

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK
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4 SPECIAL SERVICES :
5 OF THE :
6 UNITED STATES DISTRICT COURT :
7 FOR THE :
8 EASTERN DISTRICT OF NEW YORK :
9 CELEBRATING THE LIFE OF :
10 JUDGE EUGENE H. NICKERSON :
11 UNITED STATES DISTRICT JUDGE :
12 1977-2002 :
13 : U. S. Courthouse
14 : Brooklyn, New York
15 : Special Session
16 : April 19, 2002
17 - - - - - X 4: 30 p. m.
18 PRESIDING:
19 CHIEF JUDGE EDWARD R. KORMAN
20 and the Board of Judges
21
22 SPEAKERS: Senior Judge Jack B. Weinstein
23 Judge John Gleeson
24
25 _____
26 Andrew Irving, Esquire
27 Law Clerk, 1977-1978
28 Andrew Weissmann, Esquire
29 Law Clerk, 1984-1985
30 Elizabeth Sacksteder, Esquire
31 Law Clerk, 1988-1989
32 Lawrence Wu, Esquire
33 Law Clerk, 1999-2000
34 Mal Nickerson
35 Daughter of Judge Nickerson
36 Clerk of the Court: Robert C. Heinemann, Esquire
37 Court Reporter: Ronald E. Tolkin, RMR

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1 (Time: 4:40 p.m.)

2 MR. HEINEMANN: All rise.

3 This special session of the United States District
4 Court for the Eastern District of New York is now open
5 celebrating the life of Judge Eugene H. Nickerson, who graced
6 the bench of the Eastern District from 1977 until 2002.

7 Chief Judge Edward R. Korman and the Board of
8 Judges will preside.

9 CHIEF JUDGE KORMAN: Please be seated.

10 It is my distinct honor and pleasure to preside
11 over this ceremony and to welcome here today, especially, the
12 family of Judge Eugene Nickerson - his four daughters, Mal
13 Nickerson, Lawrie Nickerson, Stephanie Nickerson, and Susan
14 Nickerson Palmieri, and the other members of his family; my
15 colleagues on the Eastern District bench; the Bankruptcy
16 Judges; the Magistrate Judges; Judges of the Southern
17 District of New York, the Court of Appeals, the Court of
18 International Trade, as well his successor as the Nassau
19 County Executive, Mr. Suozzi.

20 The room in which we celebrate today the life of
21 our beloved colleague Gene Nickerson is the one in which we
22 usually induct the Judges of our Court prior to their
23 commencement of service. When he was inducted, Judge
24 Nickerson did not desire such a ceremony, a ceremony which
25 Mayor Koch once likened to a Pentecostal Service. Instead,

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1 he chose a brief informal ceremony in one of the regular
2 courtrooms with only his colleagues and a few members of the
3 Court staff present.

4 Before he died, Judge Nickerson gave instructions
5 that there were to be no eulogies at his memorial service.
6 There is reason to believe that he would not have desired
7 this ceremony today. Gene would have instead chosen to be
8 remembered only by the great work of an extraordinary life.
9 So we owe some explanation for respectfully overruling his
10 objection.

11 We are here today not simply because such
12 ceremonies are traditional. We are here today because Gene
13 was one of the great judges to sit on our Court. District
14 judges are the human face of the judicial branch that all
15 those seeking justice encounter. Great district judges are
16 the ones who treat the parties before them, the poor as well
17 as the rich, the lowly and the mighty with dignity, care and
18 respect. They are the ones who bring to the thousands of
19 rulings they make, year in and year out, judgment,
20 intelligence and good sense. They preside with the dignity
21 and decorum that one expects in a United States Courtroom.

22 Gene was such a Judge, and yet he was more. In the
23 words of my colleague, Judge Dearie, he was in our experience
24 unique. "The word mentor comes to mind, and not just to me
25 but to the generations of the lawyers and the judges. More

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1 than anything else, he gave this place soul. There was a
2 conscience, humor, a sense of duty all wrapped in an
3 enormously generous person." It just simply would not be
4 right to let him go without coming together to remember his
5 life with us.

6 There is also an element of selfishness in our
7 rejection of Gene's objection. All of us who were close to
8 Gene simply want to share the joy that comes from coming
9 together collectively to remember his life.

10 Our first speaker is our former Chief Judge, who
11 served with Gene for the entire 25 years that he was with us,
12 and who was his friend and colleague for many years before,
13 Judge Jack B. Weinstein.

14 (Whereupon there was applause.)

15 JUDGE WEINSTEIN: My dear friends, it is nice to
16 see so many of you here.

17 For the last 25 years Gene Nickerson personified
18 the ideal Federal Judge. Your presence and individual
19 memories celebrate the unique affection and respect that we
20 had for him far more eloquently than could any of my words.

21 Our high regard for Gene is based on his intellect,
22 his humor, and his empathy, encapsulated in the grace of a
23 lovely man.

24 His acumen was reflected in honors at Columbia Law
25 School; clerkships for Gus Hand, Chief Justice Stone and

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1 Justice Black; a succession of litigating roles culminating
2 in the leading firm that he helped organize of Nickerson,
3 Kramer, Lowenstein, Nissen, Kamin & Soll, of which Judge Bert
4 Harnett and Judge Marvin Frankel were also members, his
5 reorganization of Nassau County's laws and administration;
6 and his New York Law Commission membership. The background
7 he brought to the Court in all branches of every level of
8 government was unsurpassed.

9 Many of us were particularly charmed by his sense
10 of humor. It lifted him and us over the rough spots. Those
11 who regularly watched his mugging, deadpan put-ons, and
12 arched eyebrow pretension-puncturing, knew that beneath the
13 surface coolness was a suppressed clown.

14 When our Judges would go to his office smarting
15 over some legal contretemps seeking advice, we'd leave
16 laughing over Gene's funny stories and his cheery wave. "Let
17 it drift astern," he'd advise, and so we would.

18 It was, most importantly, his empathy, compassion
19 and emotion that made Gene a great person and a great Judge.

20 At law school he regularly drove way out of his way
21 to pick up a fellow student who couldn't use the subway. His
22 own battle with polio had perhaps predisposed him to
23 understand those needing special help. Under a Harvard
24 coach, he practiced squash incessantly, substituting
25 adroitness and skill for the power that polio had taken from

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1 him, and he became Captain of the team.

2 In private conversation his burning sense of
3 injustice sometimes broke through as, for example, his
4 outrage at the unnecessary cruelty to individuals of some
5 guideline sentencing.

