

BENCH, BAR, AND IMMIGRANT REPRESENTATION: MEETING AN URGENT NEED

*The Honorable Robert A. Katzmann**

It is a high honor to be with you this evening. When I think of those who came before me, I am deeply humbled; indeed, overwhelmed. I thank Federal Bar Council President Frank Wohl, a most distinguished member of the bar, a renowned and greatly esteemed lawyer, for his graciousness, for his thoughtfulness, for, amidst his many responsibilities, his stunningly meticulously researched introduction, and for his all too generous remarks. I am grateful beyond measure to Chief Justice Roberts, Justice Ginsburg, and Justice Sotomayor for their moving words, for taking the time in this busy season of the Supreme Court to offer their congratulations. I thank as well this evening's dinner chair, Solicitor General Barbara Underwood, whose singularly exceptional career in public service at the federal, state and local levels fills me with admiration, appreciation, and awe.

The Hand Medal is particularly special to me because of the deep respect I have for the Federal Bar Council. For those of us involved in the administration of justice, the Federal Bar Council occupies a unique niche, which deserves our thanks, playing an invaluable role in support of the federal judiciary through its many committees, programs, recommendations, and public engagement. I express my appreciation to the very accomplished staff of the Federal Bar Council, led by the remarkable Jeanette Redmond. It has been great to work with Council events manager, Emily Lettieri.

There are many to whom I feel a profound sense of personal gratitude, and when I conclude these remarks, I will offer some words of thanks to them—to those who cared about me and helped me—and with whom I share this occasion.

* Circuit Judge, United States Court of Appeals for the Second Circuit. These remarks were delivered by Judge Katzmann upon receiving the Learned Hand Medal from the Federal Bar Council on May 1, 2012 in New York City.

This evening I speak to you about what we, together, bench and bar, can do to help meet an urgent, pressing need—the need for adequate representation for a vulnerable population of human beings—immigrants. Immigrants often come to this country in fear, fleeing from persecution, escaping from poverty, not knowing the language, not knowing to whom to turn for competent legal advice, all the while working to make a better life. In all too many cases, the dearth of adequate counsel for immigrants all but dooms the immigrant's chances to realize the American dream. And, what would the American dream have been, what would the United States be, without the dreams, the sweat, the reality, the culture, food, music, the dynamism of millions of immigrants who have enriched and do enrich this nation? All of us here can easily answer that question with reference to our own experiences, or those of our immigrant friends, relatives, or colleagues. Some of you may know of my concern about the representation of non-citizens. Tonight, I seek your interest, your continued help in addressing this dire problem of grave human consequence. In my remarks, I will try to place the representation issue in context, reporting on the work to date of the Study Group on Immigrant Representation, and conclude with some words about the road ahead.

Context

The plight of immigrants is not a new judicial concern. Consider these words of frustration of a long-serving judge of the last century, anguished about what he viewed as the harsh system of immigration adjudication: “‘I feel very earnestly about this case because the result seems to me cruel and inhuman. I must say I am shocked and disgusted down to my boots.’”¹ In another matter, the judge lamented to his panel colleagues about “‘a particularly mean and heartless case.’: ‘These aliens are to be sent back to Greece because of a lot of damned red tape. . . . Doesn’t it make you both ashamed?’”² And, in another, the judge wrote: “‘I am a little sensitive in these Chinese cases: the

1. GERALD GUNTHER, LEARNED HAND: THE MAN AND THE JUDGE 303 (1994) (quoting Pre-conference Memorandum in *United States ex rel. Mittler v. Curran* from Learned Hand, Circuit Judge, U.S. Court of Appeals for the Second Circuit, to Charles Hough and Martin Manton, Circuit Judges, U.S. Court of Appeals for the Second Circuit (May 22, 1925) (on file in the Learned Hand Papers at Harvard Law School Library, Box 179, file 10)).

