



# Historical Society of the District of Columbia Circuit

Newsletter #47 - April 2021

Historical Society of the D.C. Circuit - [www.dcchs.org](http://www.dcchs.org)

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## A FULLY OPERATIONAL - BUT VIRTUAL - MOCK COURT PROGRAM



**Outstanding Advocate Olivia Pierre**  
School Without Walls



**Participating Judge**  
Rudolph Contreras

Unwilling to let COVID shut down its annual Mock Court Program, the Society arranged for 115 D.C. high school students to argue their

cases virtually before a federal judge on March 12, 2021. Representing Georgetown Day School, Maret, School Without Walls, Washington Latin, and H.D. Woodson, the students were first welcomed by Chief Judge Sri Srinivasan and Society President Jim Roca in a webinar session. Each student then proceeded to one of 11 separate Zoom sessions to present her or his argument. The federal judges listened to each student advocate's arguments, asked tough questions, and then talked about the cases and the law generally. The judges praised the new advocates for their hard preparatory work with volunteer lawyer mentors in the weeks prior to the program.

At a final webinar session, the students, their teachers, participating judges, and mentors gathered to hear Chief Judge Beryl Howell compliment the students for their work and encourage them to return to the Courthouse to observe court proceedings and the peaceful resolution of problems.

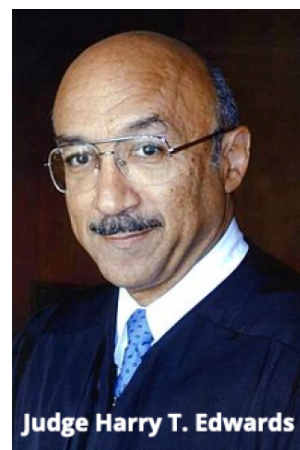
While the judges applauded all participating students, at the Society's invitation they each selected outstanding advocates including Olivia Pierre and Isabelle Shook, School Without Walls; Jaime Kleinbord, Hayden Martz, Jonah Shesol, and Julie Steele, Georgetown Day; Jamal Thompson, H.D. Woodson; Cooper Davenport, Jada George, Michela Irving, and Elle Waters, Washington Latin; and Allison Kaplan, Emil Massad, and Emily Noll, Maret. All students will receive a certificate of participation acknowledging their active involvement in the [Society's 16th Mock Court Program](#) – the only such program conducted on-line.

## GUIDANCE FROM THE BENCH FOR APPELLATE ADVOCATES

After surveying 13 of the 16 judges on the U.S. Court of Appeals for the District of Columbia Circuit, Judge Harry T. Edwards issued a report in November 2020 filled with useful guidance for appellate advocates. The report included detailed analyses of the Court's work and the processing of cases over three terms.

Appellate advocates will want to read the judges' views on such questions as what are the most common mistakes made in briefs and during oral argument, what makes an appellate advocate outstanding, and what are the attributes of a noteworthy appellate brief?

Read the [full report](#).



### VIDEOTAPED INTERVIEW WITH HARRY McPHERSON, SPECIAL COUNSEL TO PRESIDENT LYNDON JOHNSON

Seven years after taking Harry McPherson's oral history in 14 sessions, interviewer John Vanderstar sat down with McPherson in 2010 and videotaped an interview in which he quizzed McPherson about Senate procedures, including the filibuster and unanimous consent, and the impact of those procedures on gridlock and the passage of substantive legislation. Watch the entire [interview](#) and

learn, among other things, how McPherson's "boss," President Lyndon Johnson, once achieved unanimous consent and how he and Senator Richard Russell kept an eye on a filibuster taking place throughout one long night.

### CHARLES FAHY – NAVAL PILOT, SOLICITOR GENERAL OF THE UNITED STATES, FEDERAL APPELLATE JUDGE

In 1917, when Charles Fahy decided to enlist in Navy Aviation, there were 35 qualified pilots and 55 airplanes in the aerial forces of the U.S. Army and Navy combined. All but four of the airplanes were obsolete, and none of the non-obsolete planes was armed. All were useless for combat.

