

# *KATZMANN LECTURE*

## THE IMPOSSIBLE DREAM

THE HONORABLE ANN CLAIRE WILLIAMS (RET.)\*

### **DEAN TROY MCKENZIE**

Welcome, my name is Troy McKenzie. I have the privilege of being the Dean of N.Y.U. School of Law, and I am thrilled to welcome everyone to this year's Robert A. Katzmman Symposium.<sup>1</sup> It's going to be a wonderful evening of a conversation between Judge Ann Claire Williams and me on a number of topics from her life connecting to the legacy of Bob Katzmman and, more importantly, the role of the judiciary and social change. I will not say too much more because I want to jump into our conversation. For those of you who know Judge Williams, she has had an amazing life and career, an extraordinarily rich set of experiences and reflections. So I will sit down and let the conversation begin. Judge Williams, welcome. Welcome to N.Y.U.

### **JUDGE ANN CLAIRE WILLIAMS**

And may I say thank you for having me. Good evening to everyone, and I must say how excited I am to be here, how honored I am, because Bob Katzmman was my brother of the heart, and we had so much in common, and we shared so much. So, this is a tremendous honor and to see everyone in the audience, some of my law clerks, some of the judges that I worked with over the years, some of my partners and not-for-profit

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<sup>1</sup> See generally *A New Endowed Symposium Celebrates Judge Katzmman's Legacy and Commitment to Protecting Democracy*, N.Y. UNIV. SCH. OF L. (Feb. 1, 2021), <https://www.law.nyu.edu/news/judge-robert-katzmman-symposium-series-democracy> [https://perma.cc/EB3R-WUH3]; *Robert Katzmman, Judge and Civics Advocate, Dies at 68*, US COURTS (June 10, 2021), <https://www.uscourts.gov/news/2021/06/10/robert-katzmman-judge-and-civics-advocate-dies-68> [https://perma.cc/YYG5-MJXB] (giving an overview of the life and work of Judge Katzmman).

organizations and the faculty, I'm really thrilled to be here. Thank you for having me.

### DEAN MCKENZIE

Great. So why don't we begin at the beginning and talk about how you became a lawyer and then became a judge. You are from Detroit, your parents were teachers, and you went to Wayne State for your undergraduate education. You then received a master's from the University of Michigan. What were some of your influences? You talked about your parents being influential, and people like Judge Katzmann. Do you have reflections on lessons you learned from those people and how they influenced you?

### JUDGE WILLIAMS

Well, that was something that Bob and I really had in common, our parents, because my parents had the greatest influence on me. Both of my parents were from South Carolina, in the segregated South. Both wanted to be and were the first in their families to go to college, specifically historically Black colleges. They worked their way through college. When they moved to Detroit, my mother had a degree in education, but Blacks were not given contracts in education.<sup>2</sup> So for twelve years, she worked at a school for delinquent children and then five years as a substitute teacher. Then, finally, she got a contract.

My father had a degree in political science and psychology. He moved to Detroit. He tried to sell insurance—he didn't sell one policy. So he then drove a bus, and he drove a bus for twenty years, along with many Black men who were accountants and lawyers, because the opportunities weren't there.<sup>3</sup> And in his twentieth year, he applied for a position as a supervisor. His white boss said to him that he was not competent. Daddy had been a staff sergeant in the military and had helped run a division. He got very upset. He looked at his pension fund and said, "I think on my pension fund, I can go back to school." And as

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<sup>2</sup> Cf. Owen Thompson, *School Desegregation and Black Teacher Employment*, 104 REV. ECON. & STATS. 962 (2022) (discussing the effect of desegregation on employment opportunities for Black teachers from the South).

<sup>3</sup> See Mary Ann Watt, Christopher Zinkowicz, et al., *African American Occupations in the 1900s*, BERKS HIST. CTR., <https://www.berkshistory.org/multimedia/articles/african-american-occupations-in-the-1900s> [<https://perma.cc/JM7F-FFF9>] (discussing census data of Black occupations in the 1900s in the North); Lily Rothman, *See the Most Popular Professions for African Americans in 1900*, TIME (Feb. 17, 2016, 10:30 AM), <https://time.com/4202859/dubois-paris-exposition-chart> [<https://perma.cc/4R5H-E4CW>] (discussing Black employment patterns in Georgia).

fate would have it, Daddy and I were at Wayne State together because my major was education. And of course, I had never thought about that because I loved my father. You know, I loved his uniform. I thought it was very handsome. I could run up and down the bus before getting to the end of the line. There are some people here who remember when you paid with real money in the bus, and so I was able to roll quarters, dimes, and nickels.

I was in a class in college and was asked to do an extemporaneous speech about someone whom I admired, and I started talking about my father. Tears were streaming down my cheeks because that's when it hit me. Bus driver, college degree. College degree, bus driver. I came home, and I said, "Daddy, how could you stand it? Why aren't you burning down the city of Detroit?" And he said, "I did what I had to do. I knew what I had to do to make life better for you and your two sisters." He said, "Nobody can take my education away from me. And being a bus driver is good, honest, decent work. And I know that if you have the skills, you will make it better. You will make it better in the world."

It's my parents that have influenced me. And everybody in this room, whether you were enslaved people who were brought here against your will, whether your people crossed the big water like Bob's parents looking for shelter,<sup>4</sup> looking for peace, looking for democracy, we all stand on their shoulders. And so whenever I have faced a challenge, I think about my parents. And if that's not going back far enough, I say, well, I could be a slave. Look at all the people that have sacrificed so we could all be in this room. We have an obligation to make the world better because of how much they sacrificed for us so we could be in this room and we could hold these positions. The bottom line is just like the Katzmans, my parents were my greatest influence and my greatest inspiration.

### **DEAN MCKENZIE**

Did you have other formative experiences that shaped in particular your view of justice, the role of the courts, the judiciary?

### **JUDGE WILLIAMS**

I went back when I was asked to do this, and I thought about my elementary school newspaper. When I was in sixth grade, I did

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<sup>4</sup> See Sam Roberts, *Robert Katzmann, U.S. Judge with Reach Beyond the Bench, Dies at 68*, N.Y. TIMES (June 11, 2021), <https://www.nytimes.com/2021/06/10/us/robert-katzmann-dead.html> [<https://perma.cc/LX9J-4BZH>] (describing Judge Katzmann as "the son and grandson of Jewish refugees who fled Germany and Russia").

an article on the Freedom Riders.<sup>5</sup> My parents were very aware of civil rights. I knew about Thurgood Marshall,<sup>6</sup> Constance Baker Motley,<sup>7</sup> and Martin Luther King.<sup>8</sup> In fact, I went to one of his rallies in Detroit when I was a little girl. I stood on the corner collecting money for the Freedom Riders. We grew up in a family that was very conscious of race relations in this country. We talked about justice and understood justice, but I never imagined I would be a lawyer. I mean, who's a lawyer that influenced me? Just like Justice Sotomayor: Perry Mason.<sup>9</sup> That's who came to my house every week. Perry Mason won every case, cross-examined the witness, and the witness confessed. Or he turned to the gallery, cross-examined someone in the gallery, and they confessed. I understood Perry and I had very fundamental views about justice. But you know at that time, women were teachers, social workers, nurses, and administrative assistants.<sup>10</sup> All the women in my family and my extended family worked in the factory because we were from Detroit. The men worked in the factory in Detroit.<sup>11</sup> I never ever imagined I would be a lawyer.

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<sup>5</sup> See generally Derrick Bryson Taylor, *Who Were the Freedom Riders?*, N.Y. TIMES (July 18, 2020), <https://www.nytimes.com/2020/07/18/us/politics/freedom-riders-john-lewis-work.html> [<https://perma.cc/8J5L-ZCFW>] (discussing the history of the Freedom Riders); see also *On This Day – May 14, 1961*, EQUAL JUST. INITIATIVE, <https://calendar.eji.org/racial-injustice/may/14> [<https://perma.cc/94TN-PN6Z>] (describing the Freedom Riders and a 1961 attack upon them in Alabama).

<sup>6</sup> See generally *Thurgood Marshall*, LEGAL DEF. FUND, <https://www.naacpldf.org/about-us/history/thurgood-marshall> [<https://perma.cc/RBY2-CR7H>].

<sup>7</sup> See generally *The Life and Legacy of Constance Baker Motley*, LEGAL DEF. FUND, <https://www.naacpldf.org/naacp-publications/ldf-blog/cbm-100> [<https://perma.cc/X2S7-SUJW>].

<sup>8</sup> See generally *Reflecting on the Legacy of Dr. Martin Luther King, Jr.*, LEGAL DEF. FUND, <https://www.naacpldf.org/press-release/reflecting-on-the-legacy-of-dr-martin-luther-king-jr> [<https://perma.cc/VGS7-CEJM>].