2. *Id.* at 303–04 (quoting Pre-conference Memorandum in *United States ex rel. Sapunachis v. Day* from Learned Hand, Circuit Judge, U.S. Court of Appeals for the Second Circuit, to Augustus Hand and Martin Manton, Circuit Judges, U.S. Court of Appeals for the Second Circuit (Oct. 22, 1927) (on file in the Learned Hand Papers at Harvard Law School Library, Box 184, file 8)).

jury goes into the box committed against them and the lawyers take their money and “submit on our briefs.”³ And, distressed about deportation of those who had been in this country since early childhood, he would exclaim: “It is a cruel law to exile a person who has been here since infancy.”⁴ Similarly, in another matter he commented: “She must go to a country as alien to her as it would be to us. . . . [T]he penalty seems to me monstrous for the offense.”⁵ In each of these cases and others,⁶ the judge was none other than Learned Hand. Hand’s biographer, Gerald Gunther, writes that his subject felt helpless, bound as he was to follow laws he deemed imprudent and a bureaucracy he deemed insensitive.⁷ As Hand wrote sarcastically in a pre-conference memorandum: “Once more I wish to pay my respects to the sanctimonious, hypocritical, illiterate animaleulae who infest and infect the Naturalization Bureau.”⁸ Going beyond his opinions to express his concerns about the law, Hand, Gunther reports, “engaged in lengthy, eloquent correspondence with the commissioner of immigration and with members of Congress whom he pressed for legisla-

3. *Id.* at 304 (quoting Pre-conference Memorandum in *Chin Wah v. United States* from Learned Hand, Circuit Judge, U.S. Court of Appeals for the Second Circuit, to Charles Hough and Martin Manton, Circuit Judges, U.S. Court of Appeals for the Second Circuit (June 3, 1926) (on file in the Learned Hand Papers at Harvard Law School Library, Box 179, file 20)).

4. *Id.* (quoting Pre-conference Memorandum in *United States ex rel. Restivo v. Day* from Learned Hand, Circuit Judge, U.S. Court of Appeals for the Second Circuit, to Harrie Chase and Martin Manton, Circuit Judges, U.S. Court of Appeals for the Second Circuit (Apr. 15, 1930) (on file in the Learned Hand Papers at Harvard Law School Library, Box 187, file 17)).

5. *Id.* (quoting Pre-conference Memorandum in *United States ex rel. Mittler v. Curran* from Learned Hand, Circuit Judge, U.S. Court of Appeals for the Second Circuit, to Charles Hough and Martin Manton, Circuit Judges, U.S. Court of Appeals for the Second Circuit (May 22, 1925) (on file in the Learned Hand Papers at Harvard Law School Library, Box 179, file 10)).

6. For instance, in another case, confronted with an appeal from the denial of a naturalization petition because the petitioner, a native of China and a translator for the State Department who had been a permanent American resident for thirteen years had been arrested for failing to answer parking tickets, the judge concluded: “Like any other statute, this one is to be read with its purposes in mind, which are to admit as citizens only those who are in general accord with the basic principles of the community. Disregard of parking regulations, even when repeated as often as this was, is not inimical to its ‘good order,’ so construed.” *Yin-Shing Woo v. United States*, 288 F. 2d 434, 434–35 (2d Cir. 1961).

7. GUNTHER, *supra* note 1, at 303.

8. *Id.* at 635 (quoting Pre-conference Memorandum in *United States v. Franciosso* from Learned Hand, Circuit Judge, U.S. Court of Appeals for the Second Circuit, to Harrie Chase and Thomas Swan, Circuit Judges, U.S. Court of Appeals for the Second Circuit (Oct. 17, 1947) (on file in the Learned Hand Papers at Harvard Law School Library, Box 210, file 16)).

tion to ameliorate these injustices, and indeed suggested draft language toward these ends.”⁹

The caseload volume in Hand’s time paled in comparison to the large docket of the present day. But, until recently, immigration cases were a very small part of the work of the Second Circuit. In 1999, when I started as a court of appeals judge, the immigration docket was a minuscule percentage of our workload. But within a few years, the immigration docket of the Second Circuit approached forty percent of the case load—and, as a result, our court developed procedures to manage such cases, devised largely by Jon Newman under the chief judgeship of John Walker, a system that continues today under the chief judgeship of Dennis Jacobs. Since 2006, the Second Circuit has adjudicated more than sixteen thousand immigration cases. In all too many cases, I could not but notice a substantial impediment to the fair and effective administration of justice: the too-often deficient counsel of represented noncitizens. For immigrants, the stakes could not be greater—whether they can stay in the United States, whether they will be separated from their loved ones, often their children. In all too many cases, I had the sense that if only the immigrant had competent counsel at the very outset of immigration proceedings where the record is made with lasting effect—long before the case reached the court of appeals where review is limited—the outcome might have been different, the noncitizen might have prevailed. But, until data were collected—more on that later—I only had my own observations to go on.

