

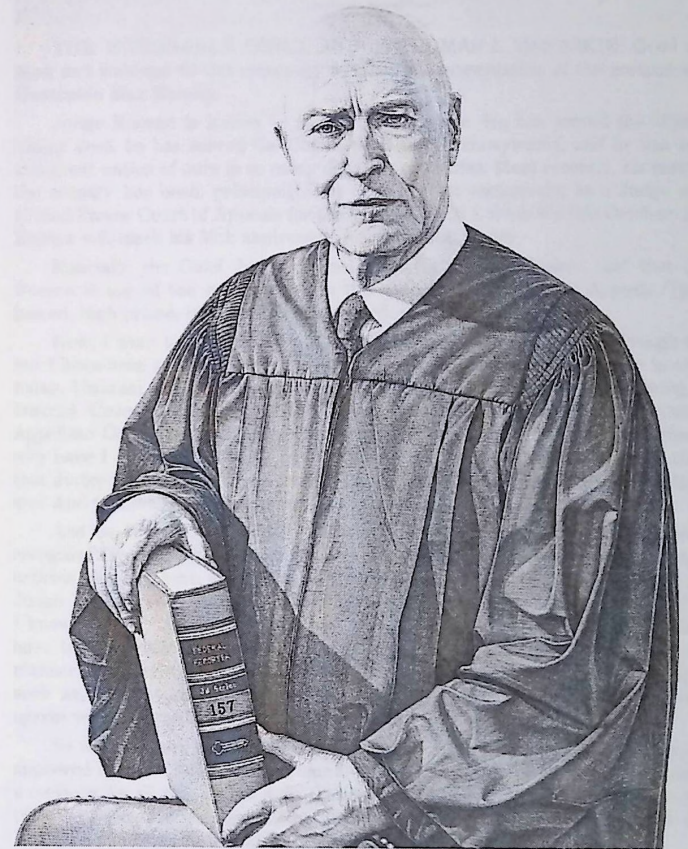
Presentation of Portrait
HONORABLE MAX ROSENN

United States District Court
for the Middle District of Pennsylvania

A faint, light blue background portrait of Max Rosenn, a man in a suit and tie, is visible behind the text.

Presentation of Portrait
HONORABLE MAX ROSENN

Sunday, April 16, 2000
Max Rosenn U.S. Courthouse
Wilkes-Barre, Pennsylvania



HONORABLE MAX ROSENN

Proceedings

THE HONORABLE CHIEF JUDGE THOMAS I. VANASKIE: Good afternoon and welcome to this ceremony to mark the presentation of the portrait of the Honorable Max Rosenn.

Judge Rosenn is known to all of you, of course. He has served the Wyoming Valley area, he has served the Commonwealth of Pennsylvania, and he has served this great nation of ours in so many different capacities. Most recently, his service to the country has been, principally, but certainly not exclusively, as a Judge on the United States Court of Appeals for the Third Circuit. I think it's this October, Judge Rosenn will mark his 30th anniversary on that great bench.

Recently, the Chief Judge of the Third Circuit, Ed Becker, said that Judge Rosenn is one of the great judges in the history of the Court of Appeals. That is, indeed, high praise, but also richly deserved.

Now, I want to say that I prepared remarks, and I'm going to go through them, but I have been so excited about the opportunity to preside, to have Court in session today. Unusual to have Court in session on a Sunday, unusual to be honoring, as a District Court, a member of the Court of Appeals for the Third Circuit, the Appellate Court that has jurisdiction over our Court. And I've tried to figure out, why have I been so excited? What is it about this affair? What was it about the fact that Judge Rosenn called and invited me to hold Court, today, that has so thrilled me? And thrilled is the right word.

And as I went back and I read through the remarks from the ceremony to recognize the naming of this courthouse in honor of Judge Rosenn, and I looked at articles that had been written on Judge Rosenn, and when I talked to people about Judge Rosenn, one thing struck me, and it was almost a revelation. And I said, now, I know why I'm so excited about this. And that is, all who encounter Judge Rosenn have true affection for him. There's no getting around it. And it's because of his manner, his bearing. Words that were mentioned in an article, recently, about him, such as, compassionate, considerate, kind, respectful. Anybody who knows him agrees wholeheartedly with those sentiments.

So while we are assembled, here, in this building that has, by Act of Congress, approved by the President, been named for Judge Rosenn to serve as a reminder, as a memory for all that he has done for the area and the country, it is, perhaps, fitting that we recognize, not so much the accomplishments, but the man that Judge Rosenn is, and that he is, indeed, a gentleman for the ages.

