Justice of the Massachusetts Appeals Court, Cynthia Cohen, described Judge Katzmman’s work as “extraordinary” and stated that his many civil and criminal opinions on that court showed that “legal scholarship and intellectual integrity ... go hand in hand with empathy and respect for the people whose cases come to the court.” On Judge Katzmman’s departure in 2016 from the Appeals Court after twelve years of service, Chief Justice Scott Kafker stated succinctly: “The Federal Judiciary is most fortunate. Our great loss is their great gain.”

And, speaking of family, Judge Katzmman’s family of origin and his own family remain anchors. Judge Katzmman says that he was so deeply fortunate to have a father who escaped Nazi Germany at age 14, served in World War II, and became an engineer. His mother grew up in Brooklyn during the Great Depression, the daughter of two hard-working immigrant parents from Russia and Belarus. Judge Katzmman carries forward his quintessentially American-immigrant heritage into his own family. From his mother and father, he and his three siblings drew deep values of gratitude to the country that gave their family a new home, education, and above all, service. Judge Katzmman and his identical twin brother, Robert, became distinguished jurists, with Judge Robert Katzmman serving as Chief Judge of the Second Circuit Court of Appeals before his passing far too young. Public school graduates, both studied at Columbia University and Yale Law. Judge Katzmman also received master’s degrees from Oxford and Yale Universities.

Judge Katzmman’s dedication to service is not limited to his time on the bench; it goes far beyond it. One example is his dedication to Discovering Justice, a nonprofit organization designed to teach elementary and middle school students in the Boston area and beyond about the justice system and the central role of the judiciary in the U.S. constitutional system. Judge Katzmman has served Discovering Justice since its inception 25 years ago.

Ann Gogol, longtime Chief Operating Officer of the program, noted Judge Katzmman’s role on its various committees. She emphasized his tireless mentoring of students, week after week, year after year, for more than a quarter of a century. Ms. Gogol further acknowledged his willingness to share his life experiences as an attorney, enabling the students to envision

themselves becoming attorneys or judges.

Ms. Gogol spoke of Judge Katzmann's work as a mock trial judge: "He makes time at the end of each mock trial to address each student individually, and always finds positive things to say about their performance. Gary has a really special way of working with young people, pointing out small positive things about their performance that others may not have noticed or appreciated, and offering constructive suggestions about others."

Judge Katzmann's eagerness to participate in Discovering Justice's mock trial and appeals program was as palpable as his tireless dedication. Ms. Gogol commented, "Some years, Gary would volunteer before the invitation even issued!" Even after he was confirmed to the U.S. Court of International Trade, whose courthouse is in Manhattan, he has continued to maintain his deep commitment notwithstanding the vicissitudes of weather, Amtrak, and other vagaries. "Some nights since he began on the CIT, the event was starting and Gary would come flying in the doors, sprinting or cabbing from South Station-Boston after the train got stuck. No one had a doubt he would make it." "He leads by example. At times, a student will ask a question and Judge Katzmann will say that he does not know the answer. So, the student says: 'you really don't know the answer to the question?' And, he says 'yes, and it is ok to say that.' He puts them at ease."

Ms. Gogol concluded: "[H]e is an incredibly humble, kind, caring person: a special, wonderful human being."

## Committee Updates

Our committees are working for you! Here are some highlights of their accomplishments.

### Membership

*Chair: Nannette Jolivette Brown*



The Membership Committee welcomes the following new members to the FJA:

Edward S. Kiel (D.N.J.)  
Camela C. Theeler (D.S.D.)

### Nominating

*Chair: Richard Clifton*



We are pleased to announce the members of the FJA 2024 Nominating Committee. This committee is responsible for nominating the Officers and five Executive Committee members to serve a two-year term which will begin on April 4, 2025, and end at the Board Meeting in or around April 2027.

Thank you to these members for your time and efforts on behalf of FJA!

Richard Clifton, Chair  
Sarah Evans Barker  
Stephen Bough  
Debra Brown  
Robin Rosenbaum  
Patty Shwartz  
Aleta Arthur Trauger

The Nominating Committee will consider candidates to fill the positions of President-Elect, Secretary, Treasurer, and five Executive Committee members. As Karen Schreier becomes our next President in 2025, she will be looking for additional leaders to serve on the Executive Committee and as Chairs of committees. If you have interest in serving the FJA in any leadership capacity, we encourage you to submit a Statement of Interest by November 22, 2024. Similarly, if you wish to suggest another judge for consideration, please let us know. All submissions will be considered. They should be submitted to [fja@federaljudgesassoc.org](mailto:fja@federaljudgesassoc.org).