Wanting to do something, I took the opportunity of the Marden Lecture of the New York City Bar¹⁰ in 2007, to challenge the New York legal establishment and others interacting with that establishment—law firms, bar associations, nonprofits, corporate counsel, foundations, law schools, state and local government, the media, the immigration bar, senior lawyers and retirees, providers of continuing education and training, and think tanks—to step up activity to help

9. *Id.* at 304; see also Letter from Learned Hand to Samuel Dickstein (May 10, 1934), in *REASON AND IMAGINATION: THE SELECTED CORRESPONDENCE OF LEARNED HAND* (Constance Jordan ed.) (forthcoming Jan. 2013) (manuscript at 189–90) (on file with the New York University Journal of Legislation and Public Policy) (arguing that deportation of aliens admitted prior to their tenth birthday was an “excessively harsh punishment” and “dishonorable to the American people”).

10. Robert A. Katzmann, The Legal Profession and the Unmet Needs of the Immigrant Poor, Orison S. Marden Lecture (Feb. 28, 2007), in 62 REC. ASS’N B. CITY N.Y. 287 (2007). A slightly revised, footnoted version can be found in Robert A. Katzmann, *The Marden Lecture: The Legal Profession and the Unmet Needs of the Immigrant Poor*, 21 GEO. J. LEGAL ETHICS 3 (2008) [hereinafter Katzmann, *The Marden Lecture*].

address the large—and largely unmet—need in noncitizen communities. Justice, I said, should not depend upon the income level of immigrants.¹¹

Study Group on Immigrant Representation

I did not know what the reaction would be, but the response was, and has been, very gratifying. With the guidance of several outstanding lawyers, beginning with Peter Eikenberry and Robert Juceam, I started a working group in 2008, the Study Group on Immigrant Representation, consisting of some fifty lawyers from a range of firms; non-profits; bar organizations—the Federal Bar Council, the New York City Bar, the New York State Bar Association, the New York Lawyers County Association, the American Immigration Lawyers Association; immigrant legal service providers; immigrant organizations; law schools; federal, state, and local governments; as well as my excellent colleague, Judge Denny Chin. For me, it has been deeply inspiring to work with such dedicated attorneys, whose only motive is to assist those in need. We have been served by a superb steering committee—Jojo Annobil of Legal Aid, Immigration Judge Noel Brennan, Judge Chin, Peter Cobb, Peter Eikenberry, Philip Graham, Robert Juceam, William Kuntz (then in private practice and now on the district court), Lewis Liman, Peter Markowitz, Lindsay Nash, Michael Patrick, Careen Shannon, and Claudia Slovinsky. Study Group activities have concentrated on three areas: (1) increasing pro bono activity of firms; (2) improving mechanisms of legal service delivery; and (3) extirpating inadequate counsel and improving the quality of representation available to noncitizens.

Our method is to bring together key participants from the federal, state, and city governments, the private bar, bar associations, non-profits, legal service providers, immigrant organizations, philanthropies, and law schools, as part of a collaborative effort to promote the fair and effective administration of justice. This interdisciplinary initiative has been productive as it has been galvanizing. Our means of expression include reports, pilot projects, colloquia and training sessions, and smaller meetings. Justice Ginsburg and Justice Stevens have publicly spoken about our project, and Justices Breyer and Sotomayor have also been supportive.

Over the past four years, Study Group activities have included these ten initiatives:

11. Katzmann, *The Marden Lecture*, *supra* note 10, at 5.

- (1) We have undertaken two major conferences, one at Fordham Law School and Cardozo Law School, the latter with retired Justice John Paul Stevens participating, out of which we have produced a series of studies and reports published in the Fordham¹² and Cardozo¹³ law reviews. Coverage in *The New York Times*,¹⁴ the *New York Law Journal*,¹⁵ and *El Diario*, has brought our work to the attention of the broader public.
- (2) In 2010, the Study Group launched an assessment of the representational needs of indigent noncitizens facing removal in New York, with the objective of formulating recommendations as to resources and strategies to meet the need, in a study, the New York Immigrant Representation Survey about which more later.
- (3) We met with Attorney General Holder, Senator Schumer and others, after which, in 2010—with great appreciation to Senator Schumer and the Attorney General—the Attorney General announced the creation of a Legal Orientation Program in New York, enabling non-profit providers to counsel immigrants in group settings and individually.
- (4) We devised a pilot project to stimulate greater increased law firm pro bono activity, about which more in a moment.
- (5) We have advanced the creation and implementation of an Immigrant Representation Fellows program, an immigrant representation corps, consisting of young lawyers and senior lawyers, who would serve for one or two years, mentored by experienced immigration lawyers. In this project, I express my appreciation to Mayor Bloomberg, who

12. Symposium, *The Robert L. Levine Distinguished Lecture: Overcoming Barriers to Immigrant Representation: Exploring Solutions*, 78 FORDHAM L. REV. 453 (2009) (including articles, reports and commentaries of the Study Group on Immigrant Representation); see also Mark Hamblett, *Lawyers Target ‘Assembly Line’ Practice, Abuse of Poor Immigrants*, N.Y. L.J., Jan. 4, 2010, at 1 (discussing the symposium).

13. Symposium, *Innovative Approaches to Immigrant Representation: Exploring New Partnerships*, 33 CARDOZO L. REV. 331, 331–619 (2011).

14. See, e.g., Nina Bernstein, *In a City of Lawyers, Many Immigrants Fighting Deportation Go It Alone*, N.Y. TIMES, Mar. 13, 2009, at A21; Sam Dolnick, *Improving Immigrant Access to Lawyers*, N.Y. TIMES, May 4, 2011, at A24; Kirk Semple, *In A Study, Judges Express a Bleak View of Lawyers Representing Immigrants*, N.Y. TIMES, Dec. 19, 2011, at A24; see also Editorial, *For Want of a Good Lawyer: Deportation Without Representation*, N.Y. TIMES, Dec. 25, 2011, at SR14.

15. Hamblett, *supra* note 12, at 1; Mark Hamblett, *Study, Forum Stress Plight of New York’s Unrepresented Immigrants*, N.Y. L.J., May 4, 2011, at 1; Mark Hamblett, *Summit Participants Discuss Efforts to Find Competent Lawyers for Poor N.Y. Immigrants*, N.Y. L.J. Jan. 30, 2012, at 1.

with his team, convened a meeting of foundations urging their support for this initiative.¹⁶ N.Y.U. Law School's dynamic dean, Ricky Revesz, has also been a partner in this effort. I am very hopeful that this fellowship program will soon become a reality. As to the role that senior lawyers can play, I might add, there is no more vibrant example than that of that youthful senior lawyer, Robert Morgenthau, who has devoted so much of his energy to improve the lot of immigrants, both as Manhattan District Attorney and while in private practice.

- (6) We have joined with bar organizations to recruit, successfully, more pro bono lawyers.
- (7) We have developed, in collaboration with other organizations, training sessions for deferred law firm associates so that they could devote their deferral years to immigrant representation. This way, new lawyers enter law firm practice

16. In its October 2009 report, *Immigrants: The Lifeblood of New York City*, the Bloomberg Administration committed to support the training of lawyers who would represent immigrants. See MICHAEL BLOOMBERG, IMMIGRANTS: THE LIFELOOD OF NEW YORK CITY 3 (2009), available at <http://www.mikebloomberg.com/immigration.pdf> ("The City will commit \$2 million to the effort to cover a team of supervising attorneys and on-going training of associates and technical assistance in the area of immigration law."). In a speech delivered on October 8, 2009, the Mayor stated:

We'll create a \$2 million fund to deploy these lawyers to community organizations in areas with high concentrations of immigrants—and we'll give them the support they need to help more families get a fair shake from the justice system . . . and stay here in our City.

The stakes are too high for immigrants to go without legal representation. The outcome can determine whether a family will be split apart . . . or be able to stay together.

We're going to do everything we can to ensure that immigrants who are going through the process to stay here legally can do so, and can keep their families together.

I want to thank Judge Robert Katzmann and Chung-Wha Hong, director of the New York Immigration Coalition, for bringing me this idea. It's an example of how we can turn the national economic downturn to our advantage—if we think innovatively and act boldly.