Now, as I said, it's my great privilege to be here today. We're joined in this courthouse by a number of distinguished guests, and I hope I cause no one any anguish over the facts that I don't recognize them. I think, looking out here, everybody is a distinguished guest, but I would be remiss if I did not, at least, acknowledge my colleagues that are here with me today, and seated here are Judge Edwin Kosik and Judge Jim Munley, and we are also delighted to see Judge

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Olshefski, from the Pennsylvania Superior Court here, as well. And, also here today is Judge Muir, who I can see, now, seated back in the third row, and I'm so glad that he has joined us, here, today. I was fortunate enough to be in Judge Muir's company just last Monday when I was speaking at Lycoming College.

It is a great bench, and we're honored, today, to be here, to have the opportunity to be with Judge Rosenn. I, also, want to take the opportunity being here, today, to recognize the family of Judge Rosenn. You know, Judge Rosenn was quoted as saying that the most important part of his life was his marriage to his beloved Tillie of 58 years, and cancer having claimed her, several years ago, is such a tremendous loss. But I know that Tillie is in Judge Rosenn's heart, today, and is with us, today, in spirit. And we're, of course, joined by Judge Rosenn's two sons, Professor Keith Rosenn, Professor at the University of Miami Law School, and Dr. Daniel Rosenn, and I understand Dr. Rosenn's wife, Barbara, is also with us. So I want to acknowledge their presence, as well.

Our first speaker is a member of our Court, who I didn't introduce, because he's seated to my left, to your right, the Honorable Richard Caputo. I'm delighted to call him my colleague. Judge Caputo is a graduate of Brown University and a graduate of the University of Pennsylvania Law School. He served his country in the United States Air Force in JAG Corps, and, then, entered private practice, here, in the Wyoming Valley, in the law firm of Shea, Shea & Caputo. He was nominated by President Clinton to the position of United States District Judge, and was confirmed by the United States Senate in November of 1997. Among other posts he now holds, he is a member of the Board of Directors of the Federal Judges Association.

Judge Caputo has not only added lustre to our Court, but has brought to our Court a great golf game. So with that, I give you Judge Caputo.

THE HONORABLE A. RICHARD CAPUTO: Thank you, Judge Vanaskie. When I was asked by Judge Rosenn to make remarks, today, of course, you can imagine how honored I was. And I also thought myself unworthy of the task, given his numerous accomplishments and the awe in which I held him. And, then, I thought, he has so few equals, who else can comment, except we who are not. As a young lawyer, when I came here in the '60s, it was soon obvious to me that Judge Rosenn was one of the giants of the Bar. He was a practitioner of great repute, he was known for his legal ability, his commitment to his clients, his courtesy to his opponents and the value of his word. He understood that civility, as Justice Kennedy has said, is grounded in respect for the individual.

And he was known to deal with all, in accord with that fundamental. He was dedicated to his community, involving himself in virtually every endeavor, which had, as its goal, the improvement of the quality of life. And in the same vein, as we all know, he involved himself in public service.

As a Judge of the United States Court of Appeals for the Third Circuit, he has established himself, as Judge Vanaskie has pointed out, as one of its illustrious members, and as a significant reason, the Third Circuit Court of Appeals enjoys the superior national reputation that it does. In short, he was and is a model for those who aspired to be lawyers, citizen, public servant and Judge.

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In recent time, I have been privileged to get to know Judge Rosenn a little better, and in so doing, found the following things to be constant;

His love of the law. His understanding of the importance of and respect for the rule of law. His devotion to the Constitution of the United States, as the foundation of our free, yet ordered society. His keen understanding of and commitment to the independence of the Judiciary and its significance as the guarantor of our democracy, and, also, the need for public awareness and education about the importance of the independent Judiciary. His legal scholarship, his civility as a Judge and as a person. His intellect and his curiosity. His sense of fairness. His ability to continue to grow. While others would rest on their laurels, he continues the same pursuits in the very same fashion that he has all of his life. And, lastly, he is genuinely a nice person.

How fitting, indeed, the Rosenn Lecture Series, named for a man of intellect and curiosity. A man interested in the ideas of the day, and, in particular, those which will elevate the human and spiritual condition. A man driven by dedication to the public good. And there is no finer tribute than to name this building of the law for him, because of his commitment to the Constitution, the law, public and community service. This portrait adds personal dimension to these honors, so that all can see this very special and important person who impacted for the good, not only his community and state, but his nation. It says, in a very clear voice, this is a great American. Congratulations.