6 He was offended by the hypocrisy of the "Don't Ask,
7 Don't Tell" rules. He bluntly characterized that policy as
8 "Orwellian," calling the military's claim that homosexuals
9 threaten "unit cohesion" "a euphemism for catering to the
10 prejudices of heterosexuals."

11 In our jaded, claptrap infused world, Gene was the
12 genuine article. All of us will miss him as a guide and as a
13 friend. He helped each of us keep from weeping over life's
14 injustices by laughing at its incongruities.

15 (Whereupon there was applause.)

16 CHIEF JUDGE KORMAN: Our next speaker is our
17 youngest colleague, who appeared before Judge Nickerson for
18 many years as an Assistant United States Attorney, and who
19 developed a close and warm personal relationship with him
20 after he joined the bench.

21 Judge John Gleeson.

22 (Whereupon there was applause.)

23 JUDGE GLEESON: Some of my friends asked me if I
24 was nervous today because I was following Jack Weinstein. I
25 said, "Of course not. I follow him all of the time." If

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1 anything, the opposite is true today, because it is the only
2 time I ever followed him without having to worry about
3 getting reversed.

4 I begin today with a little levity deliberately.
5 The Nickerson family we warmly welcome here today has lost a
6 husband, a father, a brother, a grandfather. Our Court
7 family has lost a dear friend, a mentor, a great Judge. Our
8 community has lost a public servant. If we choose to be sad
9 today, we have a great deal to be sad about.

10 But to borrow one of the Judge's favorite phrases,
11 "That's not useful." Besides, we are here to pay homage to a
12 man who wasn't the least bit sentimental and was never
13 maudlin.

14 I think you can all imagine the look of disdain
15 he'd have on his very expressive face if he saw us all
16 getting weepy here today. I hereby order those in front of
17 me to stop their weeping. We will enjoy today. I am not
18 taking any chances -- it's my little twist on Pascal's
19 wager -- I am assuming that he is looking down on us right
20 now. If he is, I intend to make him proud and not
21 embarrassed or annoyed. If he is not, but he is ordering the
22 transcript, I want the record to reflect that I am wearing a
23 white shirt.

24 Eugene Nickerson argued once in the Supreme Court
25 of the United States. The argument occurred on November

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1 15th, 1949, in United States Ex Rel Eichenlaub versus
2 Shaughnessy. He was only 31 years old. The issue was
3 whether an Act of Congress that required the deportation of
4 aliens upon conviction of certain crimes could be applied to
5 persons who were citizens when they committed the crimes but
6 were later denaturalized. The lawyers among us will
7 recognize the issue as proof that there is nothing new under
8 the sun.

9 During his argument, Judge Nickerson, "Nick" as his
10 friends called him then, did what good lawyers do. He made
11 persuasive arguments that were well grounded in the case law.
12 As he was citing one case in particular the Chief Justice,
13 Fred Vinson, interrupted his argument to point out that the
14 other side was relying on the same case. "That is correct,
15 Mr. Chief Justice," Nick responded. "You have opposite
16 arguments on the issue," the Chief Justice continued. "The
17 case can't support both of you." There was a pause while
18 Judge Nickerson, then Nick, contemplated his response.
19 "Well, Mr. Chief Justice," he said, "it looks like you'll
20 just have to read that case."

21 (Whereupon there was laughter.)

22 I hasten to add -- am I doing all right with this
23 microphone? I hasten to add that of the hundreds of stories
24 that he told me about his experiences, this is the only one
25 that I brought up. I had asked him whether he ever argued in

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1 the high court. Fifty years later he was still annoyed with
2 himself, because he had been a smart aleck to, of all of the
3 people in the world, the Chief Justice of the Supreme Court
4 of the United States.

5 He was at the time devastated by his own remark,
6 and it obviously showed when he sat down. He received a
7 consoling note later from Justice Black, whom he knew well
8 from his days as a Law Clerk on the Court. "Don't worry
9 about it," Black wrote. "All you did was say what the rest
10 of us were thinking."

11 I begin with that story because it says so much
12 about Gene Nickerson. That he would be so blunt in response
13 to the Chief Justice's question would surprise no one who
14 knew him well. He didn't beat around the bush. He didn't
15 waste words. He took great care when writing his opinions to
16 use short, declarative sentences that got right to the heart
17 of the matter. Footnotes were forbidden. If it was worth
18 saying, it went in the text. His rulings as a result were
19 quite spare, and he was proud of that.

20 But his written opinions were downright gabby
21 compared to his rulings from the bench. Just because a
22 lawyer would take a long time to make a particular point,
23 argue a particular issue, Judge Nickerson didn't feel
24 obligated to take a long time to rule on it. One word was
25 generally sufficient. He made one concession to verbosity --

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1 he would take longer to say that one word than anybody else
2 in the world. "Deni -i -ied. Over r-u-uled." He was
3 deci si ve. He di dn' t mince words. He di dn' t feel a need to
4 lard up the record with lengthy explanations for his
5 deci si ons.

6 The story of his Supreme Court argument also
7 reveals another thing that is equally significant about Judge
8 Nickerson, and that is his sense of decorum. He was hard on
9 himself half a century later, because he felt he had run
10 afoul of the rule that ours is a dignified, respectful
11 profession. He believed that to his core. He had an exalted
12 view of the profession and the trial process, and he expected
13 the lawyers to share that view. At the very least, he
14 expected them to act accordingly.

15 He required everyone in the courtroom to be seated
16 while the witness was being placed under oath. He di dn' t
17 want anybody milling about, distracting the jurors. He
18 wanted the jurors to appreciate the solemnity of the oath.
19 He di dn' t permit lawyers to argue with witnesses or make
20 comments on their answers. He felt strongly that lawyers
21 should ask questions and that was it. No showboating, no
22 flamboyance, no shouting, and no dominating the courtroom
23 with their answers. He was courteous to everyone. He
24 expected lawyers to act like members of an honorable
25 profession.

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1 I learned all this firsthand in the trial that
2 Chief Judge Korman made reference to. It was the trial that
3 was really the exact opposite of what he thought trials
4 should be. It was the seven-month Gotti trial that ended on
5 Friday the 13th of March of 1987. It had to be his worst
6 experience as a judge. If cases had subtitles, the one for
7 that case would have been Lawyers Behaving Badly. It was
8 seven months of the nastiest, most acrimonious litigation you
9 will ever see in Federal Court. Lawyers slamming the
10 indictment into the garbage pail in front of the jury,
11 snarling at each other in Court, and accusing each other of
12 crimes. At one point, he quashed on his own motion a defense
13 subpoena for my wife's personnel file. It was ugly. It was
14 also my first case. I didn't know any better. I remember
15 thinking at the time, "Gee, this is a little rough, but this
16 must be how they do it." When I looked back on it later, I
17 appreciated more fully how grueling it must have been for
18 him. As close as we got in later years, we never really
19 talked about that case.