Michael Bloomberg, Mayor of N.Y.C., Speech at City University of New York Graduate Center (Oct. 8, 2009).

In November 2011, Mayor Bloomberg, Deputy Mayor for Legal Affairs Carol Robles-Roman, Chief Policy Adviser John Feinblatt, Commissioner of the Mayor's Office to Combat Domestic Violence Yolanda Jimenez and Commissioner of the Mayor's Office of Immigrant Affairs Fatima Shama announced a new program whereby thirteen additional full time attorneys would work with the City's ten independent criminal defense providers and provide counseling to immigrant domestic violence victims. Press Release, Michael Bloomberg, Mayor Bloomberg Announces Expansion of Legal Services for Immigrants (Nov. 21, 2011), available at <http://www.mikebloomberg.com/index.cfm?objectid=C7C4788B-C29C-7CA2-FAF797F528F9EE9E>.

with a knowledge of immigration law, and, hopefully, a commitment to pro bono work.

- (8) We have spurred the creation of law school clinics—the prime exemplar being the Kathryn O. Greenberg Immigration Justice Clinic at Cardozo Law, under the leadership of two wholly dedicated, vigorous deans, David Rudenstine and Matthew Diller.
- (9) Study Group members have worked with state, local, and federal governments to explore ways that consumer law could be used to root out fraudulent legal service providers.
- (10) Responding to federal initiatives to combat immigration fraud, the Study Group, in concert with the American Immigration Lawyers Association and other organizations, in 2011 sponsored two days of intensive training in immigration law for non-immigration lawyers.

A lot more could be said about each of these initiatives. With your indulgence, I'd like to say more about two of them.

New York Immigrant Representation Study

Senator Daniel Patrick Moynihan often said that you're entitled to your own opinion, but not to your own facts. I couldn't agree more. Thus, I thought it important that the Study Group move from anecdote to comprehensive data, so that the problem could be better defined and addressed. To that end, Study Group members are undertaking the New York Immigrant Representation Study,¹⁷ chaired by Professor Peter Markowitz of Cardozo Law School, Professor Stacy Caplow of Brooklyn Law School, and Claudia Slovinsky. That study, with the support of the Leon Levy Foundation and the Governance Institute, is a two-year project in collaboration with the Vera Institute of Justice. The study provides, for the first time ever, comprehensive data about the scope of the immigrant representation challenge in New York (part one, year one) and is working to provide a plan for addressing it (part two, year two, to be issued by the end of 2012). The findings of part one of the study were published in December 2011 in the *Cardozo Law Review*.¹⁸

I present to you now a few of those striking findings because they powerfully show the depth of the problem:

17. See generally Peter L. Markowitz et al., *Accessing Justice: The Availability and Adequacy of Counsel in Removal Proceedings*, 33 CARDozo L. REV. 357 (2011) (reporting the results of Part 1 of the New York Immigrant Representation Study Report).

18. *Id.*

First. “A striking percentage of detained and non-detained immigrants appearing before the New York Immigration Courts do not have representation.”¹⁹

In New York City:

- “Sixty percent of detained immigrants do not have counsel by the time their cases are completed.”²⁰
- “Twenty-seven percent of non-detained immigrants do not have counsel by the time their cases are completed.”²¹

Second. The study found that the Department of Homeland Security’s detention and transfer policies create significant obstacles for immigrants facing removal to obtain counsel.

- Until recently, Immigration and Customs Enforcement transferred “almost two-thirds (64%) of those detained in New York to far-off detention centers (most frequently to Louisiana, Pennsylvania, and Texas) where they face the greatest obstacles to obtaining counsel.”²²
- “Individuals who are transferred elsewhere and who remain detained outside of New York are unrepresented 79% of the time.”²³

Third. “The two most important variables affecting the ability to secure a successful outcome in a case (defined as relief or termination) are having representation and being free from detention. The absence of either factor in a case—being detained but represented or being unrepresented but not detained—drops the success rate dramatically. When neither factor is present the rate of successful outcomes drops even more substantially.”²⁴

- “Represented and released or never detained: 74% have successful outcomes.”²⁵
- “Unrepresented but released or never detained: 13% have successful outcomes.”²⁶
- “Represented but detained: 18% have successful outcomes.”²⁷

19. *Id.* at 363.