THE HONORABLE MAX ROSENN: Thank you.

CHIEF JUDGE VANASKIE: Thank you very much, Judge Caputo.

I do want to say, too, that present with us in the courtroom, today, in addition to Judge Rosenn's sons and daughter-in-law, is Judge Rosenn's brother, Harold, and his sister-in-law, Sally Ann, and his sisters, as well. And I'm thankful that they are here, today. I, also, want to say that here with us are United States Magistrate Judge Raymond Durkin and Bankruptcy Judge John Thomas.

Our next speaker is James Sandman. Mr. Sandman served as a law clerk to Judge Rosenn in the late 1970's. He has risen in the legal profession to the position of managing partner of the 530-lawyer firm Arnold & Porter, which is headquartered in Washington, D.C., but has offices throughout the country and throughout the world. While you would think that running a mega firm would be enough work for any person, Mr. Sandman's life outside the firm, also, reflects Judge Rosenn's humanistic influences. Among Mr. Sandman's commitments to community service, he is a member of the Board of Directors of the Neighborhood Legal Services Program in Washington, he serves on the Advisory Committee of the Law Firm Pro Bono Project, and he is a member of the Board of Directors of the Washington Performing Arts Society, and is a member of the Board of Overseers of the University of Pennsylvania Law School. Mr. Sandman.

MR. JAMES J. SANDMAN: Chief Judge Vanaskie, Judge Caputo, Judge Rosenn, other members of the Judiciary, may it Please the Court.

We celebrate, today, the unveiling of this portrait, which will hang in this courthouse. I hope this portrait will help to make real the man whose name the building bears, so that even if they do not know Judge Rosenn, personally, all who enter here might get some sense of this remarkable man and Judge. Judge Rosenn

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is rightly regarded by his colleagues of the Third Circuit as one of the finest judges ever to sit on that Court. There are many reasons for this. He has keen intellect, boundless curiosity and uncommon ability to master the new and unfamiliar. But it is, I believe, the human qualities that Judge Rosenn brings to the Judicial process, the fundamental elements of his character, the things he learned from his parents and shares with his brother and sisters, that they can so distinguish a unique Judge.

Every one of his clerks can describe the principles that Judge Rosenn brings to deciding the cases that come before him. Those principles are these:

First. Decide every case with care. The volume of cases may be great, but every litigant is entitled to his or her day.

Second. Never forget the case before you involves real people who will be affected by the result and for whom the case is the most important one before the Court. Appellate Judges almost never meet the people whose disputes they decide, their professional lives are isolated and their work can seem academic. For Judge Rosenn never loses sight of the real-life consequences of the work he does.

Third. Although a Judge is bound, always, to follow the law, it is, nevertheless, always appropriate and important to ask, in deciding a case, what is right? There is and should be a place, in Judicial decision-making, for kindness, for compassion and for mercy. No Judge has ever been better-suited to dispense these than Judge Rosenn.

Fourth. A Judge is a public servant. Although, he or she has life tenure, arrogance and pomposity have no place in his or her temperament.

Fifth. Treat all with whom you deal, your fellow Judges, even, perhaps, especially, when they disagree with you, the lawyers who appear before you, the Trial Judges whose decisions you review, the Court employees who work for you, members of the public with respect. Although, our society marks Judges for meriting special respect, themselves, by seating them on elevated benches in high-back leather chairs, by clothing them in robes, by addressing them as Your Honor, I have never seen Judge Rosenn show to anyone else any less respect than he receives, himself. It was this quality, showing respect, as a matter of recognizing the dignity of every person, that I noticed, first, when I met Judge Rosenn, on the day he interviewed me as a candidate to be his law clerk. And it is this quality that I regard as most defining of his character, today.

During the year that I clerked for Judge Rosenn, I heard him pay tribute in this building to a colleague by quoting Prophet Micah's description of the perfectly religious man; What does the Lord ask of Thee? The Lord asks of you only that you do justice, love mercy and walk humbly with your God. Those words have stuck with me, not because I knew the man of whom the Judge was speaking, but rather because they seemed so apt a description of the standard that Judge Rosenn has set forth and met, himself. When I left Judge Rosenn's employ 23 years ago this summer, he gave me an autographed photograph to remember him by. It is a beautiful picture done by Fabian Bachrach that captures his essence.