20 I learned in that case how he dealt with his
21 temper. He had a temper. He was a very disciplined man, as
22 many of you know. But lawyers behaving badly would make him
23 angry. When it happened, he would yank open this drawer that
24 he had up on the bench with a big racket, and pull out a
25 piece of cardboard and place it in front of him. He would

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1 stare at it for about ten seconds. Sometimes he would even
2 do this at side bar, and we were right up next to him. I
3 remember at times I would be craning my neck trying to see
4 what was written on the other side of the piece of cardboard.
5 I have been fortunate to sit in his courtroom in the past
6 couple of months. Not long ago I opened a drawer looking for
7 a pen, and I found this. It is the piece of cardboard. It
8 says on it, "Don't get angry."

9 Now that I see what it says, it occurs to me that
10 he always pulled it out a little too late. He was always
11 extremely angry before he pulled it out. Anyway, it worked
12 for him. I thought I would give it to his children in the
13 hope that they can put it to equally good use.

14 That argument in the Supreme Court of the United
15 States came at the beginning of an extraordinary career, that
16 was part of a truly extraordinary life.

17 Judge Nickerson was a descendant of Presidents John
18 Adams and John Quincy Adams. He was a very good athlete. In
19 high school he was the quarterback on the football team. He
20 was the captain of the hockey team. At a Yankee game with
21 him once he let slip, and I mean let slip -- as most of you
22 know, he was utterly incapable of boasting -- he let slip
23 that he believed that he might have played professional
24 baseball if he had not gotten polio when he was 17. He told
25 me that he didn't think he had a good enough arm to play

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1 shortstop, but he felt he could play second base for the
2 Yankees.

3 As Judge Weinstein mentioned, he conquered the
4 polio that essentially destroyed his dominant right arm. You
5 have heard what has now become really legendary. How he
6 taught himself to play squash left-handed and became
7 Harvard's best player and captain. He was a Kent Scholar at
8 Harvard, an editor of the Law Review at Columbia. He clerked
9 for Augustus Hand in the Second Circuit, and then with Chief
10 Justice Harland Fiske Stone, a former Dean of Columbia Law
11 School.

12 After his clerkship he practiced law. His ties to
13 Gus Hand remained strong. Judge Hand appointed him in 1948
14 to that immigration case that later brought him to the
15 Supreme Court. Here is what the Second Circuit had to say
16 about him at the time. "Because of the Appellant's poverty,
17 the Court obtained through the Legal Aid Society the services
18 of an attorney to present his case on appeal, and we wish to
19 express our appreciation of the highly competent and helpful
20 manner in which Mr. Nickerson has performed his gratuitous
21 public service." It must have meant a great deal to him, as
22 the panel that heard the case included the great Gus Hand
23 himself.

24 In July of 1952 FBI agents went to the Park Central
25 Hotel in Manhattan on a tip that a wanted bank robber named

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1 Gerhardt Puff, who was wanted in Kansas for bank robbery, was
2 staying at the hotel. The agents staked out the lobby, the
3 elevator lobby of the hotel, but Gerhardt Puff came down the
4 stairwell and shot an FBI Agent in the back and killed him
5 before being shot in the leg himself. Puff was arrested and
6 charged with capital murder. It was a very difficult case to
7 defend, and no one wanted to defend him. Gus Hand got Gene
8 Nickerson to handle the case for nothing. By now he was in
9 his mid 30's. He was building a law firm. It was a death
10 case, and Gene Nickerson had never handled a criminal case
11 before. I spoke yesterday, in fact, with Jim Kilsheimer, who
12 was the prosecutor in the case along with Ed Lombard. Mr.
13 Kilsheimer was certainly no stranger to death cases. He had
14 just recently successfully prosecuted Julius and Ethel
15 Rosenberg. He remembers the Puff case vividly. He
16 particularly recalls what a skillful trial lawyer and a
17 wonderful person Gene Nickerson was, and how well he handled
18 a very difficult client.

19 Judge Nickerson represented Puff at trial and on
20 appeal. The experience was painful to him. Puff is one of
21 the last defendants to have been put to death by the State of
22 New York. Here is what the Circuit had to say about him
23 after that case. Note how different things are now than they
24 were then regarding the provision of counsel for indigent
25 defendants in Federal Courts as opposed to State Courts.

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1 The Second Circuit wrote, "The defendant was
2 skillfully represented both on the trial and on appeal by
3 assigned counsel to whom the thanks of both Courts are due
4 for a performance which notwithstanding the personal
5 sacrifice involved measured up to the high traditions of the
6 bar. Since assurance of justice depends on the arduous
7 participation of skillful defense counsel, we take it upon
8 ourselves to extend to counsel the thanks of a powerful
9 Republic which has pride in the quality of its justice, but
10 which as yet in its federal establishment has lagged behind
11 most of the states in the provision at public expense of
12 public defenders for those charged with crimes."

13 In the late 1950's this handsome young lawyer
14 became interested in politics. It was a very exciting time
15 in our country. One year after John Kennedy was elected
16 President, Gene Nickerson did the impossible. As a Democrat,
17 he was elected County Executive of Nassau County, probably
18 the most dominant Republican stronghold in the Nation. He
19 won that office three times. No other Democrat won it even
20 once in that entire century. He transformed county
21 government in America. He imported the concept of an
22 ombudsman from Sweden, and installed a respected member of
23 the opposing political party to fill the post in Nassau. It
24 was the first government Ombudsman in the United States. He
25 created the County's first Office of Consumer Protection. He

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1 doubled the park land. He gave great speeches.

2 With us today is Al Conable, who had been Mayor
3 Wagner's speech writer before he joined the new County
4 Executive Nickerson. Al reports that one sure fire way to a
5 great speech was to take an idea of the County Attorney, Jack
6 Weinstein, and tone it down just a little bit.

