

DEDICATION

“ADRENALINE OF EXCELLENCE”: THE CAREER OF JUDGE GERALD BRUCE LEE

The editors of the *American University Law Review* proudly dedicate this issue of the *Law Review* to the Honorable Gerald Bruce Lee, an alumnus of the American University Washington College of Law. As is made clear by the collection of Tributes below, Judge Lee has had a lasting impact not only on this law school and the legal community, but also on the Washington, D.C., metropolitan area. The *Law Review* hopes that this collection of Tributes, authored by individuals who know Judge Lee best, captures the “adrenaline of excellence” that Judge Lee brought to his career and continues to bring to his ongoing service to the various communities to which he is a part.

The *Law Review* is truly honored to make this dedication.



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GIANT STEPS

VERNIDA R. CHANEY*

The day that Judge Gerald Bruce Lee announced his retirement, there was significant concern that justice would never be the same without him.

For over twenty-five years, Judge Lee donned a black robe and set a positive and undeniable tone for justice in *and* out of the courtroom. In the legal community, he has been a prominent fixture far longer and has gained respect from a multitude of people from all walks of life.

While he retired in his prime, we must remember the strides he made to pierce history. After all, he *is* the first full-time federal judge in Alexandria.¹ And history notes that, for 145 years, all seats held in our Federal Court were retained entirely by white males.² But because of Judge Lee’s appointment to the U.S. District Court in 1998, the federal bench has continued to become more diverse.

Being much more than a distinguished jurist, Judge Lee’s resume and list of social achievements are immeasurable. Of his many attributes, he is a well-known civil rights activist and humanitarian icon

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1. See Rachel Weiner, *Federal Judge Who Worked to Increase Diversity in Legal Profession Set to Retire*, WASH. POST (May 4, 2017), https://www.washingtonpost.com/local/public-safety/federal-judge-who-worked-to-increase-diversity-in-legal-profession-set-to-retain/2017/05/03/6b2e3554-2538-11e7-a1b3-faff0034e2de_story.html.

2. A. Leon Higginbotham, *The Case of the Missing Black Judges*, N.Y. TIMES (July 29, 1992), <http://www.nytimes.com/1992/07/29/opinion/the-case-of-the-missing-black-judges.html>.

whose entire life has been dedicated to the advancement of others, with a focus on minorities and women.

Bringing male youths to a summer enrichment program called Kamp Kappa, he bridged the gap and selflessly poured his time and wisdom into the lives of young people. He lives by the mantra, “to whom much is given, much is expected.” And he lived that statement without fear or hesitation; he gave much because it was in him, and he expected the best because that is what he gave. And while this Biblical principle has been uttered by John Kennedy, Bill Gates, and countless others, it will always ring in my ears with the earnest tones of Judge Lee’s voice. And I am sure that the seriousness in his tone was because he related with so many of the African-American males who appeared before him on a weekly basis.

Judge Lee recognized that he, too, could have been in their shoes had he not done something different and taken *his* path seriously. But he chose to believe in himself. Even when a high-school counselor once told him that he was not college material, he chose to believe in himself. He did not settle for being merely a street sweeper in the projects, because he believed in himself. Yes, he could have ended up like the young men who he encountered from the bench weekly. After all, he and they walked the very same streets of Southeast Washington, D.C. These men could have been his brothers, his sons, his nephews, his cousins, or even classmates. So, it could have easily been him, also. Others may see Judge Lee and assume that could never be him. Many would say that his great achievements do not line up with someone whose fate could have been the same. Although his truth is that he has been a federal judge, an accomplished lawyer, and a devoted pillar in the community, Judge Lee has never forgotten that he was a little black kid who also received the help of others along the way. It is because he understood the many tumultuous dynamics of life’s journey that he dedicated himself to providing authentic opportunities to others who wanted them, and most importantly, to those who needed them.