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.*

25. *Id.*

26. *Id.* at 364.

27. *Id.*

- “Unrepresented and detained: 3% have successful outcomes.”²⁸

I think we can all agree that having a lawyer, preferably a good one, makes a substantial difference.

Fourth. “Grave problems persist in regard to deficient performance by lawyers providing removal-defense services.”²⁹

- “New York immigration judges rated nearly half of all legal representatives as less than adequate in terms of overall performance”³⁰

Fifth. “According to the providers surveyed, detained cases are least served by existing removal-defense providers.”³¹

Sixth. “[T]he two greatest impediments to increasing the capacity of existing providers are a lack of funding and a lack of resources to build a qualified core of experienced removal-defense providers.”³²

These dramatic findings give us a sense of the immensity of the task before us.

A Study Group, Federal Bar Council, Human Rights First Initiative

I am deeply grateful to the Federal Bar Council (FBC) for its support for the work of the Study Group, beginning with three FBC presidents, Mark Zauderer, Robert Giuffra, and Frank Wohl. Federal Bar Council Quarterly has devoted space to our activities.³³ The Public Service Committee (PSC) has been magnificent, under the leadership of Peter Vigeland and Jamie Levitt, both of whom are Study Group members. The Public Service Committee with the support of the Study Group, undertook a series of highly successful training sessions in immigration law, showing to any doubters that immigration law can be learned just like any other area of law. Indicative also of the Federal Bar Council’s Public Service Committee contribution is a creative pilot project to increase the pool of pro bono lawyers in asylum cases. A grant from the Leon Levy Foundation provides funding for a non-profit, Human Rights First (Lori Adams and Gina DelChiaro) to use its expertise to work with pro bono lawyers from

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.* at 364–65.

33. See, e.g., Taylor Asen & Jonathan Thomas, *Immigrant Representation*, FED. B. COUNCIL Q., June–Aug. 2011, at 24, 24 (describing the Study Group).

firms on immigration cases.³⁴ The hope, through this two-year fellowship program, is to challenge the private bar to take on more pro bono asylum cases and increase firms' ability to do so by creating a greater capacity to screen potential clients, conduct intake interviews, place new pro bono cases with law firms, and mentor the pro bono attorneys in that representation. In this pilot effort, the PSC, with appreciation to Jamie Levitt and Alida Lasker, has secured the commitment of Cleary Gottlieb, Sullivan & Cromwell, Fried Frank, Morrison & Foerster, and WilmerHale to assist with the screening of potential asylum clients at the New York Immigration Court, and to have those law firms take asylum cases pro bono. This pilot project could serve as a model for an expanded program, and encourage action by other foundations and firms.

What You Can Do

You might be wondering what can you do? I see so much talent in this room. I encourage and welcome the involvement of all of you here: firm leaders who set the tone, partners who serve as mentors for young lawyers, senior lawyers and associates alike. Any lawyer who has successfully represented a noncitizen can tell you of the deep satisfaction of helping a person in need, of helping to keep a family intact, of frankly becoming a hero to that immigrant and immigrant family, with the not insubstantial additional benefit to the attorney and firm of honing legal skills through that representation. Such honing of skills can enhance lawyering in other areas of practice. If you're not convinced by my words tonight, just talk to these lawyers: Jennifer Korman, Carmine Bocuzzi, Alex Bean, Alida Lasker, Ayana Free, Cathleen Gordley, and Andrew Ungberg of Cleary Gottlieb, who are participating in the PSC-Human Rights First pilot project; or Conray Tseng or Natalie Blazer of Weil Gotshal; or Anne-Laure Allehaut, Kelly Russotti, Laurent Weisel, and Nizan Geslevich of Skadden; or Barbara Camacho, a Fragomen fellow at the City Bar; or Jorge Castillo, Jennifer Colyer, Maribel Hernandez-Rivera, Peter Cobb, Robert Juceam, and Jonathan Forman of Fried Frank; or Jeannie Chung of Simpson Thacher; or Melanie Baptiste of Paul, Weiss; or Morgan Clark, Kristin McNamara Pauley, Nicole Naples, and Mei Lin Kwan-Gett of Willkie Farr; Aileen McGill and Stephanie Teplin of Patterson Belknap; or Noah Gitterman of Proskauer. They can tell you of the

34. See generally Lori Adams & Alida Y. Lasker, *The Asylum Representation Project & Leon Levy Fellowship at Human Rights First: An Innovative Partnership to Increase Pro Bono Representation to Indigent Asylum Seekers*, 33 CARDOZO L. REV. 417 (2011) (describing the activities of Human Rights First).

profound impact of their experiences. I follow the work of pro bono attorneys representing immigrants with much, much respect for their contributions.