Over the course of my career, through many office moves, I have always hung that picture where I could see it, easily, from my desk. Looking at Judge Rosenn's image reminds me every day that the profession I chose is a noble one, despite all the lawyer jokes. It reminds me of the importance of public service and of doing

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good for others. It reminds me that human kindness and professional success need never be inconsistent, and that one can, in fact, promote the other. It reminds me of what it means to be the boss. It reminds me of what I aspire to be. I hope that this portrait, in this special place, might have just some of that effect on those who enter here and see it, that they, too, might be inspired by the example of this great and good man.

This portrait is the gift of an anonymous donor. I do not know who he or she is. If the donor is here, I would like to say something to him or her. On behalf of all of us who love Max Rosenn, thank you. By your generosity and your thoughtfulness, and especially in your anonymity, you have honored Judge Rosenn in the most effective way of all, you have emulated his example. Thank you.

CHIEF JUDGE VANASKIE: Thank you very much, Mr. Sandman.

Our next speaker is Richard Gelfond. Now, I want to say that I've recently been involved in a courthouse construction project, and in that capacity, I had the opportunity to visit a number of courthouses across the country, and was given some stories about courthouse construction, and that one of the reasons that you have such a large seating area is that, at one time, the courtroom was the entertainment in the community, that people would go to court to see trials, because it was a drama unfolding, with the lawyers and the witnesses and the Judge playing their respective roles, but nonetheless, a drama. So there was an entertainment value to it.

Well, the person we're going to hear from now, is a former law clerk of Judge Rosenn who has made his mark, not only in the legal field, but in the entertainment field. He is Co-chairman and Co-chief Executive Officer of IMAX Corporation, the leader in the giant screen theater industry. In 1996, Mr. Gelfond and his partner, Bradley Wechsler, accepted the only Oscar for Scientific and Technical Achievement awarded by the Academy of Motion Picture Arts and Sciences. Also reflecting Judge Rosenn's example of commitment to the community, Mr. Gelfond serves as Chairman of the Board of Trustees of Stony Brook Foundation. He is a Trustee of the New York Historical Society, and is a member of the Board of Directors for Brookhaven Science Associates. Mr. Gelfond.

MR. RICHARD L. GELFOND: Your Honor, special guests, Judge Rosenn.

It's quite a privilege to be speaking, today, at the unveiling of this portrait of Judge Rosenn, among so many of his friends and colleagues. When the Judge asked me to say a few words, a theme immediately came to mind. What more fitting way to honor a man who has spent his life painting on the canvas of this town, this region and this country, than a brilliant portrait hanging in this Max Rosenn Courthouse. The Judge's public accomplishments, from his tireless efforts during the flood, to his inspirational integrity on the bench are well-known. What is, perhaps, less well-known are the daily brush strokes that he imprinted on fertile young minds, those of his law clerks, who would strike out and repeat his value system throughout their communities and this nation.

When I arrived in Wilkes-Barre at the end of law school, at the age of 24, I was quite smug, young, single and a law school high achiever from New York City. There was very little I didn't think I knew; think being the operative word. It didn't take long for the Judge to begin his work. His daily lessons, communicated by example rather than a lecture, were branded in my brain like the mark of Zorro.

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Quote. I get more out of life from my work in charity than my official work, he would say. Quote. Always treat everyone with respect. Quote. Return every phone call every day. But it wasn't the words, it was the actions that counted the most. He would day, Hello, to everyone in Wilkes-Barre, remembering everyone by name. His marriage to Tillie was a lesson in relationships I try and model to this day. His fairness on the bench and openness to all sides of every issue became my personal definition of justice. His overall kindness and generosity were obvious to even those with the slightest contact. His brush strokes on my brain became a mental image of how successful people were supposed to act and of a value structure to embrace.

I still remember his wise words, when he performed the ceremony at my marriage to my wife, Linda, and 18 years ago, said, quote, Marriage was like an edifice, which needs to be periodically resurfaced and rejuvenated. And when you have those one or two days, it's always remembered. My stories are not, at all, unique. Other clerks, many of whom are here, today, now, writers, businessmen, professors, Government officials and practicing lawyers, have had very similar experiences. The impact that one man with a good heart could have on a nationwide value structure is truly remarkable. And, obviously, as each of us has moved up the ladder in our own careers, we have passed that sense of fairness and decency to those that we have dealt with.