My story is no different. When I started my legal career in Fairfax, various lawyers and judges inquired if I had worked with Judge Lee because he was well known for placing young attorneys in their first jobs, acting as a recruiter and talent scout. Mentorship, guidance, and development were part of the many ways he assisted others in climbing their ladder to success. I can state, emphatically, that I inherited and greatly benefited from his lineage that helped me evolve into who I am today.

When I started my career, Judge Lee was already on the federal bench, but his presence remained throughout the Fairfax courthouse. In the

grand courtroom of the Circuit Court, Judge Lee’s judicial portrait hung as the only one that depicted a person of color. Judge Lee came up in an era when only a handful of African-American lawyers regularly appeared in Virginian courtrooms, especially Northern Virginia.

He and his small but powerful group forever changed the landscape of the legal community and its perception of black and brown people. It was during his time as a lawyer that Judge Lee fought against discrimination, prejudice, and racial bias. It was also during this time that Judge Lee was instrumental in persuading the legislation and bar community that the judicial system and all its components needed to accept *and* reflect the growing diverse community it served.

Single-handedly, he has nurtured and mentored an extensive roster of acclaimed partners in prestigious law firms, numerous judges, and scores of political mavens who made it to the governor’s mansion. Some of us will never be able to achieve his greatness and accomplish all that he did through his career. However, he has deposited a spark in all of us that will never die. He has implanted a stroke of humanity that requires us to look out for our brothers and sisters.

A day that will never be forgotten is Judge Lee’s last day on the bench. I was fortunate to be amongst those privileged to witness it. When his gavel dropped, producing a crisp sound for the last time, and when he came down from the bench, he walked out of the courtroom with his head held high. For just a moment, he closed his eyes, perhaps to reflect on such a defining moment. Seeing him walk out of the courtroom had a presidential feel to it. It was comparable to watching President Barack Obama leave the White House for the final time. You knew you were witnessing history and needed to breathe the moment.

I believe that all of us are incredibly blessed and fortunate for Judge Lee’s service. The over six-foot stance of such a dapper gentleman, with courage that quadrupled his height, has left an indelible impact amongst us. Judge Lee may have taken off his robe, but his work is far from complete, and his light is far from being dimmed. For the rest of his years on Earth, he will continue to be a beacon of light to serve as a guide.

Judge Lee is indeed a *giant* of a man. And while we will never be able to replace him nor fill his shoes, we are fortunate to have his footprints to follow. He has paved the way and spearheaded numerous programs, which continue to provide endless possibilities for our legal community and children. He has made inclusion a priority so that everyone has a chance to sit at the table.

We will forever respect and admire the Honorable Gerald Bruce Lee. Because of his giant heart and giant vision, we all have *giant steps* to follow.

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TRIBUTE TO JUDGE GERALD BRUCE LEE

PAMELA M. DEESE*

Judge Gerald Bruce Lee has lived and practiced law by the motto “to whom much is given, much is expected.” He has truly exemplified that mantra in all that he has done. As a dual alum of American University (B.A. '73, J.D. '76), Judge Lee believes that he has been richly blessed and that such blessings must be shared with others on life’s path. I have had the honor of being Judge Lee’s colleague, friend, and his choice as a mentor through our service on American University’s Board of Trustees (the “Board”). After many years of service at Washington College of Law (WCL) on the Dean’s Advisory Council, Judge Lee joined the University’s Board of Trustees in 2010. He was recruited to the Board for his numerous outstanding qualities, including his integrity and commitment to excellence in education. Judge Lee has distinguished himself as an outstanding listener and thoughtful Board member who has gone the extra mile in assuring that students, in particular, have a voice at the Board table and an opportunity to be mentored by Trustees. He leads by example and reminds us that our blessings are to be shared. To whom much is given.

In his service on the Board of Trustees, Judge Lee has chaired the Board’s Campus Life Committee. In that role, he has encouraged student leaders and representatives of student organizations to attend the Board’s committee meetings and share their goals and concerns with members of the Board. Students have appreciated the opportunity to showcase their issues and receive thoughtful input led by Judge Lee. The discussions serve two important purposes: the Board is able to hear from one of our most important assets, our students, and our students have an opportunity to receive real-time feedback and suggestions from our Board members.