7 When his political career ended in 1970, Judge
8 Nickerson joined the small law firm that Judge Weinstein told
9 you about. One of his clients there was Proctor and Gamble.
10 Judge Nickerson was not a rainmaker of the sort as some
11 politicians who join law firms are. He brought in work but
12 he did it, he did the work. He did some work for Proctor and
13 Gamble. He did product liability work. Now, it sounds nice
14 at first blush, but you have to realize Proctor and Gamble
15 doesn't exactly make chain saws. So their product liability
16 work isn't the sort of work you can build a firm around. On
17 the other hand, it served up some interesting cases for him.
18 Take, for example, Smitepower versus Proctor and Gamble. The
19 lead plaintiff was Melville Smitepower. He claimed that
20 Proctor and Gamble had marketed a defective product which had
21 injured him grievously. The product was Crest toothpaste.
22 Mr. Smitepower alleged in his complaint that as soon as he
23 began using Crest his teeth started popping out of his jaw
24 one by one until he was entirely toothless. He sought
25 damages for this. After all, he lost all of his teeth. He

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1 couldn't chew. He didn't look as nice as he did before,
2 etcetera. These were certainly not insignificant claims, but
3 he wasn't the only plaintiff. The other plaintiff was
4 Melville's wife, Mildred Smitpower. She claimed that the
5 loss of her husband's teeth damaged her, too. According to
6 the complaint, it had deprived her of the enjoyment of life.

7 It is really hard to imagine that Gene Nickerson
8 litigated this matter. He told me about it much later. He
9 told me how he handled it. He was his usual dignified self.
10 He said to me "John, I could have sold tickets to those
11 depositions, but I took the high road." In fact, he let a
12 young associate at the firm, Harold Weinberger, take those
13 depositions.

14 I think Harold is here today, as well.

15 Are you here, Harold?

16 MR. WEINBERGER: Yes.

17 JUDGE GLEESON: Along with a substantial contingent
18 from the Kramer Levin firm. Harold is now a partner there.
19 Proctor and Gamble is still his client. As I mentioned, he
20 has a devoted following at the firm, at the Kramer Levin
21 firm, and we are happy to see so many of them here today.

22 President Carter appointed the Judge to this Court
23 in 1977. He loved his work in this courthouse. Which is no
24 doubt a big part of the reason he continued to do it until
25 his very last days. When I became his colleague on the Court

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1 in 1994, he wanted me to understand how fortunate I was to be
2 on this bench, and I did. I listened carefully.

3 He told me about John McGraw, the legendary manager
4 of the New York Giants Baseball Team. McGraw was famous for
5 saying, "Oh, to be young and a New York Giant." Judge
6 Nickerson said to me a more appropriate saying was, "Oh, to
7 be young and a Federal Judge."

8 After I became his colleague I saw him much more
9 often. He regularly stopped by my chambers, and the chambers
10 of my colleagues as well to see how we were doing. He
11 organized our Judge's Lunch every Thursday at a local Chinese
12 restaurant.

13 I took trips to prison with him. He taught me how
14 it was very important for us to see for ourselves where we
15 are sending defendants. When I began the tradition of
16 gathering my present and former law clerks at my house each
17 year, I always invited him, and he always came. At the
18 beginning I told him the reason I was inviting him was I
19 wanted to be sure that when my law clerks came to my house
20 that there was a real Judge on the premises. He never
21 disagreed with that. My law clerks loved him and they looked
22 forward to seeing him each year, I am sure more than they
23 looked forward to seeing me.

24 There are other occasions as well, and those of us
25 in my generation don't remember him as anything other than a

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1 Judge. There were occasions at my house where I learned just
2 how thoroughly revered he was by the people of Nassau County.
3 At one of my large family gatherings, and he was often the
4 only non family member there, I introduced him to a cousin's
5 boyfriend. Paul Johnson was his name. Paul had grown up in
6 Nassau County, and he was in elementary school when Judge
7 Nickerson was the County Executive. After I introduced him,
8 he pulled me aside and said, "Is that Gene Nickerson, the
9 County Executive?" I told him, yes. I had to restrain him
10 from going over and getting the Judge's autograph for the
11 rest of the event.

12 On another occasion, after his physical condition
13 made it a bad idea for him to drive at night, I arranged for
14 a car service to bring him to our house for dinner. I didn't
15 tell the car service anything except the last name and the
16 address in Roslyn. We had a great time. We always did when
17 he was around. The Judge was not ready to leave as early as
18 I thought he would. Which was great for me and my guests,
19 but in the meantime, I had the car service out in the
20 driveway waiting. So I snuck out to bring him a cup of
21 coffee and apologize. As I approached the car he rolled down
22 the window. I stumbled in the dark and I spilled his coffee
23 right through the window onto him. I naturally expected him
24 to blow up at me. Why not? He should have. He said, "Don't
25 worry about the coffee. Don't worry about how long I have to

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1 wait. It is an honor to just be able to bring the Judge
2 home."

3 Judge Nickerson's achievements as a Judge are well
4 known. He was the first to hold that people could not be
5 struck from a jury panel because of their race. That is now
6 the law of the land. He struck down, as Judge Weinstein
7 mentioned, the "Don't Ask, Don't Tell" Policy that
8 discriminates against gays in the military. In time, that
9 will certainly become the law of the land as well. He
10 presided over many high criminal trials, and he did so
11 expertly.

12 But I suggest, and I believe, that an even more
13 important measure of a Judge is how he or she presides over
14 the thousands of little cases, cases heard in empty
15 Courtrooms, that no one cares about except the litigants
16 themselves. He was just as attentive to those as he was to
17 the high-profile cases.

18 I asked him for advice when I became a Judge. Lord
19 knows I needed it. All he told me was that the most
20 important thing to do as a Judge, and sometimes the hardest
21 thing to do, is just listen. You will find yourself in
22 situations where you think you know what you are doing, and
23 you think you know what the right result is, and there will
24 be a lawyer or a litigant without a lawyer, and maybe even a
25 criminal defendant, who doesn't seem to know what they are

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1 talking about. He said you will be tempted to stop listening
2 or cut them off. Don't do it, he told me. You never know
3 when you might hear something that matters, that might change
4 your mind.

5 He was a great listener. When he sentenced people
6 to prison, they would thank him for listening to them.

7 Judge Nickerson suffered with characteristic
8 dignity and stoicism the heartbreaking illness of his wife,
9 the other Judge Nickerson. I met Judge Mary Louise Nickerson
10 only once. I was driving her husband to an event, and I
11 picked him up at the house. She was at the beginning stages
12 of her illness and wasn't going to join us. They both came
13 out into the driveway as I pulled up. They called each other
14 Judge when they spoke. She leaned into the car, and he
15 introduced us. It was just starting to rain. It started to
16 come down kind of hard. He was obviously concerned about
17 that. Judge Mary Louise Nickerson just stood there in the
18 rain. He finally said to her, "Go back inside now Judge."
19 She said, "Good-bye, Judge." It was so endearing. It was
20 the only time in my life I had ever seen him vulnerable.

21 I know I speak for many if not all of my colleagues
22 when I say that he was a godsend for fellow Judges. The work
23 of a trial judge is such that the best advisor in the world
24 is totally useless unless he or she is available on no
25 notice, is a quick study, is decisive, and instills

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1 confidence in the person getting the advice. Judge Nickerson
2 had every one of those qualifications.