Fahy's diary recounting his experiences during World War I, including flying America's first night bombing raid, was found by his grandson, Charles Sheehan, and is described in detail in an [article](#) written by Sheehan, a member of the Historical Society of the D.C. Circuit.

Sheehan also looked into his grandfather's service as Solicitor General and wrote *Kumezo Kawato & "Justice Court,"* which reveals, among other things, Fahy's views



about a case involving an injured fisherman, born in Japan but living in the United States, who was barred from U.S. Courts during our war with Japan. The [article](#) also follows Kawato's fortunes through internment and the war's end.

## ORAL HISTORY PROGRAM UPDATES

### Newly Released Oral Histories

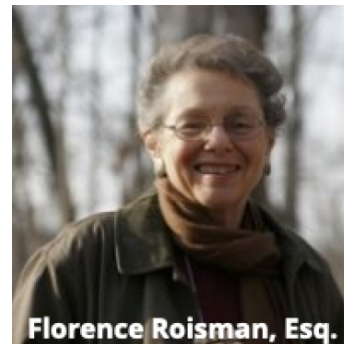


[Judge Richard Roberts](#)

In his just-completed [oral history](#), Richard Roberts, the former Chief Judge of the U.S. District Court for the District of Columbia, recalls his childhood (son of a school-teaching father and an opera-singing mother), his educational path (at an arts-based high school, in Vassar's first class of men, and at Columbia Law), his years of service in the U.S. Department of Justice (culminating as head of the Criminal Section of the Civil Rights Division,) and in U.S. Attorney's Offices in New York and Washington, D.C. (where, among other high-profile matters, he prosecuted former Mayor Marion Barry.) Judge Roberts' distinguished 18-year career on the federal bench is also covered in his oral history. Michelle Coles conducted the oral history interviews and prepared the attached [summary](#).

#### [Florence Roisman](#)

Florence Roisman truly embodies the essence of a legal "trailblazer" – and her [oral history](#) deserves its place of honor among those collected as part of the American Bar Association's Women Trailblazers Project. For decades, Roisman, a member of the first Board of Directors of the newly-established D.C. Bar, served as an inspired, creative, and passionate advocate for the rights of tenants in the District of Columbia courts. Her most notable victory established an implied warrant of habitability in every real estate lease – a doctrine that transformed landlord-tenant relationships and low-income housing policies throughout the District. Later, she became a pioneer in the fight against housing discrimination. She unabashedly labels herself "feisty"; her opponents resorted to other descriptive terms. Historical Society member Carl Stern has provided this highly entertaining [summary](#) of Roisman's important, distinguished career.



[Esther Lardent](#)

Few people have made as deep an imprint on the practice of law as Esther Lardent, who may be the most noteworthy lawyer you never heard of. Often dubbed the "Queen of Pro Bono," Lardent transformed makeshift volunteer legal services on behalf of low income clients into organized programs that are now

ingrained in the culture and everyday life of countless law firms. Lardent's captivating [oral history](#) for the ABA's Women Trailblazers Project is [summarized](#) by Historical Society member Carl Stern.

## ORAL HISTORY PROGRAM UPDATES

### Newly Released Oral Histories

#### [Abe Krash](#)

Few lawyers in Washington have had a career as important and impactful as Abe Krash of Arnold & Porter. Krash joined the firm in 1953 as only its twelfth lawyer and stayed there for decades. As a result, his [oral history](#) is as much a biography of one of Washington's premiere law firms as it is about Krash himself. He profiles his legal-legend colleagues, including (former D.C. Circuit Judge) Thurman Arnold, (future Justice) Abe Fortas, and (former FCC Chair) Paul Porter. But the highlight of the oral history is Krash's discussion of his and the firm's work on *Gideon v. Wainwright*, the landmark Supreme Court case that guaranteed legal representation for all persons accused of crimes. Krash's oral history is ably [summarized](#) by Jonathan Ogden, a legal assistant at Arnold & Porter.



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