


1996

## Toastmaster's Remarks: 1996 Second Circuit Judicial Conference

Roger J. Miner '56

Follow this and additional works at: [http://digitalcommons.nyls.edu/court\\_conf](http://digitalcommons.nyls.edu/court_conf)s

 Part of the [Judges Commons](#), and the [Legal Profession Commons](#)

---

### Recommended Citation

Miner '56, Roger J., "Toastmaster's Remarks: 1996 Second Circuit Judicial Conference" (1996). *Court Conferences and Events*. 8.  
[http://digitalcommons.nyls.edu/court\\_conf/8](http://digitalcommons.nyls.edu/court_conf/8)

This Article is brought to you for free and open access by the Speeches and Writings at DigitalCommons@NYLS. It has been accepted for inclusion in Court Conferences and Events by an authorized administrator of DigitalCommons@NYLS.

Second Circuit Judicial Conference  
Friday, June 14, 1996  
7:30 P.M.  
Toastmaster's Remarks

1. As Conference Chairman, I would like to start out with an announcement. The first item on our program tomorrow morning will be the remarks of Justice Ginsburg, weather permitting. Nine o'clock sharp. Following her remarks, we will have an interesting program.

2. You hear some strange things at a Circuit Conference. During the cocktail party tonight, I heard a senior partner lecturing a young associate along the following lines: "Even though you have brought in \$10 million dollars in billing this past year, I am very concerned about your behavior. You are rude to other associates and abusive to the staff. You have beaten up opposing attorneys, offered bribes to judges and had an affair with my wife. One more lapse like this and you're on probation."

3. As I entered here tonight, I heard one lawyer say to another: "Wow! There are a lot of judges in this room. If you took every one and laid them end-to-end, they probably would deserve it."

4. I also heard the following conversation: "How many partners work in your firm?" The answer was: "About one in five."

5. I recently completed my tenth year on the Second Circuit Court of Appeals, and I can say that I enjoyed every minute of it. I can say that but it wouldn't be true. It certainly has

been a mitigated pleasure to serve on this Court. Actually, it's like being in a ballet company where everyone is the prima ballerina.

6. But some people have said that the Second Circuit Court of Appeals is the greatest appellate court in the nation. Those people are here tonight -- the Judges of the Second Circuit Court of Appeals.

7. I well remember the first day I came to the Court. One of the senior judges took me aside -- and left me there.

8. Another judge told me: "This is the Court of Learned Hand." I spent all day looking for him, but I couldn't find him. I read Gunther's biography of Hand and found out that he really was a very strange man. Now I understand why we are called the Court of Learned Hand. I once had a law clerk named Saul Finger, and I am acquainted with a lawyer named Charles Foote. What a law firm they would make -- Hand, Finger and Foote.

9. They really make you feel welcome as a new judge on the Court of Appeals. When I circulated my first opinion to my panel colleagues ten years ago, I was very confused by their responses. (I still am confused by their responses). One colleague who was to concur sent me a four-word memorandum. It stated: "I don't like it." The other colleague sent his dissenting opinion. It stated: "I dissent for the reasons given in the majority opinion."

10. When I was ill, my colleagues sent me get well wishes by a vote of 9 to 3. Actually, one judge concurred in part and

dissented in part.

11. My colleagues are modest, humble and unassuming. I also have a bridge to sell. One colleague walked in here tonight, surveyed the lawyers and judges present and said: "This is the greatest assembly of legal and judicial talent since I had breakfast alone this morning."

12. I understand that one of my colleagues calls Dial-A-Prayer every morning and asks for his messages.

13. You all know we recently approved the televising of oral arguments in our court. I asked a lawyer what he thought about this innovation, and he said: "Television in the court might be helpful; it certainly helped reduce the incidence of theft in grocery stores."

14. My colleagues are all very friendly and charming. I asked one whether he read my last opinion. He said: "I certainly hope so."

15. We all take up some extra assignments in this court. My colleague John Walker is co-chair of a committee to look into discrimination in the courts of our circuit. He asked our Clerk, George Lange, for a list of the members of the court, broken down by age and sex. "Sir," said George, "Although some members of the court are broken down by age, not one is broken down by sex."

16. My colleagues are very hardworking people. They don't know the meaning of the word "rest." They don't know the meaning of a lot of other words, either. A colleague sent me a note after one of my opinions was published. He wrote: "Your opinion

is like divine mercy -- it passeth all understanding."

17. One of my fellow judges is very precise in his language -- a strict constructionist. A beggar once approached him on the streets of New York and said: "Do you have any spare change?" The judge said: "Yes" and walked away.

18. One of our judges always come down in the middle when deciding a case. In Smith v. Jones, he would come down on the side of "versus." I asked him the reason, and he said: "I don't want to be judgmental."

19. We were hearing oral argument in an accident case a couple of weeks ago. The attorney for the plaintiff-appellant said: "Ever since my client fell off the loading platform at the Ajax Trucking Company, he has been unable to have marital relations more than five times a week." One of my colleagues leaned over to me and said: "I wonder where that loading platform is located."

20. One of my colleagues boasts that he is a self-made man. The trouble is that he never finished the job. Actually, he is a self-made man who worships his creator.

21. A pro se party once argued before us and one of my colleagues told him: "You should have a lawyer." He replied: "God is my lawyer." My colleague said: "You should have someone locally."

22. Each of my colleagues is carrying on a great love affair -- unassisted. But they really have it altogether. They just can't find out where they left it.

23. One of my colleagues prays very hard to win the lottery. Every time a winner is announced, he prays longer and harder that he may be the next winner. Recently, he prayed so hard and so long that a voice came to him from the heavens. It said: "Give me a break, Judge. Buy a ticket." This is the same judge who once gave a check to a charity. When the fellow from the charity asked why he hadn't signed it, he said he wanted his donation to be anonymous.