<sup>9</sup> See *Perry Mason's Words 'Molded' Sotomayor*, ABC NEWS (July 15, 2009, 10:38PM), <https://abcnews.go.com/Politics/story?id=8095294&page=1> [<https://perma.cc/5B6V-GPTX>].

<sup>10</sup> See Janet L. Yellen, *The History of Women's Work and Wages and How It Has Created Success for Us All*, BROOKINGS (May 2020), <https://www.brookings.edu/articles/the-history-of-womens-work-and-wages-and-how-it-has-created-success-for-us-all> [<https://perma.cc/77YP-D2X6>] (discussing overall shifts in employment opportunities for women over the past century); cf. *Women*, ABA PROFILE OF THE LEGAL PRO., <https://www.abalegalprofile.com/women.html> [<https://perma.cc/SJ4T-SVTF>] (providing overview of female employment in the legal profession since 1951).

<sup>11</sup> See Robert L. Smith, *A Detroit Black History Month Perspective*, NEW DETROIT (2023), <https://www.newdetroit.org/a-detroit-black-history-month-perspective> [<https://perma.cc/8NBJ-2RS8>] (discussing Ford's employment of African-Americans in Detroit); see also Thomas J. Sugrue, *Motor City: The Story of Detroit*, GILDER LEHRMAN INST. OF AM. HIST. (2019), <https://ap.gilderlehrman.org/history-by-era/politics-reform/essays/motor-city-story-detroit> [<https://perma.cc/UV9N-GYPA>] (describing history of Detroit as an epicenter for car manufacturing).

**DEAN MCKENZIE**

So, you do end up going to law school at the University of Notre Dame. How did you decide to make that leap? How did you end up in law school? What attracted you to the law, and how did you get there?

**JUDGE WILLIAMS**

I had a friend who was getting his master's in social work while I was getting my master's in guidance and counseling. And I had been teaching full-time in the inner-city public schools of Detroit. I taught for four years. He came by one day and said, "What are you doing next year?" I said, "I'm not sure." And he said, "Well, I'm going to law school." I had a competitive spirit and I said, "So am I." And he said, "You know, you need to take a test." I said, "You're kidding, I didn't need to take a test to get into Michigan. I had high enough grades, so I got admitted to the graduate program." He went down, got the form, got the LSAT. I had no anxiety, no prep whatsoever, and thank God I did well. The problem was I took the test in February, and when I applied to Harvard, Yale, Michigan, Notre Dame, and Wayne State, classes were filled. So I got rejection letters, but it was during that period of rejection that it hit me: Lawyers teach and teachers teach.<sup>12</sup> Teachers have to persuade; lawyers have to persuade. Teachers have to break down materials so people understand it and move people. And that's what lawyers have to do. So at some point I said, you know, maybe I could do this. Maybe I could be a lawyer.

And then as fate would have it, another friend was at Notre Dame walking with the only Black person on the admissions committee on our faculty, the assistant law librarian, Granville Cleveland,<sup>13</sup> who happened to mention someone canceling the class. And Willie Lipscomb,<sup>14</sup> who later became a judge in Detroit, said, "I know someone." And so that's why I have my rejection letter from Notre Dame and my admissions letter. I rolled into campus the day before classes started. Like I said, I didn't know a lawyer or a judge. I rolled in, I was so happy. I called Willie and said, "Willie, I'm in the dorm. I have my parking space." And he said, and I quote, "Ann Claire, have you done the reading?" To

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<sup>12</sup> See Kimberlee K. Kovach, *The Lawyer as Teacher: The Role of Education in Lawyering*, 4 CLINICAL L. REV. 359 (1998).

<sup>13</sup> See generally Granville Edward Cleveland, SOUTH BEND TRIB. (Mar. 29, 2013), <https://www.legacy.com/us/obituaries/southbendtribune/name/granville-cleveland-obituary?id=13250323> [<https://perma.cc/T652-PT3Z>].

<sup>14</sup> See generally Charles Williams, *Judge Willie Lipscomb Jr. (JD '75)*, UNIV. OF NOTRE DAME L. SCH. (Nov. 11, 2013), <https://law.nd.edu/news-events/news/judge-willie-lipscomb-jr-jd-75> [<https://perma.cc/BUV3-X4Y9>].

which I said, “Willie, what are you talking about? Tomorrow is the first day of class. I’ll get the syllabus, I’ll buy my books and then I’ll do the readings.” He said, “No, Ann Claire, we’re in the same section. Get in your Volkswagen and get over here.” So I got over there—without GPS, because there are some young people in the audience—but we had to find our way and Willie literally had to explain everything because I knew about plaintiffs and defendants but I didn’t understand how the courts worked. I didn’t understand what a holding was. And so that’s how I started law school. I like to say to students, “Look where I ended up,” so that as we share our stories and our journeys, students here can go way beyond where I went. But that’s how I started. And it ended up that it was a good thing. It ended up that it was a good thing, and I had made the right choice.

### DEAN MCKENZIE

Do you remember any particular courses or experiences in law school that were especially influential for your later career?

### JUDGE WILLIAMS

Well, the President of Notre Dame at the time was Father Ted Hesburgh, who had been the chair of the Civil Rights Commission.<sup>15</sup> And Howard Glickstein, who had been his general counsel, started the Civil Rights Center at Notre Dame.<sup>16</sup> I was fortunate enough to be a legal research assistant. That was influential. I also made the choice to work with Willie as Assistant Director of Legal Aid.<sup>17</sup> We were doing a book drive for the prisons and we were teaching legal writing in the prisons. In hindsight, I should have taken the offer to join the Moot Court Team, but again, I said I didn’t understand the significance and how important it was to have an academic credential. But thank God I was a research assistant. And then trial advocacy appealed to me, as well as criminal law and federal procedure. I also worked for the Black cultural center in South Bend and sadly, we were conducting police misconduct hearings, something that is with us even today.<sup>18</sup> Those were things that influenced

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<sup>15</sup> See generally *Fr. Ted’s Life: Civil Rights Commission*, UNIV. OF NOTRE DAME (2023), <https://hesburgh.nd.edu/fr-teds-life/champion-of-civil-rights/civil-rights-commission> [<https://perma.cc/6Q2N-X3WK>].

<sup>16</sup> See generally Notre Dame Law Review Editors, *Tribute to Howard A. Glickstein*, 51 NOTRE DAME L. REV. 4 (1975).

<sup>17</sup> See Williams, *supra* note 14 (“[Judge Lipscomb] served as the student Executive Director of the Notre Dame Legal Aid & Defender Association.”).

<sup>18</sup> Cf. *Exposing Police Brutality and Misconduct*, DETROIT UNDER FIRE (2021), <https://policing.umhistorylabs.lsa.umich.edu/s/detroitunderfire/page/police-policing-themselves> [<https://perma.cc/KG7C-5XHT>] (describing police misconduct hearings in Detroit).

me. I like to think when I was working with Indiana state prisoners that this was my payback to be a Seventh Circuit judge and deal with all the prisoner cases that got filed. But those things had an influence on me. And of course, by that time, I knew a lot more about Thurgood Marshall and Constance Baker Motley.

### DEAN MCKENZIE

You were fortunate enough to be able to begin your career as a law clerk on the court that you would later join, the Seventh Circuit, for Judge Sprecher.<sup>19</sup> Could you tell us how you got the job and how you decided that you were going to apply for a clerkship? And what were some of the lessons that you learned in that position?

### JUDGE WILLIAMS

I got called to the Dean's office, and back then there wasn't an electronic means to communicate and the dean used to just post missives. The Dean called me and said, "I received a call from Judge Luther Swygert, who's a Notre Dame law grad.<sup>20</sup> He's the Chief Judge of the Seventh Circuit. There have only been one or two women law clerks in the history of the court and no Black women.<sup>21</sup> And he asked me if I knew an outstanding Black woman who could cut it and be a law clerk."

### DEAN MCKENZIE

He was that direct?

### JUDGE WILLIAMS

Yes, he was very direct. Dean Link<sup>22</sup> was very direct, and he said to me, "Ann, have you ever thought about clerking?" Well, during the setup to that question, I had thought about clerking. So I said, "Yes, Dean, I thought about clerking," because one of the things I've learned in life is you have to say yes. You never know when an opportunity is going to present itself to you. And you never know where it's going to lead, but I

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<sup>19</sup> See generally Luther M. Swygert, *A Tribute to Judge Robert A. Sprecher – 1907-1982*, 59 CHI.-KENT L. REV. 327 (1983).

<sup>20</sup> See generally Ivan E. Bodensteiner, *Luther M. Swygert: A Remembrance and a Tribute*, 23 VAL. U. L. REV. xxiii (1989).

<sup>21</sup> Cf. Debra M. Strauss, *Diversity in Judicial Clerkships and the Courts: Trends, Initiatives, and Resources*, FED. BAR ASS'N JUDICIARY DIV., FED. JUD. L. CLERK COMM. (2023) (discussing trends in women's employment in clerkships).