Sincerely,

J. Michelle Childs, FJA President

[Statement of Interest Form](#)

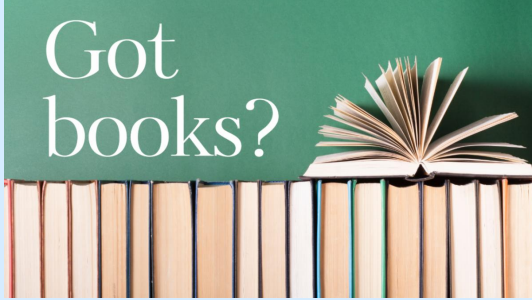
## Quadrennial

April 27-29, 2026

Co-Chairs: *Cathy Bissoon and Sara Darrow*

## Book Fair Survey

The FJA Quadrennial Book Fair has become a much-anticipated part of the Quadrennial. We are excited to offer this again at the upcoming 2026 Quadrennial and need your help in identifying books and authors to highlight, specifically, books



authored by our very own members. Please take a quick moment to answer this survey so that we can begin compiling a comprehensive list of books and authors for the Quadrennial.

Thank you in advance for your participation. Please feel free to reach out to FJA with any questions at [fja@federaljudgesassoc.org](mailto:fja@federaljudgesassoc.org) or (888) 329-1941.

Sincerely,

Judge Debra Brown (N.D. Miss.)  
Judge Marina Garcia Marmolejo (S.D. Tex.)  
Judge Robert Lasnik (W.D. Wa.)  
Judge Jack McConnell (D.R.I.)

[Complete Survey Here](#)

## Senior and Retired Judges

*Co-Chairs: Larry Piersol and James G. Carr*



The Judicial Resources Subcommittee tasked with considering senior judge staffing met on August 22, 2024, via Zoom. After much discussion, it was determined that a proposed position would be sent to the subcommittee members for comment. The proposed position might be altered somewhat by the subcommittee chair, but from the discussion it appears that the proposed position to be sent to the subcommittee members for comment would be along the following lines:

1. A senior status judge would have to perform some level of work beyond *de minimus* to be entitled to maintain a staff, with that level of work to be set by each circuit. (It is reported that at this time only two circuits have a stated requirement for 1 staff person.)
2. Staffing levels in the circuits have to be based on objective standards.
3. Nothing is to be based on non-case-related work. (There was discussion on this topic with some favoring some case credit for service on at least some of the Judicial Conference Committees that require a good deal of time.)
4. Deviation from a circuit's own standards is to be reported by the circuit to the Judicial Resources Committee, possibly on an annual basis.
5. Whatever circuit requirements result from this change should be clearly communicated to all interested parties, including judges who are considering taking senior status.

It is anticipated that a recommendation from the subcommittee would be submitted as a final recommendation to the full Judicial Resources Committee for its recommendation to the Budget Committee.

As always, the Senior and Retired Judges Committee and President Childs will follow this process carefully and will keep FJA members advised as it progresses.

President Childs asks that if anyone has questions or concerns about senior judge staffing, please contact Judge Larry Piersol, co-chair of the Senior and Retired Judges Committee, by e-mail via the link above or by phone at (605) 330-6640.

## Announcements

### **FJA Pursues Immediate Passage of the Bipartisan JUDGES Act of 2024**

In keeping with its purpose to sustain our system of justice, the FJA is urging Congress to pass The JUDGES (Judicial Understaffing Delays Getting Emergencies Solved) Act of 2024. As reported in the Bench Press last month, the companion bill in the Senate passed UNANIMOUSLY on August 1, 2024. This bipartisan bill would implement the 2023 Article III Judgeship Recommendation of the Judicial Conference of the United States, which called for 66 new permanent judgeships in the jurisdictions most burdened by the crushing increase in caseloads. The judgeships would be filled over a period of ten years. It has been two decades since Congress last authorized new district judgeships. This represents the longest period since district courts of the United States were established in 1789 that Congress has not authorized any new permanent district court judgeships. Judge Timothy J. Corrigan, Chief Judge of the Middle District of Florida, shared his perspective with Congressman Aaron Bean in his letter linked below.