3 We all loved his sense of humor. Judge Weinstein
4 made reference to it. Whenever I read about how patrician
5 and dignified he was, I know, of course, that is true, he
6 was. But I can't help thinking about the times I laughed
7 with him when he described scenes from a Monty Python movie
8 that he just rented.

9 Judge Amon once asked him for advice at lunch. She
10 was exasperated. She had a criminal trial going on, and the
11 defendant had these beefy henchmen who were sitting in the
12 front row of the spectator section, wearing dark sunglasses
13 all day long and just generally looking menacing, and there
14 was a problem. Judge Amon, understandably, thought it might
15 convey some intimidation. In the lunchroom that day she
16 asked Judge Nickerson what should she do about it? Should
17 she tell them to take off those menacing-looking sunglasses?
18 He said, "Forget it. Don't dignify it. Just let them wear
19 their sunglasses. Let it drift into the wake." Later that
20 day, after a side-bar, Judge Amon looked out in the courtroom
21 and saw a very familiar looking gentleman in the back row
22 watching the proceedings through dark sunglasses.

23 When I reported to him one day with some
24 frustration that the same elevator in the Courthouse had
25 broken down for half an hour three days in a row with people

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1 in it, he said "Well, John, perhaps we should put a magazine
2 rack in that elevator."

3 He would visit our Courtrooms from time to time
4 just to observe. Whenever he left, he did this to all of us,
5 whenever he left, he stopped at the rear doors. He turned
6 towards the bench in the back where nobody could see him
7 except the Judge who was looking at him directly. He would
8 stop at the back and give a deep bow at the waist before he
9 left. He always left us smiling and proud. How could you
10 not feel proud when Judge Nickerson bows to you when he
11 leaves your Courtroom?

12 It is impossible to do justice here to all of Judge
13 Nickerson's many accomplishments. He was so modest that a
14 lot of people, including me, found out about some of them by
15 reading his obituary. Even after those accomplishments fade
16 into the history of our community and our nation, the legacy
17 of Judge Nickerson will be alive in many of us. He was wise.
18 He was kind. He cared enormously about people, especially
19 the less fortunate. He was generous, funny, graceful, and
20 dignified. He was a hero. The more you learned about him,
21 the bigger a hero he became. I will miss him very much.

22 Thank you.

23 (Whereupon there was applause.)

24 JUDGE KORMAN: Our next four speakers represent 48
25 law clerks that worked with Judge Nickerson over the 25 years

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1 that he served. As those of you know, these young men and
2 woman had a wonderful opportunity to have a close, incredibly
3 close, personal and professional relationship with Judge
4 Nickerson.

5 The first is Andrew Irving.

6 MR. IRVING: Thank you.

7 I was one of Judge Nickerson's law clerks his first
8 year on the bench.

9 Law clerks are generally right out of law school
10 and have spent the last three years reading a lot of cases.
11 We get to experience judicial lawmaking as a very human
12 endeavor, as part of the work of the world, done by people.
13 It was a privilege to be with Judge Nickerson as he began
14 that work. Given the kind of person that Judge Nickerson
15 was, it was a great treat as well.

16 The humanity and the decency that Judge Nickerson
17 brought to bear on his work stay with me most vividly after
18 25 years. Judge Nickerson interviewed me for the job in his
19 office at the Kramer Levin law firm. I had grown up in a
20 Democratic household in Nassau County in the 1950's and 60's,
21 so it was a pretty exciting experience to be in that
22 interview. He told me that the part of the job of being a
23 Federal District Court Judge that appeared most daunting was
24 the duty to sentence convicted criminals to prison. It turns
25 out that we had both recently read Tom Wickers book, A Time

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1 to Die, about the Attica prison uprising. Mr. Nickerson knew
2 that Judge Nickerson would be exercising extraordinary power
3 over the lives of individual human beings when he made his
4 sentence decisions. I believe that it was his determination
5 to remain aware always of the consequences of those decisions
6 that motivated him to tour the prison system as frequently as
7 he did.

8 Judge Nickerson brought simple human decency to his
9 work. It was there in the way he treated us his law clerks,
10 his secretaries Alice Day and Amanda Black, and his courtroom
11 deputies, Willie Walsh and Shirley Wilson.

12 He was especially protective of the staff who
13 worked in the courthouse cafeteria, cautioning them regularly
14 over the perils associated with the mercury in the tuna fish.

15 We also saw that decency in the way he conducted
16 courtroom business. Now it didn't hurt, as we all know, that
17 he looked and sounded like a federal judge right out of
18 central casting. But with his tone of voice and his
19 demeanor, as we heard already, Judge Nickerson made it clear
20 from the very beginning that he would be treating everyone in
21 the courtroom--lawyers, their clients, jurors and spectators -
22 with respect, and that he expected everyone in the courtroom
23 to do the same with each other. It caused him obvious
24 visible -- and sometimes audible -- pain when the lawyers
25 went beyond the bounds of decency that he so carefully set.

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1 That first year Judge Nickerson was not shy or
2 embarrassed about making it clear that he was learning some
3 things on the job. At his first multi-defendant drug
4 conspiracy trial, it did not seem like it would be a hard
5 question to decide whether there was enough evidence to go to
6 the jury, and maybe for that reason the four very experienced
7 defense lawyers presented a series of vigorous and creative
8 arguments on the admissibility of out of Court statements by
9 co-conspirators, and other fine points of law that they
10 figured Eugene Nickerson had not spend much time with.
11 Presented with these skillful technical presentations, Judge
12 Nickerson didn't hesitate. He would simply declare a recess
13 for 30 minutes. We would go back to chambers. We would read
14 and talk through the cases. Then he would go back to the
15 Courtroom, announce his ruling briefly, and then the case
16 would go on. It didn't take long for those recesses to
17 become less and less frequent.

18 Simple human decency was a value that not
19 surprisingly also played a big part in the new judge's
20 decision. Judge Nickerson looked to Bill Phillips and to me
21 for research and draft opinions in most cases. But he worked
22 on the search and seizure cases by himself. Partly, that was
23 because it was only he who had heard all of the testimony and
24 observed all of the witnesses in the Courtroom. Bill and I
25 were in chambers unpacking two and three years worth of books

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1 and pocket parts, and deciding the difficult issue of who
2 would take the cases with the even docket numbers. But more
3 importantly, I think Judge Nickerson had some things on his
4 mind that he wanted to say about the Fourth Amendment. So he
5 read through all of the cases, and he thought them through in
6 private.