<sup>22</sup> See generally Fr. David Link, UNIV. OF NOTRE DAME (2023), <https://law.nd.edu/directory/david-link> [<https://perma.cc/G2JL-LJGQ>].

knew that was a good thing that the dean thought I was strong enough academically to handle a clerkship. So I said yes. I went and interviewed on the Seventh Circuit. Judge Swygert wanted to hire three women, and he only had two spots. He called his next-door neighbor, Bob Sprecher, and said, “Have you filled your second position?” He said, “No.” Judge Swygert said, “I’d like you to consider Ann Williams.”

Judge Sprecher hired me. When I started in the courthouse, I went to Judge Swygert’s chambers, and there was another Black woman.<sup>23</sup> We were the first two Black women clerks on the court.<sup>24</sup> We helped each other. We did our drafts, we exchanged drafts, and we helped each other. We edited each other, and we became lifelong friends. I had a very good experience with Bob Sprecher. He was a gifted writer. We divided the docket in threes: my co-clerk drafted a third, I drafted a third, and the judge drafted a third. Back in those days, if you had something in U.S. Law Week,<sup>25</sup> if one of your cases got featured, that was a big thing. The judge had one, I had one, and my co-clerk had one. It was a great year. And he was a great mentor to me. And it’s very sad to me that he never saw me go on to the bench.

### DEAN MCKENZIE

What influence did that clerkship have on your later career?

### JUDGE WILLIAMS

The clerkship is a golden ticket. It unlocks many doors. I had offers from a major law firm and the U.S. Attorney’s office. It also gave me the relationship with Bob Sprecher and lessons from his strength in writing. After I studied for the bar, I read around 100 opinions by Judge Sprecher so that I would be ready. I understood the way he analyzed things. I understood how he set up opinions. It took me six weeks to turn in my first draft, and the secretary finally said, “Ann, Judge is asking for your draft.” And that was back in the day when there was real cut and paste. She said, “You’ve done like five, just turn it in.” Then I got it back and there were three little red marks. I knew I was on my way, and I never forgot the lessons that he taught me. I learned a lot in the clerkship.

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<sup>23</sup> *June Baldwin*, THE HISTORY MAKERS, <https://www.thehistorymakers.org/biography/june-baldwin> [<https://perma.cc/RH7C-ZEXF>].

<sup>24</sup> See, e.g., *A Demographic Profile of Judicial Clerks – Patterns of Disproportionality*, NAT’L ASS’N FOR L. PLACEMENT (NOV. 2010), [https://www.nalp.org/nov2010\\_demog\\_clerkships](https://www.nalp.org/nov2010_demog_clerkships) [<https://perma.cc/JX2G-YPBT>] (highlighting demographic disparities in judicial clerk hiring in 1999).

<sup>25</sup> See generally *The United States Law Week*, BLOOMBERG L., <https://news.bloomberglaw.com/us-law-week/> [<https://perma.cc/968U-NX84>].



**DEAN MCKENZIE**

So after the clerkship, you took your first job at the U.S. Attorney's Office for the Northern District of Illinois. What attracted you to that position, and how did you end up becoming an Assistant U.S. Attorney?

**JUDGE WILLIAMS**

Well, I actually applied to the Federal Defender's Office. I never wanted to be a prosecutor. And another woman reached out to me, Marianne Jackson, who was the only Black woman in the U.S. Attorney's office.<sup>26</sup> She asked to have lunch with me and she said "I wanted to talk to you." She said, "I want to just make clear that if you're the prosecutor, you have the power. The prosecutor indicts; the prosecutor makes recommendations on sentencing. The prosecutor has to make sure the agents conduct their investigations consistent with the law." She said, "It's very important that we as Black people and really every segment of society is represented in the U.S. Attorney's Office, and you can make sure people really understand their rights. And it is, in my opinion, a better spot for you." I thought about what Marianne said, and that convinced me. I applied to the U.S. Attorney's Office, and I was trying to decide whether I'd take the offer with the law firm or the U.S. Attorney's Office, even though I knew I wanted the second.

I was offered the position in the U.S. Attorney's Office but not in the division I wanted, Criminal Receiving and Appellate. I had been an appellate clerk, but it turns out they had a division called Public Protection and Civil Rights. And so, very interestingly, me, the other Black man, and three white women, we were all in that group. And everybody else, including some of my former co-clerks, were in this Criminal Receiving and Appellate Division. But I knew I had to get my foot in the door. So that was a lesson too. Sometimes you can't get what you want when you want it, so you have to adjust and figure out what door you're going to go to next. For me, getting my foot in the door was really important, so I said yes.

After three months, I recognized that civil rights criminal investigations are really hard, and if you've never done a search warrant or you've never done an arrest warrant or you've never worked with agents in terms of how you conduct an investigation, you are not

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<sup>26</sup> See generally Chris Bonjean, *Jackson Appointed Cook County Circuit Judge*, ILL. STATE BAR ASS'N (Oct. 22, 2014), <https://www.isba.org/barnews/2014/10/22/jackson-appointed-cook-county-circuit-judge> [<https://perma.cc/5KNV-38CR>].

operating at full capacity. I went to the chief of the division I wanted to be in, and I said, “You know, I’ve tried it for three months, I’m not learning a lot, I’d like to transfer.” He said, “No.” So I went to an attorney who was two offices from me named Bob.<sup>27</sup> I had heard Bob complaining because a lot of the attorneys in that division I wanted to be in didn’t like doing briefs. I went to my group and I said, “Hey, would you all like to do briefs for the Seventh Circuit?” I told them, “I’m going to go see Bob to see if he’ll assign us some briefs.” And that’s what I did. I said, “Bob, can we do briefs?” He said, “Yes, you really want to?” I said, “Yeah.” Then Bob started giving us briefs from the Seventh Circuit. I got to argue in the Seventh Circuit. Then I wanted to get duty days where we could do arrest warrants and search warrants. I went to Bob and said, “Bob, I need you to go to the chief and you need to get duty days for us.” Bob came back, and he said, “I got you three.” I said, “That’s a start.”

So even though I ended up a year behind my fellow AUSAs, I ultimately got in the division I belonged in and began to try cases. The point is one has to stand up for oneself. And my parents really had five lessons for me: dream big dreams, work really hard, never give up, stand up, and give back. Stand up because nobody’s going to give you anything. That’s a lesson for me. If you want something, you have to go out after it and you have to think very strategically about it.

I think those lessons I learned were very helpful for me as I navigated all the different things that ended up coming to be in my life. I learned a lot of lessons in the U.S. Attorney’s Office, including, as I said, saying yes. The Chief Judge<sup>28</sup> called me when I was on maternity leave with my first child, and he knew I had been teaching trial advocacy at Northwestern, I’d done trial advocacy at Harvard, and I taught trial advocacy at the Attorney General’s Program. He said, “We’re starting a trial bar in the Northern District of Illinois. I’d like you to be one of the members of the committee.”<sup>29</sup> Not quite as sophisticated as I later became, I said to the Chief, “How many meetings? How long will they be?” And after I hung up the phone, I said to myself, “That’s the Chief Judge asking you to serve on the committee.” I called him right back, and I said yes. That yes is very

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<sup>27</sup> This attorney’s name was Robert Stephenson.

<sup>28</sup> *Frank McGarr, 1921-2012*, CHI. TRIB. (Jan. 10, 2012), <https://www.chicagotribune.com/2012/01/10/frank-mcgarr-1921-2012/> [<https://perma.cc/NRH5-7F9R>].

<sup>29</sup> See *Brown v. McGarr*, 774 F.2d 777 (7th Cir. 1985) (describing the establishment of the Federal Trial Bar of the Northern District of Illinois and denying a challenge to its membership rules).

important. On that committee, there was Jim Holderman,<sup>30</sup> who became a district judge, and Ilana Rovner,<sup>31</sup> who became a district judge. Another judge on that committee became a state court judge. Little did I know, the chair of the committee was the son of a federal judge, Dick Austin.<sup>32</sup> And so I got known; I got a reputation. They stood up for me when it was time for my nomination to the district court.

Similarly, in the U.S. Attorney's Office, my last position was Chief of the Organized Crime Drug Enforcement Task Force. And when the U.S. Attorney asked me about it, because I wanted another position, I went to him and said, "I heard I'm not getting this position, I wanted to be chief." He said, "Oh no, I want you to be chief of the drug task force." And I said, "I've done my time in drugs, I don't want that job." He said, "Oh no, you have to report to Washington." (At the time, Rudy Giuliani<sup>33</sup> was number three at the department.) "And you will have five U.S. Attorneys you work with." As fate would have it, unbeknownst to me because I was not in politics at all—I had been covered under the Hatch Act<sup>34</sup>—Sarah Barker,<sup>35</sup> Joe Stadtmueller,<sup>36</sup> and Jim Rosenbaum<sup>37</sup> all became federal judges. They had connections, and they stood up for me when my name came up. And so again, saying yes when I didn't know where it was going to go was important. But I did have sense enough to ask the U.S. Attorney, "Would I get a raise?" and "Would I be a chief?" because I knew I didn't want to go back to that same division when I was a deputy. Again, a lesson.

