

## ANNOUNCEMENT

### UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Robert A. Katzmann, former Chief Judge of the United States Court of Appeals for the Second Circuit, the founder of its acclaimed civics education program, and a highly esteemed member of the federal judiciary who, before joining the bench, had advised on judicial-legislative relations and served as special counsel on the confirmation of Justice Ruth Bader Ginsburg, a cherished friend, died today after a long illness. His death was announced by the current Chief Judge of the Court of Appeals, Debra A. Livingston, who succeeded him in September 2020. Judge Katzmann was 68 years old.

Speaking on behalf of the Court, Chief Judge Livingston said, “Judge Katzmann led our Court through historic challenges, from budget sequester and governmental shutdowns, at the beginning of his tenure as Chief, to the pandemic which upended our Court’s operations only last spring. Throughout it all, Judge Katzmann provided sure and steady leadership. And more than this, Judge Katzmann, with his commitment to civic education, also had a vision for the Circuit – that the judiciary might lend a steadying hand to our democracy by helping to educate the citizenry about the rule of law and the role of judges. His quiet confidence, determination, exceptional leadership, and strong sense of justice inspired us all. We will miss him profoundly.”

Katzmann was the Walsh Professor of Government, Professor of Law, and Professor of Public Policy at Georgetown University, and a fellow of the Governmental Studies Program at the Brookings Institution when he was nominated by President Bill Clinton to serve as a judge of the Court of Appeals.

At the time of his nomination, Judge Katzmann, author of *Courts and Congress*, among other books, was one of the nation’s leading scholars on the subject of judicial-legislative relations. He had already worked collaboratively with Judge Frank M. Coffin, then chair of the United States Judicial Conference Committee on the Judicial Branch, who sought his assistance in examining interbranch relations. Katzmann had helped to found the Governance Institute to explore pragmatic issues arising from the separation of powers between the judiciary and Congress.

Judge Katzmann was nominated on March 9, 1999 to serve on the Second Circuit. This Court hears appeals from the federal district courts of New York, Connecticut, and Vermont and is especially well-known for its significant criminal docket and for its important civil cases, which emanate from the Circuit’s corporate and financial centers. The Senate confirmed Katzmann by voice vote on July 14, 1999. When Judge Katzmann received his commission on July 16, only two days later, he became the first judge of the federal courts to take the bench with not only a law degree, but also a doctorate in government.

Katzmann, whose twin brother, Judge Gary Katzmann, is a judge on the Court of International Trade, was born on April 22, 1953, in Manhattan, and grew up in Queens, a proud graduate of New York City’s public schools. He was the son of John Katzmann, a refugee from Nazi Germany and an engineer, and Sylvia Katzmann, a homemaker and the Brooklyn-born daughter of Russian immigrants. Katzmann received his A.B. degree *summa cum laude* from Columbia College before proceeding to Harvard University for his A.M. and Ph.D Degrees, where he studied with and worked for then-professor Daniel Patrick Moynihan, who became a mentor. Katzmann attended Yale Law School, where he served on the *Yale Law Journal*. After law school he clerked for Judge Hugh H. Bownes of the Court of Appeals for the First Circuit before joining Brookings.

In 1993, while Katzmman was still at the Brookings Institution, Senator Moynihan asked then-Professor Katzmman to serve as his special counsel on the confirmation of Justice Ruth Bader Ginsburg. In Justice Ginsburg's words, "When President Clinton nominated me . . . Senator Moynihan thought it would be useful for me to have a savvy, *sympathique* counselor as I made my way from one Senator's office to another's. Bob Katzmman was that counselor." Thus began a deep friendship. Judge Katzmman described Justice Ginsburg as "a friend for all seasons, an incomparable friend, to me and to my wife, Jennifer." And the admiration was reciprocated: It was Justice Ginsburg who administered the oath of office to Judge Katzmman in 1999, noting that this "insightful scholar of governance and interbranch relations," who had "studied federal courts closely for many years," would bring "an enormous store of knowledge to his new commission, along with intelligence and personal qualities important in sound judging: an inquiring mind, extraordinary diligence, patience, and a readiness to learn and listen."

Justice Ginsburg's forecast was apt. Judge Katzmman was a ranking member of the federal judiciary throughout his tenure. His expertise in judicial-legislative relations made him a natural for early service on the Judicial Conference Committee on the Judicial Branch, which he later chaired, appointed by Chief Justice John Roberts. In addition, Judge Katzmman served on the Executive Committee of the Conference, an important leadership role, and as Chair of the Supreme Court Fellows Commission.