7 In one of his earliest opinions he wrote that when
8 the police claimed that the defendant had consented to a
9 search, the issue was not whether that consent was a
10 voluntary act. Rather, he wrote, the issue is whether "the
11 government has played an ignoble part" in obtaining that
12 consent. Think about that. The government has a duty to be
13 noble. That principle not only informed his analysis of
14 claims against the government. It was at the heart of his
15 work as a Judge.

16 Now all this decency did not make this experience
17 some kind of a solemn bit of business. I mean, this is Judge
18 Nickerson we are talking about here. He had fun with the
19 lawyers. He had fun talking with us about the lawyers. He
20 had fun with the ideas. We had fun in the courtroom. I
21 actually heard him call his wife "Judgee" on the phone.

22 I recall one day when he even had some fun with one
23 of the exhibits. It seemed that the Rolling Stones were
24 playing a couple of concerts at the Nassau Coliseum that
25 year. The Coliseum is, of course, conveniently located in

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1 the Eastern District of New York. The lawyers came to Court
2 seeking an injunction against the distribution of allegedly
3 counterfeit tee shirts and other merchandise. Anticipating
4 that Judge Nickerson may not have been familiar with the
5 tongue and lips logo of the Rolling Stones, which was a key
6 concept in this difficult case, the lawyers brought several
7 albums with them to Court that featured the logo. The one
8 they chose to hand up to Judge Nickerson was this one, subtly
9 entitled "Sticky Fingers". I don't do impressions. The
10 Judge asked me up to the bench. I told him that I thought it
11 was a good album. He wasn't that interested in that, but the
12 zipper caught his eye. He held up the evidence in front of
13 the Court, found out that the zipper worked, and looked out
14 at everyone with the sly, I guess, look with an eyebrow or
15 two raised, a look that I think all of us remember.

16 What I took away from that year with Judge
17 Nickerson was a confidence and a sense that Courthouses and
18 Courtrooms, however imposing they may be, can be places where
19 decent people could do good work to resolve disputes, enforce
20 the law, and make the law in a way that elevated our
21 profession and the society that we live in. I expect that
22 not only my fellow law clerks but really everyone who
23 appeared before Judge Nickerson took away that same lesson.

24 (Whereupon there was applause.)

25 CHIEF JUDGE KORMAN: The next speaker is Andrew

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1 Weissman. He was the Law Clerk for Judge Nickerson from 1984
2 to 1985.

3 MR. WEISSMANN: Thank you Chief Judge Korman.

4 As one of four law clerks speaking today, I was
5 told that we should all keep our remarks to about three
6 minutes. At first I thought that seemed like a daunting
7 task. But then I thought it is actually is remarkably
8 fitting for a tribute to Judge Nickerson, that we keep
9 everything short and sweet.

10 As Chief Judge Korman mentioned when we started, if
11 it was up to Judge Nickerson we wouldn't have, as he would
12 put it, the tomfoolery of being all here today. But the next
13 best thing is a short speech.

14 As each of the Judge's Law Clerks could tell you,
15 one of the jobs that we have in drafting civil motions and
16 decisions for him, was to spend the day before we gave him
17 the decision trimming each extraneous word. We then would
18 dutifully bring in the decision to the Judge, and it would
19 come back remarkably shorter. A decision that resulted was
20 not dissimilar from Haiku. A typical decision from Judge
21 Nickerson consisted in civil cases to something like this.

22 "The motion, it has been made, and considered, and
23 now is denied." As the Judge often remarked to us, you can
24 cover so much ground with the word "denied."

25 Last month the Judge's many law clerks over the

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1 years and two of his daughters, who are here today, got
2 together to reminisce about our experiences with the Judge.
3 We talked about his various traits, the Judge's sense of joy,
4 and his work, and his people, and his wonderful sense of
5 humor. That is what I will talk about today.

6 Since the Judge took the bench, his law clerks
7 would get together with him twice a year. Once, we would
8 throw a dinner for him and his chambers, and once a year he
9 would throw a celebratory July party, where he would invite
10 his law clerks and their significant others to his home in
11 Long Island.

12 That effort was a part of trying to continue what
13 was a very close bond that law clerks in general and we have
14 with Judge Nickerson. As many people here know, clerking is
15 a unique experience where you spend your year just the three
16 of you, basically, the Judge and two Law Clerks. In Judge
17 Nickerson's case that closeness was increased by his practice
18 of having lunch with us everyday. When I learned that, I
19 remember my co-clerk and I were a little daunted by the
20 prospect of eating with him everyday. We thought this was a
21 great opportunity to be able to speak with him informally and
22 raise issues with him. But soon we learned something far
23 more important about those lunches, because we were expected
24 to eat the food that the Judge ate.

25 As we recalled last month, when we got together,

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1 various foods were good and various foods were bad. Meat was
2 bad. Chocolate was bad. Fried food was bad. But as Andrew
3 Irving was commenting, soup and fish were good. But not all
4 fish. According to the Judge, you could eat small fish but
5 you could never eat big fish. Big fish were, he said, an
6 abomination. The tuna is a bottom feeder, and is to be
7 avoided.

8 There were a number of stories that we told last
9 month. One of my co-clerks reminded me just today that when
10 the judge left at 5:30 sharp, he would turn to Andrea and me
11 and say "Well, I will see you tomorrow if all goes well." He
12 did that each and every day.

13 Many of us recall when we appeared in front of
14 him -- I had the privilege of doing that as an Assistant
15 United States Attorney -- and his frequent comments to
16 Shirley Wilson. He would say, "Ms. Wilson, I hear the
17 rattling of chains. We must have a visitor. Please see if
18 he would care to join us."

19 A final story of an experience that I had with the
20 Judge was when I appeared in front of him in connection with
21 an organized crime case: The case concerned a mobster
22 accused of murder. He was represented by an attorney of some
23 repute, who was in the process of being referred for
24 prosecution by a Judge for violating an order not to speak to
25 the press. In a Curcio Hearing, Judge Nickerson was

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1 explaining to this defendant, a Mr. Iannaci, which, of
2 course, the Judge would pronounce in fluent Italian, the
3 conflict that was posed by having this particular attorney
4 represent him. He explained that there was a government
5 investigation, and that his attorney could be accused of
6 currying favor with the government. He said, "You are
7 entitled under the law to have an attorney who doesn't have
8 this..." Uncharacteristically, the Judge faltered, and he
9 was trying to find the right word. But Mr. Iannaci looked up
10 and said "An attorney without that credential?" And the
11 Judge, of course, laughed, as he frequently would, because he
12 just did not take himself that seriously.