Before I get too carried away, the Judge, like all men, had his limitations. He liked to set up his law clerks on blind dates with, quote, appropriate, unquote, women or men, as the case may be. His personal advice, frequently, went to decorating our apartments and suggesting proper foods to eat. Thank God for Mrs. Rosenn who would say, quote, Oh, Max, leave the boys alone. Unfortunately, no one lives forever, and I suspect, in 20 or 25 years, that mortality may even overtake Judge Rosenn. I hope when people walk by this courthouse and see the spirit in this portrait, that they will remember, for eternity, the picture Judge Rosenn painted on this region, the nation and the concept of justice. I know that a generation of leaders and friends sees part of that picture, when they wake up every morning, and we pass it on to our children and our colleagues. Thank you.

CHIEF JUDGE VANASKIE: Thank you very much, Mr. Gelfond.

Our final presenter, today, is Dr. Christopher Breiseth. Dr. Breiseth has served this community well, as President of Wilkes University, since 1984. How time has gone by quickly. A noted historian, Dr. Breiseth obtained his Bachelor's degree from the University of California, he has a Master's degree in Modern British History from Oxford University, and his Doctorate in Modern European Intellectual History from Cornell University, sharing a bond with Judge Rosenn, in that regard, Judge Rosenn being an undergraduate of Cornell University. Dr. Breiseth is, also, I think, must be a student of Abraham Lincoln, having taught in the land of Lincoln and chaired the history program at Sangamon State University. He and Judge Rosenn have developed a close relationship over the years, I suspect, fueled, in no small measure, by that fact that Wilkes has served as the host for The Rosenn Lecture Series. Dr. Breiseth.

DR. CHRISTOPHER N. BREISETH: Judge Vanaskie, Judge Caputo, Judge Rosenn.

My distinguished fellow presenters this afternoon all know Judge Rosenn in connection with his legal career. They have described his stature as a lawyer and a

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Judge in their unique angles of vision. My perspective, by way of contrast, is that Max Rosenn is our pre-eminent local citizen. In Northeastern Pennsylvania, where, over the last century, many of our brightest and most ambitious young people left to pursue their fame and fortune, Max Rosenn returned from law school and from World War II to share his great gifts with his fellow citizens. Crucial to his contributions has been his cosmopolitanism. In a region of great human wealth and potential, but dogged by a deep-seated parochialism, fostering a persistent negativism, Judge Rosenn's larger vision came from professional duties and responsibilities throughout the nation and, indeed, the world, have nurtured a buoyant optimism that he has brought back home.

His optimism not only continuously invigorates him, but has, also, repeatedly encouraged local leaders, as they attempt to build a bright future for this area. For a sitting Federal Judge to chair the local Flood Recovery Task Force, after putting together the coalition that secured the Federal resources necessary to bring this area back from devastation of the 1972 flood is emblematic of Max Rosenn's disciplined devotion to our community. He has been behind, if not in front of, virtually, every effort to reform our antiquated political system, ever pushing us towards a regional perspective and the ways we govern ourselves. Perhaps, his energetic efforts, locally, have been encouraged by the opportunities he has had away from home, whether as Secretary of Public Welfare for the Commonwealth of Pennsylvania or sitting with other Federal Circuit Courts outside the Third Circuit, weighing the claims of parties to the full variety disputes, which enter our Constitutional system, and ultimately, are settled in Court.

Through his extraordinarily eventful life, he has had both personal and professional demands to stay in touch with, virtually, every issue facing our nation. The insights thus acquired, he has brought back to our Wyoming Valley, seeing a beauty and promise in us that we do not always see, ourselves. Over the last 30 years, his 60 law clerks, if the count on the back of the program is correct, have discovered in him, as you've heard, a simple devotion to his community, inseparable, from his larger perspective, as one of the most respected Federal Judges in America. Those of us in this community, who are privileged to spend time with Max, whether over lunch or dinner or at organizational meetings or social events or through chance encounters, while walking around our beautiful south Wilkes-Barre neighborhood, no more important dimension of the man that I want to underscore as this stunning portrait is unveiled.

I've seen the portrait and salute Robert L. Schultz, the artist, for faithfully capturing Judge Rosenn's Judicial temperament. Look closely at the eyes and see what those of us who know him as a friend know him best, that linked to an apparent stern Judicial demeanor is a suffusing kindness. Tempering all of Judge Rosenn's life and work, including his Judicial decisions, is an empathy and respect for human beings that all of our humanity, warts and all. Called upon to judge, he is not judgmental.