If you are not already, please become involved. You can find out more about our activities by Googling “Study Group on Immigrant Representation,” by downloading our Fordham and Cardozo symposia and reports, by contacting the Study Group at studygroupimmigran-trep@gmail.com, the FBC’s Public Service Committee, or by contacting the other organizations noted in our materials, all doing great work.

It has indeed been an extraordinary honor to speak with you tonight. I very much stand on the shoulders of many who have made such a difference in my life, without whom I would not be here this evening. Before leaving the stage, I want to offer some words of appreciation, however inadequate they are, to convey my gratitude. I begin by paying tribute to my parents, who are here, John and Sylvia Katzmann. I know how lucky I am to have them as my parents. With their profound intelligence, their high standards and moral values, their unwavering loyalty, their generosity, their kindness, and their fortitude, my parents gave my siblings and me a blueprint for life. From them, we always had the sense that everything in life was possible, and that whatever we do should be done with integrity, with modesty, and concern for others. My parents have devoted their lives to their children, my sister Susan and brothers Gary and Martin. Our parents have put us ahead of their own comforts so that each of us could strive to realize our hopes. I am blessed, too, to have a wonderful, caring, and amazingly talented spouse, Jennifer, who has given me so much happiness. I am grateful that so many friends, family, my clerk family, my superb judicial assistant, Dominique Welch, and my extraordinary judicial colleagues are here. I think also of those who have passed away, but who are always with me, whose faith in me and efforts on my behalf were so essential to the course my life has taken.

Tonight, I especially acknowledge a few people who made my judgeship possible. First, I’d like to say a few words about Senator Daniel Patrick Moynihan, that inimitable statesman-scholar-teacher, and Elizabeth Moynihan, a path-breaking archaeological historian, author, and notable political strategist. I met the Moynihans when I was twenty-one-years-old, preparing for my Ph.D. orals in government at Harvard. From Professor and later Senator Moynihan, I learned truths large and small, about our institutions, about social science and social policy, and about the need for humility about what we know so that we can better craft what we can achieve. And always present, over the

decades, was Liz and Daniel P. Moynihan's concern about my well-being. They gave me the sense that they believed in me and they were always there for me, supporting me, indeed, promoting me. I am so glad that my dear friend Liz Moynihan is here to share this evening. Seeing tonight my good friend Judge Richard Eaton, a former chair of the Moynihan Judicial Advisory Selection Committee, I am reminded that many in this room also owe much to Senator Moynihan. And, as I recall the path to a federal judgeship, I gratefully acknowledge Gene Sperling, a brilliant public servant, a friend of thirty years, whose dedicated efforts, wise counsel and constant friendship have meant so much. I will always appreciate Patricia Hynes and her recommendation to the American Bar Association that I could do the job as judge. And I remember, as well, a couple of great judges, now deceased, with whom, in my pre-judgeship days, I worked closely and learned a lot, Hugh Bownes and Frank Coffin, both of the First Circuit.

We are all shaped by our personal histories. As I reflect on my subject tonight, immigrant representation, my own family's past no doubt plays a part. My father is a refugee from Nazi persecution, my mother the child of Russian immigrants. I can still hear the accents and voices of my own relatives, who escaped persecution, who wanted to become part of this great country, and who, through their toil and belief in the American dream, made this great nation even greater. When we work to secure adequate representation for immigrants, not only are we faithful to our own professional responsibilities, not only do we further the fair and effective administration of justice, but we also honor this nation's immigrant experience.

The challenges are formidable. I often think of the Breton Fisherman's prayer, that the sea is so great, and our boats are so small. But, row we must. On this journey, I look forward to continuing to work together with the Federal Bar Council.

I thank you for your great courtesy, for this truly great honor, and for this memorable evening.

