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## Guest Commentary

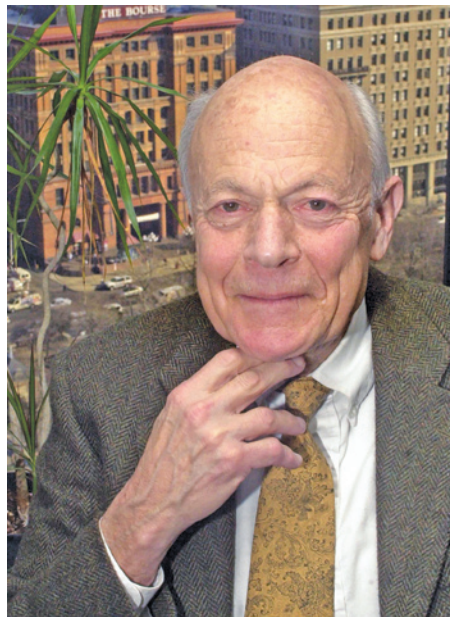
### *Judge's Human Touch Helped Turn Wheels Of Justice*

*Editor's Note: Louis H. Pollak, who before becoming a federal judge played a significant role in major civil rights cases before the Supreme Court, died recently at his home in Philadelphia at age 89. The author of this article, a partner at Wiggin and Dana in New Haven, clerked for Judge Pollak in 1998-1999.*

By JONATHAN M. FREIMAN

Judge Louis H. Pollak died two weeks ago. The law will remember him as that rarest of birds: a lawyer whose practice challenged and changed our democracy, an academic who led not just one but two of the nation's leading law schools, and a venerated federal judge. Those of us who knew him will remember him as much more.

After serving in the Army, Pollak graduated from Yale Law, then clerked for Justice Wiley Blount Rutledge at the U.S. Supreme Court, where he met another clerk, William T. Coleman. Two years later, Thurgood Marshall, building his strategy for challenging segregation, reached out to Coleman, the first black Supreme Court law clerk. Coleman



The late federal Judge Louis Pollak used to shake the hand of everyone who appeared before him in court — lawyers, jurors and defendants alike.

asked if he could bring Pollak to the strategy meeting, and Marshall agreed, beginning a long collaboration.

Two years ago, Coleman described their collaboration in *Brown v. Board of Education* this way: "I think we have an understanding — if he dies first, I can say that I wrote most of the brief. If I die first, he can say he wrote it." Pollak went on to serve as counsel of record in the Supreme Court in

dozens of cases challenging segregation, including *McLaughlin v. Florida*, which for the first time struck down a state law making it unlawful for people of different races to live together.

By 1955, Pollak had returned to New Haven, where he taught constitutional law at Yale for two decades, and served five years as dean in the late 1960s. In 1974, he moved to the University of Pennsylvania Law School, becoming dean a year later. President Jimmy Carter appointed him to the U.S. District Court in 1978.

On the bench, Judge Pollak touched everyone he met. At the end of every hearing, he came down to shake everyone's hands: parties, lawyers, jurors, criminal defendants. He wanted everyone to know the human hands that turned the wheels of justice. He touched people metaphorically as well. As Justice David Souter wrote in a letter two years ago, to look into Judge Pollak's face was to "see what Learned Hand once recalled in the teachers he revered; patience, considerateness, courtesy, and kindness — and, wisdom, let me respectfully add."

### **'Powerful Inheritance'**

For Lou, those values flowed from family. His father was a civil rights lawyer who convinced the Supreme Court that the freedoms of speech and press applied against the states, and who successfully defended nine black boys from Scottsboro, Ala., falsely accused of rape: a "very powerful inheritance," Lou said. His love for his wife, Kathy, was palpable; for half a century, he wore his wedding suit whenever presiding at a wedding.

It wasn't just his own family he valued. I know this firsthand, having been lucky enough to clerk for Lou. When my clerkship started, my father was dying, and my first child was only three weeks old. I was tremendously excited to clerk, but worried how I would balance work and family. Those worries disappeared on the first day. At 5 p.m., I was alone in the clerk's part of chambers, drafting something. Lou walked in and, with the luminous smile he so often wore, asked how my first day had gone. "Wonderfully," I replied. He asked what I was working on, but when I told him, his face fell, and he shook his head sadly.

"I'm sure that's important," he said. "But," he added, motioning with his head to a nearby clock, "it's after 5. Shouldn't you be getting home?" I explained that I had just

a little more to do to finish what I was working on. "Well," he said, "there's a whole world out there." He reminded me of that 20 times in the next few months. Often, he followed it up with a more particular inducement: "Don't you have a wife and son at home?"

Needless to say, he encouraged me to take many long weekends to visit my father in New Jersey during his final months. One morning, a call I'd been dreading came, and I rushed to New Jersey. In the haze of grief, I didn't call work to tell everyone what was going on. The funeral came quickly. I gave a eulogy for my father, but I don't think I looked beyond the first row, where my mother and sister sat. Then I climbed into the car that would follow the hearse to the graveyard. As the car pulled slowly away, I saw Lou and my co-clerk. Somehow they'd figured out what had happened and had driven to New Jersey to be there for me.

When I returned to work, after my week of mourning, Lou didn't need to remind me of the wide world out there anymore. Most afternoons I rushed off to say Kaddish for my father, and whether I did or didn't, there were a wife and son to love and cherish. I'll always be deeply grateful for what Lou taught me about the law – and even more for the contributions he made to American justice and democra-

cy. But his greatest gift to me was to let me live fully that year of death and new life.

Two years ago, Judge Guido Calabresi described Lou as having "the most probing, subtle, deep nuanced mind I had ever come in contact with, or would come in contact with after." The law has lost that now. Those of us who knew Lou have lost even more. •