Finally, the unveiling of this portrait, in this building, with the Judge present and accounted for, as he was not at the formal dedication, symbolizes what he has brought to his own, a national career of surpassing accomplishments, worthy of emulation by our young people and United States Courthouse for Wilkes-Barre, most appropriately, carrying the name of its most honored citizen, Max Rosenn.

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CHIEF JUDGE VANASKIE: Thank you very much, Doctor. Well, I think we're at the moment that we are here for, and that is, the unveiling of this portrait, and I'd like to call Keith and Daniel forward to do the honors.

(At this time the portrait of the Honorable Max Rosenn was unveiled by Keith and Daniel Rosenn).

(Applause)

CHIEF JUDGE VANASKIE: Now, I'd like to call on Judge Rosenn for his remarks. It is, indeed, the occasion of the unveiling that marks this event, but it's the person, today, that we've heard so much about and with so much intimacy that we honor Judge Rosenn.

JUDGE ROSENN: Thank you, Chief Judge Vanaskie, Judge Caputo, my fellow Judges on the United States District Court for the Middle District of Pennsylvania, also, the other judges that are here, I see Judge Thomas, our Bankruptcy Judge, standing in the back of the courtroom, and this is his courtroom, I don't know what you're doing back there. Judge Durkin, my sons and family, my law clerks are all part of my family, and all my friends who are here, today. It's very difficult to respond to the remarks that have been addressed here, today. I wasn't quite sure what would happen. That's why I did not reduce my remarks to writing, I thought I might better retain a certain amount of flexibility, because I didn't know whether I would be hung today or have my portrait hanged or what might be thrown at me.

It is very difficult to respond to the beautiful statements that have been made. Some may be deserved, I'm not sure, but it reminds me of a comment made about a year or so ago, when the Chief Judge of our Court was honored, Edward Becker. He told a story of the priest who was being honored by the Bishop of his diocese, and the Bishop lavished very beautiful remarks upon him. And the priest, finally, in a moment of great emotion, fell to his knees and said, Oh, Lord, forgive my brother for what he's saying. What my brother is saying has a great deal of exaggeration, but, Oh, Lord, forgive me too, for I love every word of it. Well, I think what has been described by law clerks, by my fellow Judges of this Court and by Dr. Breiseth, describe me not as I am, but what I'd like to be.

If I have found favor in the eyes of my neighbors, my peers, my law clerks, my extended family and the community, I feel very, very well rewarded. Some of you may wonder why, today, as Judge Vanaskie has pointed out, Court is held here for the first time. I think, Court on a Sunday, in this courthouse, which is new, and the first Federal Courthouse in this community, and why the ceremonies are being officiated by the District Court rather than the United States Court of Appeals, is because I felt this is the way it ought to be. The donor of this portrait wanted the portrait to be hung in this courthouse, and, therefore, I felt the ceremony should be conducted by the District Court and it would officiate and would participate. Besides, I wasn't quite sure what my colleagues on the Third Circuit might have to say, if they were invited up here. They might bad-mouth me, you know, and I didn't want them up here for these purposes, so we didn't invite a single one of them. And as a matter of fact, I don't think they even know that this ceremony is being carried out.

However, it's a superb Court. The Third Circuit is really, truly one of the great Federal Courts of this country. It serves communities in the State of Pennsylvania,

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New Jersey, Delaware, the Virgin Islands, a population of about 20 to 25 million people, and, except for a very, very minuscule number of cases that get to the Supreme Court, the Third Circuit is actually a Court of last resort for these millions of people. And so it has an important responsibility. But it has had in the past and it does have some great Judges, men of fine intellect. When I came to the Court, Chief Judge Biggs of Delaware was the Chief Judge of that Court. He transformed it from a Court of dubious reputation at the time, around 60 years ago, and initiated a movement that raided the Court to the heights. Judge Maris, Albert Maris also a great Judge, came to the Court in 1937, I think he first came to the District Court and a few years later to the Third Circuit Court.

Later on came Chief Judge Seitz, with whom I've served for almost 25 years, a close friend of mine. Judge Seitz, when he was the Chancellor of the Court of Delaware, was called upon to decide whether the schools of Delaware would be desegregated. And this was at a time when no other Court in the country had desegregated schools. And he was the first Judge to write an opinion that went to the Supreme Court of the United States, recommending desegregation of schools and he was affirmed in an opinion that came down in *Brown v. The Board of Education* in 1954. It adopted, almost literally, much of the language, words and philosophy expressed by Judge Seitz in his opinion. He later came on to our Court and became Chief Judge of that Court, and there were others, including our present Chief Judge, Ed Becker, who is a very fine able Judge. And it's a Court that has had very difficult cases, at times, but it has risen to the occasion and has really served the Judiciary and the people of this country extremely well.