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<sup>30</sup> See generally Phil Rogers, *Retiring Judge Shares Stories from Behind the Bench*, NBC CHI. (Apr. 24, 2015, 7:11 PM), <https://www.nbcchicago.com/news/local/james-holderman/1994676> [<https://perma.cc/L96N-84YF>].

<sup>31</sup> See generally *Biography: Ilana Diamond Rovner*, WOMEN TRAILBLAZERS PROJECT, <https://abawtp.law.stanford.edu/exhibits/show/ilana-diamond-rovner/biography> [<https://perma.cc/V6TU-CKQ9>].

<sup>32</sup> See generally Wolfgang Saxon, *Judge Richard B. Austin, 76, Dies*, N.Y. TIMES (Feb. 8, 1977), <https://www.nytimes.com/1977/02/08/archives/judge-richard-b-austin-76-dies-presided-over-top-chicago-trials.html> [<https://perma.cc/65HZ-XX4T>].

<sup>33</sup> See generally Michael Winerip, *High-Profile Prosecutor*, N.Y. TIMES (June 9, 1985), <https://www.nytimes.com/1985/06/09/magazine/high-profile-prosecutor.html> [<https://perma.cc/MN2X-NHZE>].

<sup>34</sup> Hatch Act, 5 U.S.C. §§ 7321–26 (2018) (placing limits on the political activity of federal government employees).

<sup>35</sup> See generally *Senior Judge Sarah Evans Barker*, U.S. DIST. CT. S. DIST. OF IND., <https://www.insd.uscourts.gov/content/senior-judge-sarah-evans-barker> [<https://perma.cc/AM9J-4DEN>].

<sup>36</sup> See generally *Joseph Peter Stadtmueller*, FED. JUD. CTR., <https://www.fjc.gov/node/1388186> [<https://perma.cc/3472-Q47L>].

<sup>37</sup> See generally *James Michael Rosenbaum*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/rosenbaum-james-michael> [<https://perma.cc/5XW9-MWTK>].

## DEAN MCKENZIE

Let's talk a little bit about when you took the bench. In 1985, you were appointed to the Northern District as a district judge, and you were the third woman on that court. You were the third Black judge on that court. What were some of the experiences like when you first took the bench, and do you have recollections about the actual process of being nominated and confirmed and then starting out, opening up your chambers?

## JUDGE WILLIAMS

I mentioned all the U.S. Attorneys that stood up for me, and I didn't even know all that was going on behind the scenes. Lowell Jensen had replaced Rudy Giuliani.<sup>38</sup> He had, again, all unbeknownst to me, worked for Ed Meese in California. Ed Meese was White House Counsel.<sup>39</sup> I had also done several conferences because when you're in the task force, you're bringing together all these different agents, you're doing a lot of education, you're working out the budget for these investigations, and you're thinking about the strategies. So he had seen a window and had seen me in leadership positions with that background. Plus I mentioned that I had been teaching trial advocacy, and I was also involved with the National Institute for Trial Advocacy.<sup>40</sup> One of the things that people said about me was that I had no civil experience, but I had been teaching trial advocacy. I worked for Jim McElhaney as his assistant team leader.<sup>41</sup> He was Editor-in-Chief of the American Bar Association Litigation Magazine.<sup>42</sup>

A lot of the things I had done in my career, I wasn't doing to work for a judgeship. In fact, when the U.S. Attorney called me and said my name had come up as a potential district court nominee, I said, "Are you serious?" There were so few Black women in the country who were on the bench. And he said, "Yes, your name has

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<sup>38</sup> See generally *Nomination of D. Lowell Jensen to Be an Associate Attorney General*, RONALD REAGAN PRESIDENTIAL LIBR. & MUSEUM (May 4, 1983), <https://www.reaganlibrary.gov/archives/speech/nomination-d-lowell-jensen-be-associate-attorney-general> [<https://perma.cc/9F6D-WZSG>].

<sup>39</sup> See generally *Hon. Edwin Meese, III*, THE FEDERALIST SOC'Y, <https://fedsoc.org/contributors/edwin-meese> [<https://perma.cc/CN8R-VYWV>].

<sup>40</sup> See generally NAT'L INST. FOR TRIAL ADVOC., <https://www.nita.org> [<https://perma.cc/MWF5-A5ZK>].

<sup>41</sup> See generally Gerald Lebovits, *Thoughts on Legal Writing from the Greatest of Them All: James W. McElhaney*, N.Y. STATE BAR ASS'N (Mar. 4, 2020), <https://nysba.org/thoughts-on-legal-writing-from-the-greatest-of-them-all-james-w-mcelhaney> [<https://perma.cc/3UMM-LATF>].

<sup>42</sup> See generally *Litigation Journal*, AM. BAR ASS'N, <https://www.americanbar.org/groups/litigation/resources/litigation-journal> [<https://perma.cc/E5SM-Y4RR>].

come up to Senator Percy.” Senator Percy<sup>43</sup> had kind of a kitchen cabinet; he didn’t have a formal committee. A little while later, I was on my way to buy a dryer. I was pregnant with my second child, my mother was in the car, and it was 90 degrees. Senator Percy’s office had called, and they wanted to interview me, and the person I spoke with and the next person also wanted to interview me. But I needed to get this dryer. The first call I took was at an Amoco gas station in Detroit because at the time I was living in Michigan. My husband had taken an appointment in Detroit, and I was on leave from the U.S. Attorney’s Office. Then, I decided I needed to be in a more quiet space. I stopped. I knew there was one department store that had a really nice ladies’ room. I did the interview there and then, ultimately, you know the outcome.

Now, I chair the American Bar Association Standing Committee on the Federal Judiciary.<sup>44</sup> I’m in my second term. I’ve been appointed by the incoming ABA president for my third term. We review all the nominees to the district courts, courts of appeals, and Supreme Court. But back when I was under consideration as a potential district court nominee, seven bar associations had to interview me. Each of them had a different form. We were cutting and pasting and my husband had taken a new job, so I didn’t even really have secretarial help. He paid his secretary to do the work and the rumor at the bank was that he was having an affair because they were there at night so late.

Eventually, though, I was nominated to the district court. You were asking what it was like. Of course, it’s a magnificent thing to have the weight on your shoulders and to know that you were the difference, the difference you will make in people’s lives. And I had tried a lot of cases, so I felt very confident about understanding the rules of evidence, the way things worked. In fact, I had more experience than a lot of judges on the court, so I was not worried about that. But it’s the burden and the responsibility to make sure that you represent justice, that you are being fair. I took a lot of time when I did guilty pleas. I didn’t try to do them in twenty minutes. If someone hesitated or didn’t understand when I was explaining things, I thought part of that was being a teacher. I would just say, “Do you need more time? Do you need to talk to defense counsel? Do you understand that anything you say can be held against you? You see that woman sitting there, she’s the court reporter, she’s writing

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<sup>43</sup> See generally *PERCY, Charles Harting*, BIOGRAPHICAL DIRECTORY OF THE U.S. CONG., <https://bioguide.congress.gov/search/bio/P000222> [<https://perma.cc/Z8VX-YHD5>].

<sup>44</sup> *Members – Standing Committee on the Federal Judiciary 2023-2024*, AM. BAR. ASS’N, [https://www.americanbar.org/groups/committees/federal\\_judiciary/about\\_us/members](https://www.americanbar.org/groups/committees/federal_judiciary/about_us/members) [<https://perma.cc/L7UU-BFPX>].

down everything you say. And if this goes to trial, everything you say can be used in the trial against you. Do you understand that?" I never got reversed on any guilty plea. And I did that in the U.S. Attorney's Office, too. Because poor people who have not had experience with the law want to come into the grand jury and talk.

Sophisticated criminals don't come when you call them into the grand jury if they have lawyers. But I would always say that there's a lawyer to represent you. A federal defender, not paid by us. I'm the one that puts you in jail, but they're available. To me, making sure people understood their rights was really, really important.

### DEAN MCKENZIE

You later went to the Court of Appeals in 1999, and I wanted to just put something to you as a proposition to hear your response. It sometimes is said that district judges have by far the most influence in the federal judiciary because, one, they do not need to get other judges to agree with their view in order to reach a decision. And two, their decisions are typically reviewed with, as a practical matter, significant deference by appellate courts so that district judges have a great degree of freedom and influence. Do you have thoughts about that? Do you agree?

