

JUDGE POLLAK

A LEGACY OF HUMANITY

By Hon. L. Felipe Restrepo

Many of us aspire to leave a legacy that will be remembered long after our careers as lawyers and judges have run their course. The vast majority of us will be remembered based on how we treated others, be they our peers, family, friends or folks we had briefly encountered. There was one among us who stood out, not because he was the smartest guy in the room - he was. Not because he was the most accomplished guy in the room - he was that too. He is most often remembered because he was among the kindest people you could ever hope to meet.

To appreciate the gesture, you had to know the man. His credentials spoke for themselves: prior to becoming a judge of the U.S. District Court for the Eastern District of Pennsylvania, he graduated from Harvard College and Yale Law School. He clerked for Justice Rutledge of the U.S. Supreme Court and he was among the architects of the legal arguments that brought us *Brown v. Board of Education*. He was one of the country's leading constitutional scholars, and he taught at and served as the dean of both Yale Law School and the University of Pennsylvania Law School.

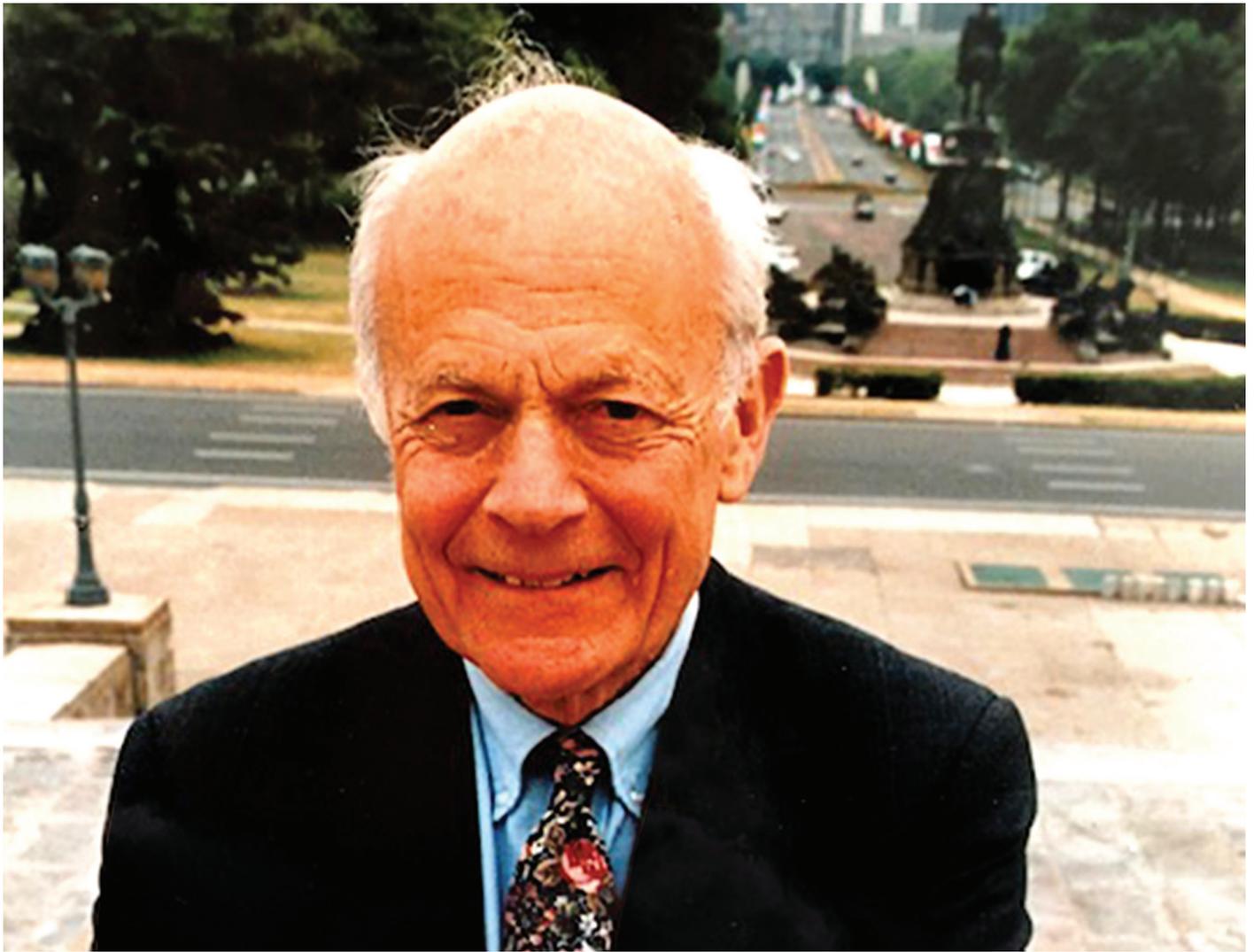
Yet what I think he would most want you to know about himself, was that he was a loving husband, father and grandfather to Kathy, his five daughters and many grandchildren. He was