As reflected in a recent CNN piece, many of our FJA members are standing in active support of this effort. Our President, with the approval of the executive committee, has sent a letter to Congress, where a substantial number of members of the House are working in a bipartisan effort to move this bill forward before the end of session. Just yesterday, Congressman Darrell Issa (CA-48), Chairman of the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet, introduced, with significant bipartisan support, a companion House Bill, the Judicial Understaffing Delays Getting Emergencies Solved Act of 2024 (“JUDGES Act”). Representative Issa stated eloquently: “A severe shortage of judges eventually delivers an array of complications to our courts – and over time, the problem only grows worse until justice is routinely delayed and therefore denied.”

The FJA is working in concert with and support of the Chief Judges of the affected districts. We remain hopeful that this bill will be passed and the work of the Courts can be maintained at the high levels our citizens expect. Thanks to all who are working to achieve this goal.

[Congress.gov Bill H.R. 9625](#)

[Issa Press Release](#)

[Judge Corrigan](#)

[CNN Article](#)

[Judge Childs' Letter](#)

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## Advisory Opinions Issued This Week Urge Judges to Prohibit Clerks from Seeking Employment With Political Organizations During the Clerkship Term

This week, the Committee on Codes of Conduct within the Federal Conference of the United States published two new important Advisory Opinions. The Opinions advise Federal judges to prohibit their law clerks from applying during the pendency of their clerkships for post-clerkship jobs with political organizations. Specifically, the Committee advises: “a judge should restrict his or her law clerks from seeking or pursuing post-clerkship employment with a political organization while the law clerk is employed by the court.” The Committee advises that such applications and interest by the law clerk may connect the judge's chambers to political activity, which the committee concludes “could compromise the independence of the judiciary.” Instead, the Committee advises that clerks may tell political organizations to contact them after their clerkships end.

The Committee acknowledged that siloing a clerk from work is sufficient to guard against conflicts from pending offers from law firms, DOJ, and federal defender positions. But the Committee concluded that this safeguard was insufficient as applied to political association employment.

Advisory Opinions 74 and 92 Opinions are linked below.

[Advisory Opinion No. 74](#)

[Advisory Opinion No. 92](#)

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### Beware of Email Scams

Last week, Past President Judge Richard Clifton received an email purportedly from President Judge Michelle Childs requesting he pay an operating expense out of pocket because Treasurer Judge Mal Mannion was not available. Members of boards of directors are popular targets for these kinds of phishing scams. Scammers look up board listings on association websites and send fake phishing emails requesting money. Let this serve as a good reminder that FJA board members will not reach out to request immediate payment via an electronic payment method (or another popular option, gift cards). Please report and/or delete these emails. Here is the email for your reading pleasure.



Richard, I am currently out of the office and have limited phone connectivity. Will you be able to pay an operational expense on our behalf using any of the following methods? Payment options include Zelle, Apple Pay, Cash app, and PayPal.

Malachy Mannion is unable to complete it at this time. Please let me know whether you are able so that I can provide you the vendor's payment information and execute your reimbursement once the treasurer is available.

# Members in the News



Member Judges around the country are actively involved in civics and service to the community. The FJA gives a shout-out to the following members:

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## **Judge Childs Joins Inns of Court Trustees**

Congratulations to our own Federal Judges Association President, Circuit Judge J. Michelle Childs, on her appointment to the 2024-2025 American Inns of Court Trustees. Trustees help promote the mission of inspiring the legal community to advance the rule of law by achieving the highest level of professionalism through example, education, and mentoring.

To read more about Judge Childs and the American Inns of Court Trustees, please click [here](#).

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## **Judge Breen Receives 2024 Tennessee Professionalism Award**



Judge J. Daniel Breen, a senior judge on the U.S. District Court for the Western District of Tennessee and a longstanding member of the FJA, was recently honored with the Judge Pamela L. Reeves Tennessee Professionalism Award. The Tennessee Professionalism Award is named in honor of the late Judge Pamela L. Reeves, former chief judge of the U.S. District Court for the Eastern District of Tennessee and the first recipient of the award. She was an active leader in both the American Inns of Court and the Tennessee Bar Association, where she was elected the first female president in 1988. The award is given jointly by the Tennessee Bar Association (TBA) and the Tennessee American Inns of Court.

In a letter nominating Judge Breen for this award, Jackson lawyer Sarah Barnett, Vice



President of the Jackson chapter of the American Inns of Court, wrote: “Judge Breen is the embodiment of legal professionalism and outstanding character, as evidenced by his dedication and service to the federal judiciary, the Tennessee Bar, and his community of Jackson, Tennessee.” Other letters submitted in support of the nomination praised Judge Breen for his mentorship of younger lawyers and new judges and his support for colleagues rising to leadership roles. TBA President Jim Barry praised Judge Breen’s selection as this year’s award recipient. “Judge Breen exemplifies the ideals of the Tennessee Professionalism Award. His service to the judiciary and the legal profession reflects the highest standards of the rule of law and the legal profession in Tennessee.”