### JUDGE WILLIAMS

I think who has the greatest influence is the Supreme Court. That's what the greatest influence is. But I do agree with you that district judges have a lot of power because you're deciding yourself what the fair thing is. You look at the facts, you look at the law, and you make the best decision. I was not someone that did a lot of hand wringing, like I know Harry Edwards didn't do either.<sup>45</sup> You spend the amount of time that you need to understand the facts and to understand the law. You hire great law clerks who help you with that. Then you make the decision. If they come in on a motion to reconsider, you listen to that and you look at it. We were not perfect. I was not perfect on the bench. If I needed to reconsider, I would. I think that a good judge understands that. A judge who doesn't have problems with confidence or insecurities is willing to say "I'm not right 100% of the time." But you do have a lot of power as a district court judge and you are justice

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<sup>45</sup> See Harry T. Edwards, *A Conversation with Judge Harry T. Edwards*, 16 WASH. U. J.L. & POL'Y 61, 69 (2004) (agreeing with proposition that trial court judges can be less constrained in decisionmaking).

to the jurors that come in, to the witnesses that come in, in the way that you treat them.

I was telling the story before we started. I love juries and I always gave them a questionnaire at the beginning. I explained all their rights. I was teaching trial advocacy in Minnesota, and it turned out one of the lawyers I was working with, his mother had been a juror in my courtroom. He said, "I know who you are." I said, "Really?" He said, "Yes, because you always asked, 'How many children do you have, what do they do, what are their ages?' My mother had twelve and she named all their names and what they did. And you said, 'Let us give a round of applause to her.'" I always did that for whoever had the most children, because I wanted to get them relaxed enough that I could show my human side so that I could get honest responses. I always gave a certificate to every juror. We mailed it. This lawyer said, "I knew it was you because my mother told me you said 'Will everybody give her a round of applause because she knows all the names.' And she framed the certificate." That mattered to me because to me being on the jury is next to military service. It was important to treat them with respect and be on time. If lawyers were late, I would warn a lawyer, "You were late, jury is ready. Don't do that again, counsel." If that happened again, if we started at 10:00, we were all in the courtroom waiting, jury and everybody else, and the lawyer comes in, how often do you think that lawyer was late? Not after that one time when we were all ready, counsel. You're here so we'll get started now. Only one time because you have to respect the jury and you have to respect their time.

So it is a very powerful position to be a district judge. In terms of thinking about the Court of Appeals, yes, as a trial judge, you obviously have to be aware of the law, and you have to know when you're coming to the line and you have to decide as a judge, is it the right thing if I come to the line and I cross the line? Do I have a tight enough record? Do I have enough case law so that I might be able to persuade the Court of Appeals? But you have to be very judicious about that. You can't do that with every case because then you get a reputation on the Court of Appeals of not being a solid judge that can be relied on. Just like lawyers have reputations and lawyers talk about us as judges, judges talk about judges. And in the Court of Appeals, we knew who the trial judges were that made a great record. When you had to make a call, and it was a judge that you trusted, that you knew made a good record, that was very thoughtful, you often gave them the benefit of the doubt. Credibility as a trial judge mattered and it mattered in the Court of Appeals, who the lawyers were and who the judges were.

## DEAN MCKENZIE

I want to talk to you about a couple things you did when you took the bench. One, which was really quite extraordinary, is that when you were a district judge, you presided over a lengthy multi-district litigation called *In re Folding Carton Antitrust Litigation*.<sup>46</sup> And that litigation ended in a national settlement.<sup>47</sup> Following the settlement, there was a reserve of unclaimed funds, and you decided in a decision to enter a cy pres order distributing those funds in order to establish a public interest fellowship that was proposed by the National Association for Public Interest Law.<sup>48</sup> I want to talk a little bit about that because you as a district judge had this authority and opportunity. I'm going to read how you explain that decision:

In sum, having a permanent source of funding for public interest legal work has far-reaching benefits: (1) it benefits recipients of the legal services; (2) it benefits graduating law students and judicial clerks who have a desire to practice public interest law; (3) it benefits public interest organizations . . . ; and (4) it benefits society as a whole to achieve justice for those who might not otherwise have access to the legal system. For these reasons, the court finds that using the Reserve Fund to establish the National Public Interest Fellowship . . . is appropriate under the cy pres doctrine and the court adopts the proposal of the Committee . . . in its entirety.<sup>49</sup>

Could you talk a little bit about that and what that launched? And then we'll talk about whether that could be done today.

## JUDGE WILLIAMS

I had heard about the Skadden Arps Program, and they had said they were going to do a program for five years to fund fellowships for lawyers working in the public interest area.<sup>50</sup> I thought that was a brilliant idea and when I had this money, \$2.3 million, I had a committee

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<sup>46</sup> No. MDL 250, 1991 WL 32867 (N.D. Ill. Mar. 6, 1991), *aff'd in part and remanded in part*, 934 F.2d 323 (7th Cir. 1991).

<sup>47</sup> See Houck *ex rel.* U.S. v. Folding Carton Admin. Comm., 881 F.2d 494, 497–98 (7th Cir. 1989).

<sup>48</sup> See *In re Folding Carton*, 1991 WL 32867, at \*1–3; see also Sandra Torrey, *Leftover Lawsuit Funds Go to Do-Good Attorneys*, WASH. POST (May 3, 1993), <https://www.washingtonpost.com/archive/business/1993/05/03/leftover-lawsuit-funds-go-to-do-good-attorneys/9ffc03df-d4f2-44c0-bc95-152855dec463> [<https://perma.cc/WDZ4-M92Q>] (describing Judge Williams's decision to establish a national fellowship program with funds from the litigation).

<sup>49</sup> *In re Folding Carton*, 1991 WL 32867, at \*3.

<sup>50</sup> See generally *About the Foundation*, SKADDEN FOUND., <https://www.skaddenfellowships.org/aboutthefoundation> [<https://perma.cc/3W78-2AFF>].



that I appointed and I said, “Here’s what I want to do. I would like to make this a permanent fellowship program. So I need you to go find an organization that we think is capable of running a fellowship program.” National Association of Public Interest Law<sup>51</sup> had been founded by law students several years before, and the committee identified them. I interviewed them, and I thought they had the capacity.

I didn’t preside over the litigation. Actually, I got it the third round because a district judge who had had the case had been rejected twice by the Seventh Circuit for the way he wanted to distribute the funds to establish an antitrust department in one of the law schools. And then he wanted to send the money to the Federal Judicial Center. And the Seventh Circuit rejected that. So then it comes to me, and I knew I wanted it for all those reasons you said. I wanted to have a provision where the students’ loans were paid off because I could see on the bench that kids were making the choice not to do public interest work because the salaries were so low, because their loans were so big.<sup>52</sup> We know in this country that we are not serving all the people who need to be served. I don’t know what the stats are now, probably higher than thirty, forty, fifty percent of people who cannot get lawyers.<sup>53</sup> I didn’t check that data. So anyway, I appointed the committee, and the committee founded the National Association of Public Interest Law. I interviewed them, I appointed the first board, and I kept track of the money. There was also \$800,000 in a cy pres fund here in New York. One of my committee members got that judge to give it so we started with \$3.1 million. We started with seven fellows in 1991. Now we’ve had over 2,000 fellows in the country, and now, the name is Equal Justice Works.<sup>54</sup>

I am sometimes referred to as the mother of Equal Justice Works. One of the things that’s so amazing is that 85% of the lawyers who take this fellowship end up in public interest law.<sup>55</sup> Of course, that’s another reason

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<sup>51</sup> The National Association of Public Interest Law (NAPIL) is now known as Equal Justice Works. See generally *About Us*, EQUAL JUST. WORKS, <https://www.equaljusticeworks.org/about> [<https://perma.cc/U8L9-5M26>].

<sup>52</sup> See Jonathan D. Glater, *High Tuition Debts and Low Pay Drain Public Interest Law*, N.Y. TIMES (Sept. 12, 2003), <https://www.nytimes.com/2003/09/12/us/high-tuition-debts-and-low-pay-drain-public-interest-law.html> [<https://perma.cc/KV69-BZH6>] (noting that high tuitions and loans of legal education are making it harder for students to take lower-paying public interest jobs).

<sup>53</sup> See Rebecca Buckwalter-Poza, *Making Justice Equal*, CTR. FOR AM. PROGRESS (Dec. 8, 2016), <https://www.americanprogress.org/article/making-justice-equal> [<https://perma.cc/U3UZ-NS8W>] (noting that at least one litigant is without an attorney in three-fourths of civil trial cases).

<sup>54</sup> *Support Our Fellows*, EQUAL JUST. WORKS, <https://www.equaljusticeworks.org/support-our-fellows> [<https://perma.cc/47E9-DEEG>].