But the work always hasn't been easy. There have been difficult times, there have been troublesome times, there have been times that have been extremely rewarding. But I want to say a word about this Court, here, the Middle District of Pennsylvania. When I came to the Bar in 1932, the reputation of this Court in the Middle District—and at that time, they only had two judges—was not a very good one. However, in the last 60 years, that reputation has been rebuilt, and it is now one of the finest District Courts in this country. It has able Judges, experienced Judges, compassionate Judges, Judges who know the law and apply the law, and they are the men who are really in the trenches, they are the Trial Judges. They have to make snap decisions, they have no opportunity to go to the books to see or decide a question and research a question, when it arises, in the trial of the case.

And they've done a very magnificent job, and they have been men of integrity, of honor and ability, and I'm very proud of the Judges of the Middle District. And some reference has been made this afternoon to my community service, but I want to say, and I think the law clerks know this, that as a Judge of the Circuit Court, I do have the opportunity to reside anywhere in the circuit. I've toyed with it a number of times, my wife and I did, as to whether we should move to Philadelphia, because that's where the headquarters of the Court is, and that's where there is the opportunity for a lot of the rewards and satisfaction that come outside of the Court. Yet, I believed that there was an obligation that I had to this community, in which I was born and raised, and this is where I should stay.

As the first Judge of the United States Court of Appeals appointed from the Middle District of Pennsylvania, I felt it was my duty to remain with my people and

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my family and my friends and with those with whom I was raised and as a whole, I think, they have been very supportive all during my career.

I'm very grateful to the speakers, today, to Richard Gelfond, Jim Sandman, Dr. Breiseth, my colleagues here on my left, for their gracious remarks, for, perhaps, some of the exaggerations that accompanied them. But my clerks—my law clerks know me very well, and they, too, are part of my family. They were a part of the family, when Mrs. Rosenn and I took them in, when they came here, we considered them part of our family and we do ever since. And my relationship with them and their relationship with me has always been a very, very warm one.

I want to tell you a bit about the two men who spoke to you, today, Richard Gelfond and James Sandman. I journeyed to New York City on Thursday afternoon to attend a dinner at the Starlight Roof of the Waldorf Astoria Hotel where 600 people gathered to honor Richard Gelfond for his activities and his contributions as Chairman of the Board of the Stony Brook Foundation. It is a managing organization of Stony Brook University, which has an enrollment of 19,000 students and is one of the great universities dedicated to scientific research. He's, also, on the Board of the Brookhaven Organization that manages the Brookhaven National Laboratories that, also, have national reputation. And I saw him honored there on Thursday night by the dignitaries and some of the great people of New York, and I had an opportunity to meet some of them.

Martin Scorsese, the speaker that night, Charles Schumer, Senator of New York, also, addressed the group there. And I took a great deal of vicarious pride in the recognition and honor paid him. I follow the careers of all of my law clerks. Jim Sandman has been a tremendous success in the legal profession, well-recognized by the University of Pennsylvania as a member of the Board of Overseers, but, also, because of his enormous contributions to that splendid university. He leads that 530-member firm, which is one of the outstanding firms of America and perhaps one of the leading international firms also, with a tremendous amount of integrity, honor and respect. So I see fulfillment in the growth, the development and the leadership of all of my law clerks, not only these two, but the others, as well. I couldn't, unfortunately, put all of them on the program, today. I'm grateful to them, I'm grateful to you for coming here today, to participate in these ceremonies.

Now, as for the artist, I want to take a minute or two to say something about him and the donor of this portrait. I did not know that the portrait was being commissioned, until I was called, one day, by Dr. Stanley Grant, the Curator of The Sordani Gallery of Wilkes University, who informed me that an anonymous donor would like to have my portrait commissioned and would I sit. And I was a little bit stunned by the question and a little bit stunned by the announcement. I wasn't sure whether the anonymous donor was friend or foe, and it reminds me very much of the story of one of our Judges, who, many years ago, had a case that was being tried before him. The lawyer said to his client—no, the client said to the lawyer, You know, that Judge is such a very nice guy, I think it would be nice to send him a couple of turkeys for Thanksgiving. The lawyer said, For heaven's sake, don't do that. Do you want to lose your case? Don't send him any turkeys.