13 As his Law Clerks can tell you, clerking for the
14 Judge and appearing in front of him were filled with such
15 moments: The Judge enjoyed what he was doing, and he enjoyed
16 the profession of lawyering, where, as he frequently reminded
17 us, attorneys are retained and not hired.

18 Our remembrances last month were laced with humor
19 and deep affection and admiration for Judge Nickerson. The
20 stories we told each other reflected his joy in being a
21 Judge, his joy for learning about the law, and about people.
22 We each remarked on his profound empathy for other people,
23 particularly, the disadvantaged.

24 In addition to all of these qualities, as one Law
25 Clerk noted, the Judge always left you wanting more of him.

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1 He was in control of the end of a conversation with him. He
2 left you feeling like you wanted to and could stay forever
3 listening to him. He was that rare individual whose guidance
4 and judgment and wisdom I sought out and that other law
5 clerks did as well.

6 That is a rare commodity, as we all go through life
7 with decisions and self doubts and setbacks. For me and my
8 fellow clerks, he was a rudder and a mentor and a role model.
9 I will miss him terribly. He has left us all wanting more of
10 him.

11 (Whereupon there was applause.)

12 CHIEF JUDGE KORMAN: The next speaker is Elizabeth
13 Sacksteder. She was Judge Nickerson's Law Clerk from 1988 to
14 1989.

15 MS. SACKSTEDER: I would like to talk about an
16 opinion that Judge Nickerson wrote during my clerkship with
17 him. It isn't one of the famous ones, but I have always
18 remembered it because it exemplifies some of the qualities
19 for which I most loved and admired him. It is called
20 Burnette v. Bowen.

21 The Judge wrote this opinion without any help from
22 his clerks because he couldn't stand to waste a minute. He
23 was haunted by the specter of all of the litigants out there
24 awaiting decisions from his chambers. He used to admonish
25 us, "We must preserve our level of superficiality," by which

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1 he meant, "We can't afford to indulge ourselves in writer's
2 block or chasing every intellectual puzzle to its solution;
3 we have to just get on with it. People are waiting for us."
4 So whenever he had a free moment, he would wander into the
5 room where he worked and say, "Neal? Liz? Do you have a
6 nice Social Security case for me? Or perhaps a habeas
7 petition?" And we would gratefully hand him a file that we
8 considered the dregs of the docket. That is how I came to
9 give him the file in Burnette.

10 But when he handed me back the file a few hours
11 later, with his characteristically spare, direct opinion
12 attached, his eyes were flashing. I could see that he was
13 very angry. He said, "Let's publish this one." This
14 surprised me because he rarely published. He considered
15 F. Supp. a monument to the ego of the Federal District
16 Judges. I started to read the decision, and I began to
17 understand. It begins like this.

18 "This case is about plaintiff Leon E. Burnette, an
19 offset printing press operator for 24 years who, in the
20 opinion of his treating doctor, became totally disabled
21 primarily due to diabetic neuropathy. Disregarding both the
22 opinion of the government consulting doctor examining Mr.
23 Burnette that he had a loss of feeling in his hands and feet
24 and the opinion of the treating physician that if Mr.
25 Burnette 'operates machinery he may get his hands caught and

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1 be pulled into the mechanism,' the defendant Secretary of
2 Health and Human Services concluded that Mr. Burnette was not
3 disabled and could return to his job as an offset printing
4 press operator. "

5 That beginning is all Nickerson. He starts with
6 the human being whom the case is about. In all of his years
7 on the bench, he never lost his empathy and his compassion
8 for each of the diverse people who came to the Court seeking
9 justice. In the Jane Able "Don't Ask, Don't Tell" case, he
10 said: "A Court should ask itself what it might be like to be
11 a homosexual." That is how he approached every case. He put
12 himself in the shoes of Leon Burnette and asked himself what
13 it would be like to be a sick and aging printing press
14 operator with no other skills who could not work at his trade
15 without risk of being mangled by a machine.

16 The decision continues as follows: "As will appear,
17 there is no substantial evidence to support the Secretary's
18 conclusion. Sadly, this decision does not represent an
19 isolated aberration by the Secretary. For some time this
20 Court has been concerned about the apparent unfairness of the
21 Secretary in assessing claims for disability. Mr. Burnette's
22 case is only one of what the Court regards as a long series
23 of shocking injustices perpetrated by the Secretary on
24 applicants for benefits. Case after case appearing before
25 the Court reveals a determined predisposition on the part of

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1 the Secretary and his agents to decide that claimants are not
2 disabled without any substantial evidence to support the
3 decisions.

4 "Persons who claim social security benefits are
5 entitled to a fair and objective analysis of the evidence in
6 the record. It is clear that for the last several years many
7 claimants have not been treated fairly or objectively. The
8 instances are so numerous as to call into question the
9 intellectual integrity of the administration of the entire
10 program."

11 These opening paragraphs illustrate a quality of
12 Judge Nickerson that I can only call his guts. The same man
13 who taught himself to play championship-level squash
14 left-handed after his right was crippled by polio, who
15 persevered when sick and old and in pain through an unending
16 series of Louima trials and associated criticism and
17 reversals because he felt it was his duty to do so, was the
18 man who spoke truth to power on behalf of those who could
19 not.

20 When disabled school children in New York City were
21 denied an appropriate education, he made the City fix it.
22 When a black man was convicted by an all-white jury from
23 which the prosecution had excluded all black jurors, he told
24 the United States Supreme Court that discriminatory exercise
25 of peremptory challenges by the prosecution was

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1 unconstituti onal , and the Court' s precedent to the contrary
2 shoul d be overruled.

3 When the Clinton administration justified
4 di scri mi nati on against homosexual servicemen and women based
5 on sophi stic di sti ncti ons between "ori entati on" and
6 "propensi ty," or "speech" and "acts," the Judge, a li felong
7 Democrat, exposed the hypocri sy underlyi ng the "Don' t Ask,
8 Don' t Tell" poli cy, observi ng that "heterosexuals and
9 homosexuals alike would be enti tled to thi nk i t demeani ng and
10 unworthy of a great nati on to base a poli cy on pretense
11 rather than on truth."

12 And so Judge Nickerson stood up for Leon Burnette
13 and called the Secretary of Heal th and Human Servi ces
14 publi cly to task for what the Judge ri ghtly called a
15 "shocki ng i njusti ce." Long after those of us who were
16 pri vi leged to experi ence at fi rst hand the judge' s
17 i ncomparabl e wi t, hi s ki ndness, hi s generosi ty, hi s
18 mentorshi p, are oursel ves gone, I thi nk he wi ll be remembered
19 for thi s, for the i ntegrity and the courage that underlay hi s
20 enti re judi ci al career.

21 (Whereupon there was applause.)