very proud of the law clerks and students who he mentored throughout the years, and he was greatly influenced by the work of his father, one of the most distinguished civil liberties and civil rights lawyers of his generation. The man I refer to is the late Louis H. Pollak. Judge Pollak

was nominated to serve on the U.S. District Court for the Eastern District of Pennsylvania by President Carter on June 7, 1978 and he was confirmed by the Senate on July 10, 1978. Judge Pollak died on May 8, 2012.

To many, Judge Pollak was a hero. A hero has been defined as someone admired for their achievements and noble qualities - one who shows great courage.

Among the noble qualities that distinguished Louis Pollak



was the humble, affable way he carried himself on a daily basis. Notwithstanding his credentials, accomplishments and status in life, you will never find a more humble, decent, kind, warm and unassuming man. Judge Pollak brought a sense of humanity to the process that we refer to as the law.

In the fall of 2001, I was appointed to represent an individual charged with capital murder and the case was assigned to Judge Pollak. The case began as an ordinary firearms prosecution in the Eastern District of Pennsylvania, but it quickly developed into the district's first capital murder trial. For many of us in Judge Pollak's courtroom, it was also our first exposure to death penalty litigation in federal court. My client and his co-defendants, all of whom were from Puerto Rico, and spoke little if any English, were charged with narcotics offenses and most significantly, capital murder. The facts were, one might say, "difficult" for the defense.

Given the charges and potential consequences, the trial had been a challenge on many different levels. We were well into our third month of trial when the Judge's deputy clerk, Donna Bozelli, told us that Judge Pollak's birthday was fast-approaching, and when asked she told us that Judge Pollak preferred pie to birthday cake. The assistant U.S. attorneys and several defense attorneys brought a couple of pies to court the next day.

When Judge Pollak returned to the courtroom after the lunch break, we had pies waiting for him and sang "Happy Birthday." At this point, Judge Pollak asked the U.S marshals to bring "the guys" in so that they could share in the pies. After clarifying with the marshals that "the guys" Judge Pollak was referring to were the defendants on trial, the marshals brought them into the courtroom. As one might imagine, "the guys" had a puzzled look when they entered the courtroom and saw Judge Pollak cutting his pies and serving everybody in the courtroom - including themselves!

The lawyers had to approach their clients to explain to that this humble judge simply wanted to share some pie with them on his birthday, and that this was not some sort of trick. After overcoming their skepticism about sharing pie with the judge, the prosecutors, and defense counsel, the defendants joined the group celebrating Judge Pollak's birthday.

The simplicity of Judge Pollak's gesture in any other context would typically have gone unnoticed. Those of us in Courtroom 16-B of the U.S. Courthouse will never forget the moment or the man. ■

Hon. L. Felipe Restrepo sits on the United States Court of Appeals for the Third Circuit.