Well, the case was tried, the verdict came in, and it was in favor of the client. So the client said, Gee—I think he said—it was a good idea to send those turkeys. The

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lawyer said, No, you didn't do that? Yes, said the client, I did, but I signed the other party's name to it.

(Laughter)

So I was a little bit worried about that anonymity, but I finally agreed to sit, and I didn't know who the donor was, and the donor probably realized that I would properly resist, and I would have. However, I sat for the painting. The artist came in from Wisconsin, and after the painting was done and delivered to the curator, again, Dr. Stanley Grant, I was, then, advised who the donor was, and I was really very greatly surprised. I called the donor on the telephone and asked him why he did it and what prompted him to do it, and I was really critical of him. Then, he told me the sentiments that prompted him to do it, and I was moved by those sentiments that prompted him to commission that portrait and do it entirely on his own, and I'm very grateful to him for doing it.

I look around the courtroom, and I put my glasses on to determine whether he's here today. He had made a reservation to come in, but he wasn't quite sure, last Friday, that he would, and I don't see him in the courtroom. However, if he is here, I pay my respects and my debt to him and my gratitude. If he's not here, I will see that they are transmitted to him. But he still wants to retain his anonymity, and he would not permit me to announce his name today. I hope the artist is here, though, I understand he was coming in. Is Mr. Schultz in the room? Well, I'm very glad that he is here. He's come all the way from Wisconsin for this day, and I'm very appreciative of it. He's a very distinguished artist, who has received his Master of Arts degree at the University of Wisconsin, and he works full time at the job. He's represented by galleries in Los Angeles and Wisconsin and Chicago. He's a claimed contemporary classicist. His portraits are different than most portraits.

I did have a glance at this, but only a glance at it, since it arrived. But I understand that it is different, and I appreciate his artistry, I appreciate his willingness to risk it on an old, decrepit judge, but considering the substance and the material he had to work with, I think he's done a remarkable job. I'd like to see him rise, and if he wants to say a word or two, why I'm sure we'll be glad to hear from him.

(Applause)

Robert Schultz, we're very grateful to you for coming today.

MR. ROBERT L. SCHULTZ: I enjoyed doing the portrait. It wasn't that hard.

JUDGE ROSENN: Thank you. Finally, let me say this. That portrait, I think, is a product of a certain amount of conspiracy, and not only was Dr. Grant one of the conspirators, I believe, but I think my Secretary was also a very willing and enthusiastic conspirator. But now that the conspiracy is over, I thank them. I also thank Lisa Pugh of Wilkes University. Both of them have done a tremendous job in arranging for the ceremonies this afternoon, and for the cocktail party and some of the other events that I hope you'll enjoy later on. Thank you very much for coming today. I appreciate it.

(Applause)

CHIEF JUDGE VANASKIE: I think Judge Rosenn, by his remarks, validated all that was said of him today. I did want to mention that, in 1983, in addressing a

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group of law students at the University of Iowa, he said, lawyers educated in humanities and history, trained in the power of analyses of issues and the logical formation and expression of ideas are natural community leaders. And he went on to urge those law students to accept that role, to not shy away from it. And that's something that we, now, try to emulate and aspire to, because of the example given to us by Judge Rosenn. And on behalf of the United States District Court for the Middle District of Pennsylvania, I am delighted to accept this portrait to be hung in our courthouse, here, Judge Rosenn's Courthouse, the courthouse named after him. And I want to invite all of you who have not yet had an opportunity to see this beautiful building to undertake a tour, which we will have after the conclusion of this ceremony and, also, I know all of you are invited to the Rosenn Lecture Series, and there will be a cocktail reception at the Student Union Building, which is one block down on South Street.

I'm looking at Dr. Breiseth, and he's confirming that my understanding is correct. At this time, Court will now stand adjourned.

JUDGE ROSENN: I have one more announcement to make, he's in the courtroom, I don't know how he would know about this ceremony, but he is here, I ran down to find out if it was truly him, a former Chief Judge of our Court, from Newark, New Jersey, and a well-known jurist, well-known scholar, professor, who resigned a few years ago, so he's in the courtroom now, and I wanted to introduce him, Judge John Gibbons. He's one of the greatest jurists. Thank you.

(At this time the ceremony was adjourned).

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