Judge Breen earned his law degree from the University of Tennessee College of Law in 1975 and joined the law firm of Waldrop and Hall in Jackson, Tennessee. He served there for more than 16 years before being appointed a magistrate judge on the U.S. District Court for the Western District of Tennessee in 1991. Judge Breen was appointed as a United States district judge in 2003. He served as chief judge from 2013 until taking senior status in 2017.

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### Eastern District of Pennsylvania Annual Judges v. Law Clerks Softball Game



The judges and law clerks of the Eastern District of Pennsylvania continued their annual softball game tradition the evening of July 25th at Fairmount Park in Philadelphia. The judges, along with their alumni law clerks, fell behind early, 9–0. But thanks to clutch hitting from Judges Juan R. Sánchez, Joel H. Slomsky, Wendy Beetlestone, Mark A. Kearney, Joshua D. Wolson, Scott W. Reid, and Craig M. Straw, the judges came back to win 24–20 in seven innings. Alumni law clerks provided athletic defense.

Special thanks to the vocal fan base led by Judges John Milton Young, Carol Wells, and Elizabeth T. Hey. The Court’s Historical Society also came out in support, as well as various court staff, family members, and pets. Everyone enjoyed hoagies and refreshments during and after the game.

## Upcoming Events

Greetings from the Federal Judicial Center! The **Appellate Judges Education Institute** will be held on **November 14-**

17, 2024, at The Westin Boston Seaport District Boston, MA.

Reimbursement authorization has been approved for eligible appellate judges.

**Summit Agenda:** Check-in and registration for the summit begins at 9:00 a.m. on Thursday, November 14, 2024. The formal summit begins at 1:00 p.m. on Thursday, and concludes at 12:30 p.m. on Sunday, November 17, 2024.



The Appellate Judges Education Institute Summit provides appellate judicial education and gathers federal and state appellate judges from across the country for practical, cutting-edge, educational programming. This is an educational opportunity you will not want to miss. Click the button below for additional information about the program.

**Accommodations:** The Appellate Judges Education Institute has secured rooms at The Westin Boston Seaport District 425 Summer Street Boston, MA 02210, which is the same location as the summit. For reservations: **The Westin Boston Seaport District** or contact the JW Marriott at (617) 532-4600 or 1-800-937-8461; please indicate that you are with the AJEI group. **Please reserve your room by Monday, October 24, 2024.**

**Reimbursement for Expenditures:** You may claim **Actual Daily Expenses of up to \$384** on November 13-15, 2024 (Lodging-\$289; M&IE-\$95), \$348 on November 16, 2024 (Lodging-\$289; M&IE-\$59) for lodging, meals, and allowable incidental expenses (\$95 on the last day of travel). (Some meals are being provided.) If you prefer, you may claim Actual Lodging of \$289 Plus the standard M&IE of \$79 on November 13-15, 2024, Actual Lodging of \$289 Plus M&IE of \$43 on November 16, 2024 (\$79 on the last day of travel). (Some meals are being provided.)

Please contact Maureen Kieffer at (202) 868-9741; [mkieffer@fjc.gov](mailto:mkieffer@fjc.gov) if you have any questions about the program. Contact Yolanda Gonzalez, Program Coordinator, at (202) 961-4262; [ygonzalez@fjc.gov](mailto:ygonzalez@fjc.gov) or Joy Lyngar at (775) 327-8263; [lyngar@judges.org](mailto:lyngar@judges.org), with any questions regarding hotel and travel. We anticipate a productive summit and look forward to seeing you in Boston, MA!

[Learn More](#)



The FJA is tentatively planning to host a reception in conjunction with the next district and / or appellate judges orientation program in Washington, D.C., Wednesday, December 4th. Stay tuned for more details!

The 2025 Board Meeting has been scheduled for April 2 - 4, 2025 in Philadelphia, PA. We are excited to be hosting the board meeting at The Green Federal Building with a reception and dinner at the National Constitution Center. We look forward to providing additional details in the near future.

Have a submission for the upcoming edition of The Bench Press? Please share it by **October 10, 2024**. We would love to share your special news with the membership. [Email us!](#)

[Email Us Your News](#)



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**J. Michelle Childs**  
**President**

**Mary Scriven**  
**Communications Committee Chair**

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