<sup>55</sup> *Id.*

Bob and I bonded. With his Immigrant Justice Corps,<sup>56</sup> he understood the power of young lawyers and the impact we could have and how important it was to increase access to justice, to help the underserved. So that program is something that I was really proud of and it just took flight. In more recent days, in the Norflet litigation which involved John Hancock, it was again a class action and Black people were given either really poorly written policies or were not given the same kind of policies that everybody else got.<sup>57</sup> There was \$15 million left and the judge in that case—it was a settlement—distributed the money to help in the Black community in a variety of ways.<sup>58</sup> And then there was another case that Judge Rebecca Pallmeyer had that involved the Latino community in a financial case.<sup>59</sup> I can't remember now the exact facts but millions of dollars were distributed. So there hasn't been a lot of law on cy pres recently because there has been settlement. But I think I was the first one to use the cy pres doctrine in that way.

### DEAN MCKENZIE

Interesting. You essentially gave life to something that has gone on beyond you that has created opportunity, not just for the law students and new lawyers but also their clients, creating an institution. And I wanted to take a moment to reflect on this connection you mentioned with Judge Katzmann who really did believe in the proper use of the power of the robe, I'll put it that way. Focusing on access to justice, civic education, making the courts a part of the community. Can you talk about your reflections on each of those?

### JUDGE WILLIAMS

Bob and I served together—we were really fortunate—and that's how I got to really know him. I was the President of the Federal Judges Association. We were working on pay issues, the cost of living, and Bob was very active in that. In fact, he was Chair of the Judicial Branch Committee when I was President of the Federal Judges Association.<sup>60</sup>

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<sup>56</sup> See generally *About IJC*, IMMIGRANT JUST. CORPS, <https://justicecorps.org/about> [<https://perma.cc/PE2P-YXRH>].

<sup>57</sup> See SUSAN EATON, FROM CLASS ACTION TO REPARATIVE PHILANTHROPY: THE NORFLET PROGRESS FUND AND THE FUTURE OF CY PRES PRACTICE 2 (2021) (describing the Norflet lawsuit which alleged that John Hancock disproportionately marketed substandard insurance policies to Black Americans).

<sup>58</sup> See *id.* at 3–4 (describing how the Norflet Progress Fund distributed \$15 million to fifty-four nonprofit organizations that served the Black community).

<sup>59</sup> *In re Mex. Money Transfer Litig.*, 164 F.Supp.2d 1002 (N.D. Ill. 2000).

<sup>60</sup> Ann Claire Williams, *Tribute to Judge Robert Katzmann*, 75 N.Y.U. ANN. SURV. AM. L. 1, 14 (2019). See generally *History of the FJA*, FED. JUDGES ASS'N, <https://www.federaljudgesassoc.org/who-we-are/history-of-the-fja> [<https://perma.cc/Y75E-3G7E>].

I worked with him on that. Ultimately, I was on the Supreme Court Fellows Commission with him.<sup>61</sup> And in terms of beyond the robe, he and I basically had a philosophy — and this is why I loved him so much — that the robe, the black robe means something and that we have an obligation to have the public understand it. And so the civic education center that he started — I was at the Judicial Branch Committee meeting when we were talking about that — and I was bringing kids in to my courtroom when my son was in first grade and always opened it up because I think the courthouse should be part of the community. Bob really felt very strongly about that. And civic education which again was a goal of Justice Sandra Day O’Connor with iCivics.<sup>62</sup> You know, I now sit on the iCivics board.<sup>63</sup> Bob understood that unfortunately we have been so caught up in STEM and all these other things that there’s been a detour from civics, and people don’t understand their basic rights and they don’t understand how the country operates. And I mean that’s a critical thing. And then access to justice, the number of people who are unable to get lawyers and representation and that don’t understand their rights, the consequences are grave.

All of those things we bonded over, and we knew that we have convening power with the black robe. Now I’m talking about appropriately, because just like the Immigrant Justice Corps and organizations I started like Just The Beginning,<sup>64</sup> I could just call up lawyers that I knew that cared about public interest work and say, “Would you come to a meeting? We’re going to talk about a particular program. It would be great if you got involved.” And they would come and there wouldn’t be competition between the law firms or even the law schools. I started this Jumpstart program because I always remembered what it was like for me getting into my little Volkswagen, going to Willie Lipscomb as a first-generation lawyer.<sup>65</sup> We started the Jumpstart program. I brought representatives from all the law schools in Illinois into my chambers in district court and I said, “You know, I’m very concerned about first generation kids, kids of color, kids who are

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<sup>61</sup> See generally *Fellows Program*, SUP. CT. OF THE U.S., <https://www.supremecourt.gov/fellows> [<https://perma.cc/BLB3-UYYT>].

<sup>62</sup> See *Our Founder*, iCIVICS, <https://www.icivics.org/our-founder> [<https://perma.cc/K6L8-DCZF>]; CIVICS FOR LIFE, <https://civicsforlife.org> [<https://perma.cc/TT4E-GSKA>]; see also *Civics Education*, O’CONNOR INST., <https://oconnorinstitute.org/civics-education> [<https://perma.cc/S66Y-LNGQ>].

<sup>63</sup> *Board*, iCIVICS, <https://www.icivics.org/board> [<https://perma.cc/FLM4-NEM9>].

<sup>64</sup> See generally *JUST THE BEGINNING – A PIPELINE ORG.*, <https://jtb.org> [<https://perma.cc/B7EF-3BES>].

<sup>65</sup> See *Jumpstart*, 2CIVILITY, <https://www.2civility.org/education-cle/law-school-programs/#tabs-2> [<https://perma.cc/5V3K-4S2J>].

underrepresented, where they stand in the class. And I think we should have a jumpstart program where we tell them really what they need to know to be successful in their first year. Because I think the light bulb for some kids goes off at the end of first year and we all know you need to have the light bulb go off way earlier because you need great grades to get a clerkship, to get in a firm. You need those grades.” I was able to bring them together. They had not worked together—all the law schools—on an initiative, but that’s what I mean about the convening power. You have to recognize that as a judge, your influence is more than what you do in the courtroom because you have power. And Bob understood that, that you had to exercise it appropriately.

### DEAN MCKENZIE

You mentioned Just The Beginning Foundation, one of the other things that you were involved in is the start of that organization, which is now Just The Beginning—A Pipeline Organization. Among the things that the organization focuses on is creating opportunities for underrepresented students in the law in the clerkship process. Could you talk a little bit about your reflections on the clerkship process and why this was important to you, both as someone who had been a law clerk and who then hired law clerks? And I also wanted to mention in this regard a recent study undertaken by Justice Goodwin Liu of the California Supreme Court who wrote a fascinating article about the clerkship process and surveyed federal judges about their hiring practices and about the value they placed on diversity in a number of dimensions.<sup>66</sup> And in that survey, with very few exceptions, judges indicated that they did think that it was important to have clerks of diverse backgrounds but they had very different outcomes across the judges in terms of their hiring.<sup>67</sup> And I’d just like your thoughts on all of that, both Just The Beginning Foundation and also the study by Justice Liu.

### JUDGE WILLIAMS

Well, we started Just The Beginning—A Pipeline Organization in honor of James Benton Parsons, who was the first Black judge on a U.S. district court.<sup>68</sup> He happened to be from Chicago. We had that gathering.

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<sup>66</sup> See Jeremy D. Fogel, Mary S. Hoopes & Goodwin Liu, *Law Clerk Selection and Diversity: Insights From Fifty Sitting Judges of the Federal Courts of Appeals*, 137 HARV. L. REV. 588 (2023).

<sup>67</sup> *Id.* at 659.

<sup>68</sup> *Our History*, JUST THE BEGINNING – A PIPELINE ORG., <https://jtb.org/history> [<https://perma.cc/9UAZ-4AQ8>].

Harry<sup>69</sup> was at that gathering and it was just remarkable because it was a weekend and we had the judges share their stories. We had Constance Baker Motley, Leon Higginbotham,<sup>70</sup> Damon Keith,<sup>71</sup> all these giants who told their stories, and we recognized there was power in their stories and we wanted to provide alternative role models for students. We wrote a curriculum, we got it in for the public schools and then when the teachers left, the curriculum died. It's very difficult dealing with school systems. And so we thought we need to have our own program. We started our summer legal camps for high school students to help them understand the law, very much like the Celina and Sonia Sotomayor Program that's run here.<sup>72</sup>

We then realized that we needed to focus on clerkships and internships. Internships where a law student can work for a judge for a summer or during the semester and get the experience of working not only with the judge but the law clerks so that they gain the experience, develop mentors, and they're able to move forward in the profession because as I said, it's a golden ticket. It's a key. My view is having those kinds of programs and supporting those programs is good for the law, good for the judiciary, and can expand the number of students of color and from underrepresented groups in the ranks, and help inspire them to become judges. I always remembered who I was and how I started law school with when Willie saying, "Ann Claire, have you done the reading?"

