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Remarks Delivered by Videotape for Ceremonies Celebrating Howard Munson's 25th Year as a Federal Judge

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Roger J. Miner
U.S. Circuit Judge

Remarks to be delivered by videotape on November 16, 2001 for
Ceremonies Celebrating Howard Munson's 25th year as a Federal Judge

Hello, Howard! I am sorry that I could not make it to the party celebrating your 25th year on the bench, but I am happy to have this opportunity to send you this personal message of congratulations and best wishes.

You were Chief Judge of the Northern District when I was appointed to the District Court twenty years ago. You presided over my Investiture ceremony, and you gave me many helpful hints about life on and off the federal bench. I very much appreciated your help in getting me started. With my appointment, the active Judges of the Court were Munson, McCurn and Miner, the three M's; Judges Foley and Port were the Senior Judges then. I guess before I came the active bench consisted of the M & M's. (I just thought of that). Anyway, you were a great Chief Judge and I very enjoyed serving under your leadership during my 4-year tenure in the Northern District. In the Federal Court System, a great Chief is one who takes on all the administrative duties and doesn't bother the other judges too much. We call him "the sucker."

You have been a great judge because you are a humanist judge. Your concern always has been for people, and your compassion has made you the outstanding jurist that you are. You always followed the law, but you always had an eye out for the human condition and a sensitivity for individual litigants. I

well remember the day you came into my chambers with tears in your eyes during a break in a case after you heard testimony from a woman who knew she was about to die. You are one of my favorite people because you are one of the nicest people in the world -- always smiling, always in good humor, always upbeat -- it's enough to make a person nauseous.

I do remember the good times we had together after court hours but will not review again the week I spent with you in Utica one night. Jackie and I always enjoyed being in the company of you and your beloved Ruth of blessed memory, and I know that you miss her more than words can say.

You participated in my Investiture as a Judge of the Second Circuit Court of Appeals sixteen years ago, and I still remember very well your kind words and observations at that time. I now return the favor by a few observations of my own on the occasion of your 25th Anniversary as a member of the Federal Judiciary.

Howard, you may not be considered old by today's standards, but if you were a car, it would be very hard to find parts for you. To me, you look the same as you did twenty years ago, which shows how bad you were then. I must say that the years have been kind to you -- it's the months in between that have knocked you to pieces. Somebody told me that you were out for a walk this summer at your camp when a frog jumped in front of you and said: "Kiss me, and I'll turn into a beautiful princess that you can have." You put the frog in your pocket and said: "At this age, I'd rather have a talking frog." At your most recent birthday party, a girl jumped out of the cake and said to you: "Would you like some super sex?" You said: "I'll take the soup." At this

stage of life, you certainly know where it's at -- you just have forgotten why it's there.

Your wisdom on the bench is a joy to behold. As the circus owner once said of the human cannonball, it is hard to find a man of your caliber. When you sentenced an 80-year-old man to a 30-year term and he said he could not do so much time, you said: "Do as much as you can." When you advised a man of his right to an attorney and he said that God was his lawyer, you told him to get someone locally. When a plaintiff testified that the injuries he sustained in a fall from a loading platform prevented him from having marital relations more than four times a week, you asked him for the location of the loading platform.

Seriously, I am most proud to have you as a friend. I greatly cherish your support and encouragement over the years. I really never have seen you to be anything other than cheerful and good-natured. I am always happy to see a car with PENN 48 in the courthouse parking lot, because I know you will be around to brighten the day. You're a good, steady, reliable judge, just as you were a good, steady and reliable practicing lawyer. Aside from your outstanding knowledge of, and feel for, the law, you have impeccable judgment. And that is what distinguishes a great judge from a good judge. You are a great judge, and the people of the Northern District are indeed fortunate to have had you in their service for the past 25 years. Jackie joins me in wishing you good health, good luck and many, many more years in doing the work that you love.

God bless you, Howard.