In 2014, Judge Katzmman's most recent book, *Judging Statutes*, was published to widespread acclaim. *Judging Statutes*, as described by Justice Ginsburg, "addresses a subject of vital importance to the judiciary and the public: when Congress enacts laws lacking clarity, as it often does, how should a judge determine what lawmakers meant?" Judge Katzmman defended the proposition that "a fair examination of legislative history," in Justice Ginsburg's words, helps judges in this task. One reviewer noted that "[w]hichever side of the purposive/textualist divide one is on, Katzmman performs a service by examining how legislative history is developed and why some types of it are more credible and helpful than others."

Judge Katzmman served as Chief Judge of the Second Circuit from September 1, 2013 to August 31, 2020. He took senior status on January 21, 2021.

During his tenure as Chief Judge, Judge Katzmman spearheaded the Second Circuit's initiative, *Justice for All: Courts and the Community*, a civics education program involving all the Second Circuit's courts and aimed at, in Judge Katzmman's words, "increas[ing] public understanding of the role and operations of the courts." Under Judge Katzmman's leadership, students and their teachers trekked to courtrooms across the Circuit to learn more about the rule of law. They participated in moot courts, attended and participated in reenactments of important cases, did legal research, and visited the gleaming new Learning Center, inaugurated by Judge Katzmman, which is located on the fifth floor of the Thurgood Marshall Courthouse, home of the Court of Appeals.

Judge Katzmman identified this civics initiative as his most beloved and important project, vital to promoting basic literacy about our institutions: "Together, we have a collective responsibility to promote civic education," he said, "so that our Constitution and government remain vital for generations to come." As his dear friend, Justice Sonia Sotomayor noted, in a tribute to him, "Bob has opened the doors to the courthouse to students, teachers, and the broader community with the goal of increasing public understanding of the courts and bringing the courts closer to the community."

During his early years on the bench, Judge Katzmann witnessed firsthand the inadequate legal representation of non-citizens in immigration proceedings and the adverse impact of inadequate representation on the fair and effective administration of justice. In 2007, he delivered the Marden Lecture at the New York City Bar Association, *The Legal Profession and the Unmet Needs of the Immigrant Poor*, drawing attention to the profound lack of quality legal representation for the immigrant poor. As he put it, some immigration attorneys “do not even meet with their clients to flush out all the relevant facts and supporting evidence, or prepare them for their hearings.” Taking money from those with meager resources, he said, such lawyers “undermine trust in the American legal system, with damaging consequences for the immigrants’ lives.” Katzmann thereafter organized an interdisciplinary Study Group on Immigrant Representation in 2008 to address the challenges of inadequate counsel. The Study Group brought together key actors from advocacy groups, the private bar, and the government, including immigration judges, and its efforts led to the institution of the New York Immigrant Family Unity Project, which launched in 2013 to provide representation to non-citizens in New York who are detained, indigent, and facing deportation, and also to the creation, in 2014, of the non-profit Immigrant Justice Corps, a fellowship program for recent law school and college graduates directed at meeting the need for quality representation. The Study Group’s efforts and the Immigrant Justice Corps have led to much improvement in terms of access to justice in New York and across the nation for detained and other indigent immigrants.

During his judicial tenure, Katzmann also served as an adjunct professor at New York University Law School, teaching a seminar on the administrative process and serving on the advisory body of the Law School’s Institute of Judicial Administration and as a faculty member of its New Appellate Judges Seminar. In 2012, Katzmann received the Federal Bar Council’s Learned Hand Award for excellence in federal jurisprudence. He was also the recipient of the Edward Weinfeld Award of the New York County Lawyers Association, the Stanley H. Fuld Award of the New York State Bar Association, the Green Bag award for legal writing, the Charles E. Merriam Award of the American Political Science Association, and the Thurgood Marshall Award of the American Bar Association. He was a fellow of the American Academy of Arts and Sciences and held several honorary degrees.

In addition to *Courts and Congress* and *Judging Statutes*, Judge Katzmann also authored *Regulatory Bureaucracy: The Federal Trade Commission and Antitrust Policy* and *Institutional Disability: The Saga of Transportation Policy for the Disabled*. He was co-editor of *Managing Appeals in Federal Court*; editor and contributing author of *The Law Firm and the Public Good*; and editor and contributing author of *Daniel Patrick Moynihan: The Intellectual in Public Life*.

Judge Katzmann is survived by his wife, Jennifer, a noted filmmaker and writer/editor. He is also survived by his brothers, Gary and Martin, by his sister, Susan, by in-laws Stacey and Neil, and by many nephews and nieces.