

**President Ramo:** Let me begin our serious business with something that we normally do at the Council, but I thought was so important that I wanted to do it at the membership Meeting. When we met in this very room in 2009, sitting to my right were two giants of the legal profession, Judge Lou Pollak and Nicholas Katzenbach, and they were here because it was Judge Pollak's great idea that we give Nick Katzenbach the Friendly Award. Those of you who were here will remember the great warmth and affection between the two of them and will remember the amazing remarks that each of them made.

On May 8th, these friends, who had been friends for almost their entire lives and, in fact, for all of their professional lives, both passed away on the very same day.

Normally, we speak about Council members who have passed away, during the year, at the Council meeting. But I thought that the impact of these two men and the impression of their incredible friendship was so important that I knew that the whole membership would want to share some words about each of them. We can thus together have a moment to think about what we have lost and also about what our obligations are to try to take their places in the smallest way that each of us can. So let me ask Bob Mundheim to speak about Judge Pollak and then Bill Webster to speak about Nick Katzenbach, and they will do that one right after the other. Please.

**Mr. Robert H. Mundheim (N.Y.):** I see Lou Pollak: thin, slightly stooped, soft spoken, invariably pleasant, that slight smile playing on his lips, reflective, a way of stating his views in a tentative way so that you could feel that he was willing to listen to other insights.

Let me review a few aspects of his life with you and tell you why I think he was one of a kind.

Lou was an academic. Even when he became a judge he continued to teach. I think you all know he was a distinguished scholar of constitutional law and legal history, but the reason Lou wanted to teach is because he loved to be with young people and he was at his best in seminar settings where his gentle, nonthreatening questions, I guess you'd call it Socratic lite, illuminated the subject under discussion.

Lou had been dean at the Yale Law School in the late 1960s and then came to Penn as the Greenfield Professor of Human Relations and Law. Somehow he was persuaded not long after he came to Philadelphia to become the dean at Penn Law School. It was a time of tension for us. We needed some stability and Lou's nondecanal self-effacing manner, openness, fairness, gave us what we needed.

Around that time, I understand one of Lou's daughters had to write a short story for school. Let me read it to you. "There was a family with five daughters. They were very poor. Then the father became a dean. The family was now rich." (*Laughter*)

President Jimmy Carter appointed Lou a federal district judge in Philadelphia, in 1978, and I guess the family became poor again. (*Laughter*)

Lou had been an appellate advocate, not a trial lawyer, and many wondered whether this person, who tended to listen, had enormous patience, who did not direct directly, would he be able to run a courtroom? Would cases go on forever? Indeed, I would have bet against Lou's being a successful trial-court judge.

But the Philadelphia bar quickly came to appreciate his fairness, his willingness to let lawyers run their own case, his consideration for the parties as human beings. Indeed, it is often remarked how Lou would come down, shake the parties by the hand, whether in a civil matter or in a criminal matter. Interestingly, in its evaluation of Lou Pollak the Judicial Almanac concluded, "Judge Pollak is everyone's dream judge."

Lou was also an activist in the cause of obtaining equality for all through the process of law. He was, as I think all of you know, an important member of Thurgood Marshall's team in *Brown v. Board of Education* [347 U.S. 483 (1954)]. Lou participated in briefs in roughly 30 cases in the Supreme Court dealing with civil liberties and civil-rights matters. In 1970, he became the chairman of the ABA Section of Individual Rights and Responsibilities and had as one of his initiatives getting national law firms to recognize their pro bono responsibilities.

On one occasion, however, Lou's passion for combating intolerance and injustice clouded his vision. He was in a courthouse in which the door to the bathroom read "Colored." In protest, Lou marched through the door, only to realize it also said "Ladies." (*Laughter*)

Now this impressive and incomplete litany of Lou's professional achievements merits great appreciation, but I don't think it fully explains why he is one of a kind. You need a sense of Lou as a person, of his human qualities. Lou and I saw a number of things quite differently but we never had an argument. Lou was a listener. He asked gentle questions which led to a deeper appreciation of the complexity of an issue. But the best indication of Lou as a human being comes from his clerks, who remember their introduction as beginners in the practice of law with the famous judge, and I would like to share three stories with you.

On the first day of his clerkship, one clerk was working on a short opinion after his co-clerk, who had been on the job a little bit longer, had left for the day. Lou came by and asked, "How are things going?" The clerk replied, "Wonderful" and described what he was working on. "I am sure that is important," Lou said, "but isn't it 5:00 p.m.? And don't you have a wife and son at home?" "But I need to finish this," replied the clerk. Lou countered, "Just remember, there is a whole wide world out there."

This colloquy was replayed a number of times in the next month, but I think the lesson stuck with this clerk: You have to be a whole person.

One of Lou's clerks was discussing a commerce-law question with the judge. It turned out that she was not familiar with the case of *Gibbons v. Ogden* [22 U.S. 1 (1824)], even though one of her ancestors was connected to the Governor who was involved in that case. In an article about legal education there is a typical Pollak reflection. I can just hear him saying this as he writes it: I must admit that my confidence in legal education was shaken when I found that a law clerk, trained at a school that I will, to preserve its anonymity, refer to as Harvard, (*laughter*) had never heard of a case called *Gibbons v. Ogden*, but on reflection it came to me that this glaring omission—does an omission glare?—was neutralized, indeed outweighed, by the fact that she knew everything else. (*Laughter*)

Point made. Clerk charmed. That's Lou.

One of Lou's clerks was getting married and asked Lou to perform the ceremony in Massachusetts, where they were getting married. The clerk filed the petition to authorize Lou to perform the ceremony there but forgot to get the wedding license. That realization that they had forgotten the wedding license occurred as the guests were filing in for the ceremony. Lou couldn't perform the ceremony under false pretenses. What to do?

Well, Lou explained to the guests what talented lawyers the couple were, how they practiced on a higher level of abstraction (*laughter*) and so had erred in the detail of the wedding license. Lou talked about how important marriage had been to him (and that is true, it truly was important to Lou) and his joyous support for the marriage of the young couple, and then he concluded, "By the authority vested in me by the assembled family and friends, I now pronounce you man and wife."

Lou could single out what was important. He could find the felicitous expression. He was wonderful. He was one of a kind.