We need for everybody who is in law school to be confident and know they should be there. The question is, where is the confidence level? Who's going to give them the 411 on exactly what they need to know? Like me making that choice of being Willie's legal aid assistant director when I should have done moot court, in my opinion, because you need an academic credential. Telling students in advance and preparing them, I think, is really important.

### DEAN MCKENZIE

I want to go far away. I want to go to Africa, which is a place where over the years you have devoted a lot of your time and your

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<sup>69</sup> See Edwards, *supra* note 45.

<sup>70</sup> See generally Richard W. Rose, *A Tribute to Judge A. Leon Higginbotham, Jr.: Farewell to a Giant*, 4 ROGER WILLIAMS UNIV. L. REV. 387 (1999).

<sup>71</sup> See generally Cassandra Spratling & David Ashenfelder, *Federal Judge, Civil Rights Icon Damon Keith Dies at Age 96*, DET. FREE PRESS (Apr. 28, 2019), <https://www.freep.com/story/news/local/michigan/detroit/2019/04/28/damon-keith-district-judge-civil-rights-icon/3608409002> [<https://perma.cc/L8YG-9NNF>].

<sup>72</sup> See generally *Mission*, THE SONIA & CELINA SOTOMAYOR JUD. INTERNSHIP PROGRAM, <https://www.scsjip.org/mission> [<https://perma.cc/DHC9-JHAE>].

attention. I want to start by asking how you first got involved in legal issues in Africa and then asking about what types of questions you have worked on and how you have developed this as part of your portfolio of things that you've worked on both on the bench and now that you are at Jones Day.

### JUDGE WILLIAMS

I had taught at the Federal Judicial Center. There was a period for seven years where I taught every class of baby judges. One of the baby judges was actually Justice Sonia Sotomayor, among others. I had continued to teach at Northwestern, and I was teaching case management ethics and that kind of thing. I was president of the Federal Judges Association in 2001 and I was invited to represent our association at an international association meeting of judges. And I got to go to Ghana, and I met the judges and was invited back twice to do training. Then, I got invited to the International Criminal Tribunal for Rwanda to train prosecutors on trying cases and at the appellate level.<sup>73</sup> That then ultimately led to working with the Kenyan judiciary for many, many years in case management, human trafficking, you name it.

What was important to me, at least initially, was my mother. It comes back to my mother. She got to travel a lot but the one place she didn't get to go was to the "motherland," as she would say. I think going to Africa like that, I was fulfilling a dream of my mother's, number one. Number two, I feel like I've received so many blessings in my life and a lot of hands have been extended to me of all colors, all races, all backgrounds. I wouldn't be here without the help of others to get me where I am. So I feel that when you have those blessings, you have an obligation to give back. That's the second reason. The third reason is because I see the light in the eyes of everyone I work with and partner with for justice under very difficult circumstances. They get up every day. For example, in Kenya, there are no court reporters.<sup>74</sup> Judges are taking the record, making rulings, and deciding credibility. Just imagine, imagine. Now there are some countries in Africa where there are recordings and everything, but they get up every day and they try to do justice. That inspires me to do the work that I've been doing.

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<sup>73</sup> See generally *Legacy Website of the International Criminal Tribunal for Rwanda*, UNITED NATIONS INT'L RESIDUAL MECHANISM FOR CRIM. TRIBUNALS, <https://unictr.irmct.org> [<https://perma.cc/JZ4A-N435>].

<sup>74</sup> Cf. *Where is the Court Reporter?*, FED. JUD. CTR.: JUDICIARIES WORLDWIDE, <https://judiciariesworldwide.fjc.gov/question/where-court-reporter> [<https://perma.cc/2NZL-74PE>] ("Most non-common law judicial systems do not use court reporters and there is no verbatim transcript of court proceedings.").

I was fortunate to get the opportunity with Jones Day so that my full-time position is helping to advance the rule of law in Africa and to work on pro bono initiatives and projects to engage my partners and associates to help with the rule of law.<sup>75</sup> Recently, I was just in Kenya. I've worked in nine African countries and have been going for over 20 years, and I can't even count the number of trips I've made.

It's very clear that even if there's electronic filing, even if it's the best organization, even if they hire hundreds of judges and lawyers, they're just as litigious as we are, and they can't keep up with the backlog. So, mediation to me is a key. Mediation and restorative justice. I helped convene a conference there that had 1,400 people attend—500 live, the rest remotely—because we know that's going to make a difference working with the chief justice, the governor of the central bank.<sup>76</sup> When I'm doing this work, I'm working at this level. Having worn the black robe helps give me access and credibility. So I will continue. Of course, we do cases like human trafficking and other things, it's not just on the commercial side, but that's why I keep going back.

### **DEAN MCKENZIE**

I want to ask you to reflect about the black robe, about the role of the judge. You have taken opportunities to effect real, long-lasting change but the judiciary as an institution is one that is constrained in many ways. The canons put limits on what judges can do. Do you think, first of all, that your role as a judge enhanced or limited the types of change that you could effect? And then related to that, if you had never been a judge, if you'd taken a different path in the law, do you think you would've had the same instinct for trying to effect positive change?

### **JUDGE WILLIAMS**

I'll start with the last question first. I think I would've had the instinct to help make change because I always believed in the power of one person to have an idea, a good idea, a strategic idea, and in the ability of that one person to bring a lot of other ones together to move forward. I always believed in that. I always believed it. And I did start one organization when I was a baby lawyer, Minority Legal Education

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<sup>75</sup> See *Hon. Ann Claire Williams, JONES DAY*, <https://www.jonesday.com/en/lawyers/w/judge-ann-claire-williams> [<https://perma.cc/PL45-RWY6>].

<sup>76</sup> See Kenya Bankers, *Hon. Justice Ann Claire Williams – Remarks During Mediation Summit 2023*, YouTube (Apr. 19, 2023), <https://youtu.be/6oFck7WTnhw> [<https://perma.cc/D7J6-XB95>].

Resources, Inc., because there was a problem with Blacks and the passage rate.<sup>77</sup> It wasn't equal to the overall rate.

### DEAN MCKENZIE

This is the bar exam.

### JUDGE WILLIAMS

Yes, and I was aware that there was a similar program Professor Ron Kennedy had started at Northwestern, but he just had it for students from Northwestern.<sup>78</sup> I of course tried to get in it but I went to Notre Dame, but I never forgot about it. Two years later as an Assistant U.S. Attorney, I worked with a guy who had been in that program. I went to him and I said, "Al, is Professor Kennedy still doing the program?" "Yes." "Do they still have a 100% pass rate?" "Yes." I said, "Is it still just limited to Northwestern?" He said, "Yes." "I think it should be expanded, will you set up a meeting with me?" We went to see the Professor. I said, "Professor, I think you should expand it." He said, "I don't. I have a 100% pass rate and who are you?" So I said, "Well, how about this, how about if you train me and my friends. We'll have a non-Northwestern group, we have a Northwestern group. If we have the same pass rate, can we talk?" That's what we did, and we had the same pass rate. So we started MLER. It's an all-volunteer organization.<sup>79</sup> First, it was free, now it costs kids about \$300. They use it as a supplement. It's all based on writing exams, taking exams, and having them graded. We have, you know, three people—a lawyer who just passed, a lawyer in the middle of their career, and an experienced lawyer—helping people pass the bar. I did that as a baby lawyer. I was always committed. When I went on the bench, I also helped start the Black Women Lawyers Association.<sup>80</sup> I helped start Just The Beginning.

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<sup>77</sup> See generally *Our History*, MINORITY LEGAL EDUC. RES., INC., <https://mler.org/about> [<https://perma.cc/EMM3-DDJH>]; N.Y.C. BAR, EMPOWERING TOMORROW'S LEADERS: BEST PRACTICES FOR SUPPORTING DIVERSE STUDENTS DURING LAW SCHOOL AND INTO EMPLOYMENT 10 (Apr. 2014), <https://www2.nycbar.org/pdf/report/uploads/20072683-BestPracticesforBuildingSupportingthePipelinettoLegalProfession.pdf> [<https://perma.cc/U2EV-NGKQ>]; Stephanie Francis Ward, *First-Time Bar Passage Rate for Black Candidates Below 58%, ABA Data Shows*, ABA J. (Apr. 11, 2023, 4:30 PM), <https://www.abajournal.com/web/article/first-time-bar-pass-rate-for-black-candidates-below-58-aba-data-shows> [<https://perma.cc/UQA4-CHBC>].

<sup>78</sup> See *Our History*, *supra* note 77.

<sup>79</sup> See *Become a Tutor*, MINORITY LEGAL EDUC. RES., INC., <https://mler.org/become-a-tutor> [<https://perma.cc/CD3P-VRTD>].