22 CHIEF JUDGE KORMAN: The next speaker i s Lawrence
23 Wu, who clerked for Judge Ni ckerson' s from 1999 to the year
24 2000.

25 MR. WU: When I began my clerkshi p, I was looki ng

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1 forward to a meaningful year with big cases and tough issues.
2 And we had them: the second Louima trial, tricky civil
3 cases, some very loony pro se litigants. If the goal was to
4 walk away from the clerkship a sharper, better informed
5 lawyer, all of the ingredients were there. But these are not
6 the type of things I remember from my clerkship. The
7 lawyers, the issues, the cases: They've all faded. What has
8 lasted, though, and what has been more important to me than
9 anything from my year with the Judge, was simply the
10 experience of learning from him how to be a better person.

11 To be honest, when I began clerking I was actually
12 quite worried that I might not get along with the Judge. It
13 was my first real job; I feared I was going to mess something
14 up, like miss a case or draft a silly opinion; and I've
15 always had difficulty getting along with authority figures.
16 But the Judge soon put all that to rest. He was so patient
17 with me, and showed me so much loyalty, I soon realized that
18 the Judge was very different from other authority figures I
19 had previously known.

20 In particular, what struck me the most about the
21 Judge, was his tremendous, open warmth and how much he
22 genuinely cared for people. In my early days as a clerk, I
23 often would walk into the Judge's office to discuss
24 something. I would still be kind of tip-toeing and jittery,
25 and he would turn up from his work and look so glad to see me

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1 every time. "Come in, come in", he would say, in his warm,
2 gentle way, and then do his best to make me feel comfortable.
3 And so I learned: there was no intrusion with him, there was
4 only welcome. The Judge was always looking to help. And if
5 you ever spoke with him, you always walked away feeling that
6 he wanted the best for you.

7 I was also influenced greatly by the Judge's
8 commitment to humanity. As a clerk, there is a tendency to
9 view cases merely as puzzles to be solved or items on a to do
10 list, and the parties can tend to become somewhat incidental.
11 But the Judge had a laser-like focus on the effect of the
12 laws on the person, and always made us think about what the
13 right result should be for each person. It wasn't a
14 political philosophy or a matter of political affiliation,
15 though we spent many lunches complaining about Republicans
16 and their shenanigans. It was because the Judge cared about
17 people. And if you sat down with him for but one lunch, you
18 learned that every fiber in his being was bent toward doing
19 good and what was right for people.

20 Then there was the Judge's courage. In chambers,
21 we knew that the Judge was suffering from a lot of physical
22 pain every day. We had to help him climb up and down the
23 three steps to his chair on the bench. And you could see
24 from his movements that often it hurt him to stand, to walk,
25 and even to sit. The Judge of course would hardly mention

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1 what he endured. But he came in every day to perform his duty
2 and be in a position to help people as a federal judge. And
3 nothing, not even his pain or even the added stress of the
4 Louima trial, could change his good nature. When the New
5 York Post journalist kept printing malicious attacks against
6 the Judge and falsely reported that the Judge fell asleep
7 during the Louima trial, I wanted to go over and knock some
8 sense into that journalist's head. But the Judge just
9 shrugged it off and said, "Pity them, rather." And so we
10 did.

11 I expected a lot of things when I began my
12 clerkship. But I did not expect that the Judge would become
13 a father figure to me, really my first and the only complete
14 role model I have ever had in life. I have never admired
15 anyone so much as I admired the Judge, and I am a fool and am
16 sorry for never having told him this. At least I can tell
17 his family now.

18 For someone like myself who's never had a father, I
19 sometimes wondered what it would have been like to grow up
20 with a father like the Judge. I guess one would have felt
21 special, loved, and lucky. I know I did.

22 Thank you.

23 (Whereupon there was applause.)

24 CHIEF JUDGE KORMAN: Judge Nickerson's daughter Mal
25 has agreed to say a few words.

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1 MAL NICKERSON: Perhaps there is no need for
2 anybody in the family to talk about dad, because you may know
3 it already. You know about his interest he had for the
4 Rangers, for the Yankees, for Woody Allen movies, the Monty
5 Python Flying Circus.

6 Some of you know of his discovery
7 one evening last fall of Richard Pryor, whom he proclaimed a
8 "genius." He stayed up late to watch a Richard Pryor comedy
9 on television. Many of you already know that he once gave a
10 speech in Rome in Italian to a group of Magistrates and got
11 laughs at the appropriate places.

12 You may possibly know, as we do, that many of his
13 clerks do quite good imitations of him. And, of course,
14 anyone who ever had a meal with dad seems to be the
15 beneficiary of his nutritional advice and his insistence on
16 the importance of eating low on the food chain.

17 You know, of course, that he was very conscious of
18 taking care of one's health. So we think there is one thing
19 he did do that will surprise you. He was not a smoker, but
20 he could blow smoke rings. When my sisters and I were very
21 much younger, once a year he would light up a cigar and amaze
22 us with one perfect smoke ring after another.

23 As you know, dad was interested in people and it
24 seems that they were interested in him. One of his clerks
25 (you know who you are) told us recently that during her year

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1 there she saw a constant stream of people coming into the
2 office to see dad. They were his fellow Judges, former
3 clerks, court employees, people who used to be court
4 employees. What were they coming to do?

5 People would introduce dad to their new spouses.
6 They would bring their parents to meet him. They would ask
7 him to kiss their babies. In fact, she said, to quote her
8 exact words, "It was like he was the W. A. S. P. Godfather."

9 We are sure that you also know of his keen interest
10 in all of you, his esteem for his colleagues on the bench,
11 his appreciation of his present and former office staff, his
12 pleasure and delight in each of his law clerks, his regard
13 for all of the people who worked in this building. There was
14 also his reliance on his deep affection for Shirley Wilson,
15 whom dad described as both an outstanding case manager and an
16 outstanding human being.

17 (Whereupon there was applause.)

18 Those of you who have been to the house know that
19 there are just thousands of photographs all over the place.
20 At the house is Shirley's wedding picture. It sat on the
21 table among the photos of the rest of the family. In terms
22 of family, there is also the bond that dad had with his 48
23 clerks. This is how we feel about it. My sisters and I are
24 his biological children, and you are his judicial children.
25 My sisters and I and all of us in dad's family would like to

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1 thank all of you for your collegiality, your professionalism,
2 your hard work, your friendship, and your kindness to him,
3 everything that you did for dad in the last 24 years. He
4 appreciated all of you very much and so do we.

5 Thank you.

6 MR. HEINEMANN: All rise. This Special Session is
7 adjourned without date.

8 (Special concluded at 5:52 p.m.)

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