<sup>80</sup> See *About BWLA*, BLACK WOMEN LAWS.' ASS'N OF GREATER CHI., INC., <https://bwla.org/about-us> [<https://perma.cc/JS44-3M89>].



And the other thing, I just want to comment on this. These are organizations that fall in the category of working with people who are underserved and who haven't had opportunities. But I am also a big believer in those organizations nurturing your soul, whatever they are, and how important it is to get to the larger legal community if you're going to have some influence. Because of that work with the Federal Judicial Center and meeting every class of brand-new federal judges, being president of the Federal Judges Association, when I was up for the Court of Appeals, I was in a way different position, Dean, because I had been president of the association, so I knew judges all across the country.

You have to be very careful when you're up for that kind of appointment. You can't ask people to help you, but I had judges saying, "What can we do for you, Annie?" They had seen me in leadership positions. I had worked at the Judicial Conference.<sup>81</sup> Justice Rehnquist had appointed me chair of the Court Administration and Case Management Committee and put me on the Judicial Branch Committee and all these other things. There were people around the country that stood up for me, who knew what I stood for.

I know I've gotten off-topicslightly, but I just think it's really important that if you want to effect change, you have to do it appropriately. It's one person at a time. When you join an organization, you don't just join and pay your dues, you need to do things and you need to be innovative. Even within the judiciary, when I first went on the district court, all the groups, the women's groups, the Black groups, the minority groups, the legal aid groups, all wanted you to come and talk to the students. It was like I just couldn't do enough, it was just too much. And also the bar associations wanted you to come and everything. So lawyers were always asking questions about how things worked in the court.

So I started with our Federal Bar Association, what judges want. And every year we had a panel of three or four judges that actually talked to the lawyers about what they wanted. And then about the fifteen minutes, twenty minutes in, I would flip it and say, "And what do lawyers expect from judges?" That was a way to bring the community together.

I also mentioned bringing kids in the courtroom. I worked with Bob a lot on that, having a plan to do that in our courthouse because not every judge was a teacher. I was a teacher at heart, so it kind of came to me what to do, but not every judge does. We made a

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<sup>81</sup> See *About the Judicial Conference*, U.S. COURTS, <https://www.uscourts.gov/about-federal-courts/governance-judicial-conference/about-judicial-conference> [<https://perma.cc/K38M-LJRG>].

toolkit so judges can welcome people in the courtroom. I feel very passionately about all of these things. And now I can't remember what the question was.

### DEAN MCKENZIE

No, no, but the answer was fantastic. Before we close, I wanted to give you some time just for some final reflections, but there was one question I do want to ask you: Was there any time where there was an opportunity to engage in a reform effort of some kind that you thought, "I really want to do this but as a judge, I just don't think I can do it"?

### JUDGE WILLIAMS

Well, of course, we have canons of ethics.<sup>82</sup> We can't do any fundraising, for example.<sup>83</sup> For these organizations I talked about, which at the beginning were doing a conference every other year, lawyers were raising the money and being very, very careful not to have us on any of the fundraising. When it turned out that Just The Beginning was trying to support programs, we made the board all non-judges.<sup>84</sup> Judges were just advisors.

I'm very aware the code of ethics and have always adhered to the code of ethics. One area that was really difficult was that I wanted to work to help with some reform for immigration judges. Their task is just a nightmare.<sup>85</sup> They don't have the resources and they don't have the training. They're not part of the Judicial Conference. That was a place where I ran into a roadblock because I just couldn't. They're under the Department of Justice, so I was not able to do that. But I can't think of any other sort of thing that I've thought about doing that I wasn't able to move forward with. I can't think of anything right at the moment.

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<sup>82</sup> See GUIDE TO JUDICIARY POLICY: CODE OF CONDUCT FOR U.S. JUDGES (JUD. CONF. OF THE U.S. 2019).

<sup>83</sup> See *id.* at Canon 4(C) ("[A] judge should not personally participate in fund-raising activities, solicit funds for any organization, or use or permit the use of the prestige of judicial office for that purpose."); see also MODEL CODE OF JUD. CONDUCT r.3.7 (AM. BAR ASS'N 2020).

<sup>84</sup> See *Board of Directors*, JUST THE BEGINNING – A PIPELINE ORG., <https://jtb.org/board> [<https://perma.cc/K53F-FHFX>].

<sup>85</sup> See U.S. GOV'T ACCOUNTABILITY OFF., GAO-23-105431, IMMIGRATION COURTS: ACTIONS NEEDED TO ADDRESS WORKFORCE, PERFORMANCE, AND DATA MANAGEMENT CHALLENGES (2023); HOLLY STRAUT-EPPSTEINER, CONG. RSCH. SERV., R47077, U.S. IMMIGRATION COURTS AND THE PENDING CASES BACKLOG (2022); Zolan Kanno-Youngs, *Backlogged Courts and Years of Delays Await Many Migrants*, N.Y. TIMES (May 12, 2023), <https://www.nytimes.com/2023/05/12/us/politics/immigration-courts-delays-migrants-title-42.html> [<https://perma.cc/DL7H-MSTR>]; Alicia A. Caldwell, *Immigration Judges Are Moving Fast, but Case Backlog Keeps Growing*, WALL ST. J. (Mar. 1, 2023, 9:00 AM), <https://www.wsj.com/articles/immigration-judges-are-moving-fast-but-case-backlog-keeps-growing-c8cc6922> [<https://perma.cc/BE29-94VQ>].

**DEAN MCKENZIE**

Do you have any final thoughts before we close?

**JUDGE WILLIAMS**

I do have some final thoughts and they're about Bob Katzmann. So that I wouldn't get too emotional, I've brought some notes, I just wanted to share these thoughts and then there's something else I'd like to do. Nelson Mandela said "A winner is a dreamer who never gives up."<sup>86</sup> He also said, "It always seems impossible until it's done."<sup>87</sup>

A winner is a dreamer who never gives up. It always seems impossible until it's done.

Bob Katzmann was a winner who dreamed big impossible dreams, and he worked his whole life to make those dreams come true. His strategic vision, his use of power given to him, the black robe, his big heart, his big, big heart matched all of his big dreams. His kindness to everyone, you know anyone who knew him was blessed to be in his presence. From the cleaning people to Presidents, he taught us to dream impossible dreams and make them possible. So I'm going to sing my favorite song, a favorite of Bob's, in gratitude and thankfulness for my brother who will always inspire us, who we will always carry in our hearts and who taught us to dream impossible dreams.<sup>88</sup> Now, I have changed the words to protect the innocent.

♪ To dream the impossible dream ♪  
 ♪ To fight the unbeatable foe ♪  
 ♪ To bear with unbearable sorrow ♪  
 ♪ To run where the brave dare not go ♪  
 ♪ To right the unrightable wrong ♪  
 ♪ To love, pure and strong who we are ♪  
 ♪ To try when our arms are too weary ♪  
 ♪ To reach the unreachable star ♪

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<sup>86</sup> *Remembering Nelson Mandela on the Anniversary of His Inauguration*, ABC NEWS (May 10, 2017, 12:00 AM), <https://abcnews.go.com/International/remembering-nelson-mandela-anniversary-inauguration/story?id=47205398> [<https://perma.cc/9EQ6-ZRVB>].

<sup>87</sup> Jessica Durando, *15 of Nelson Mandela's Best Quotes*, USA TODAY (Dec. 5, 2013, 5:03 PM), <https://www.usatoday.com/story/news/nation-now/2013/12/05/nelson-mandela-quotes/3775255> [<https://perma.cc/CK7J-9L9D>]. *But see It Always Seems Impossible Until It's Done*, QUOTE INVESTIGATOR, (Jan. 5, 2016), <https://quoteinvestigator.com/2016/01/05/done> [<https://perma.cc/V2LL-AFRM>] (suggesting that the quote might not have originated from Mandela).

<sup>88</sup> JOE DARION, *The Impossible Dream (The Quest)*, from MAN OF LA MANCHA (1965).

That was Bob Katzmann's quest.

♪ To follow that star ♪  
 ♪ No matter how hopeless ♪  
 ♪ No matter how far ♪  
 ♪ To fight for what's right without question or pause ♪  
 ♪ To be willing to march, march into hell ♪  
 ♪ For a heavenly cause, equal justice, his cause ♪  
 ♪ And we know if we'll always be true ♪  
 ♪ To this great justice quest ♪  
 ♪ That our hearts will be peaceful and calm ♪

Like Bob's.

♪ Knowing we did our best ♪ ♪ And the world, yes ♪  
 ♪ All the world will be better for this ♪  
 ♪ That we all standing up, standing tall ♪  
 ♪ We still strive with our last ounce of courage ♪  
 ♪ To reach ♪ ♪ To reach ♪  
 ♪ To reach the unreachable star ♪

Thank you, Bob. I love you.  
 Thank you.