In addition to serving on several Board committees, including the Board’s Executive Committee, Trusteeship, Academic Affairs, and

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Campus Life, Judge Lee participated in a year-long project for the Board's Campus Life Committee to evaluate the University's student conduct processes and procedures. Our review encompassed numerous in-person interviews with University community members involved in some form or fashion with the conduct process. Notwithstanding the extraordinary demands on a federal judge, Judge Lee participated intensely in the project of evaluating, reviewing, listening, and recommending modifications to the processes and procedures impacting student conduct matters. At all times, Judge Lee's commitment to ensure equitable treatment for all students involved in conduct matters was paramount. He appreciated fully the benefits of ensuring appropriate due process protections and reducing the risk of unforeseen consequences on young lives. Judge Lee's commitment to leaving the world a better place was again in evidence. To whom much is given.

In addition to his Board service, Judge Lee has remained an integral member of WCL's Dean's Advisory Council, making himself available to the Dean, faculty, alumni, and many students. The number of his mentees exceed any reasonable expectation for mentoring. In fact, Judge Lee is only too willing to introduce faculty, alums, and students to one another and encourage the creation of interesting opportunities for all. I am certain that one of his most meaningful engagements with the law school was serving as Commencement speaker for the 117th WCL Commencement in 2003, where Judge Lee shared his zeal for giving back.³

For two decades on the federal bench in the Eastern District of Virginia and nearly six-and-one-half years as a trial judge with the Nineteenth Judicial Circuit of Virginia, Judge Lee lived his motto by routinely employing and mentoring talented students from WCL. Judge Lee went much further than just hiring a diverse population of clerks. He took it upon himself to shape these young legal minds and polish their legal skills and professional qualities in ways that few mentors have the capacity or capability to do. Judge Lee's "boot camp" was infamous for its ability to hone a young lawyer's analytical and writing skills during a clerkship. These are skills that most judges would not think was their responsibility to teach, but Judge Lee was unique, and he appreciated

3. See generally Gerald Bruce Lee, Judge, U.S. Dist. Court for the E. Dist. of Va., American University Washington College of Law Commencement Address (May 18, 2003), <https://web.archive.org/web/20030624144422/http://www.american.edu/media/speeches/JudgeLee.htm>.

the need to further train and improve upon the academic skills brought to his courtroom. His mentoring was time-consuming because you cannot teach someone how to write and think like a lawyer unless you spend time reading, editing, discussing, and commenting on the mentee’s work. Judge Lee went above and beyond expectations to ensure that his clerks were prepared for the real world and ready for the challenges that they would face. To whom much is given.

Judge Lee was known for his patient but forthright mentoring of his clerks as he sought their opinions. He recognized that without nurturing, mentoring, and listening with an empathetic ear, young people will not fully blossom. He also felt that he reaped benefits from mentoring and extolled its virtues to encourage others to accept the obligations of guiding and counseling younger generations. His willingness to embrace technology likely stemmed from his dealings with technology-savvy law clerks, and in that regard, Judge Lee became well-known on the bench for his mastery of and willingness to embrace technology in the courtroom. In fact, Judge Lee is credited with leading the Fairfax Circuit Court to become one of the first Virginia courts to embrace an internet presence and the use of computer technology in the courtroom. To whom much is given.

Judge Lee’s retirement from the bench in September of 2017 was met with great sadness by the bench and bar. His retirement ceremony and the ensuing receiving line provided some sense of the incredible impact Judge Lee had on so many people who waited in the lengthy queue to shake his hand, see his tremendous smile, and let him know how he impacted their lives. Superstars are a rarity, but a superstar with the temperament and willingness to polish the stars in the surrounding firmament, is even rarer. Among his many extraordinary attributes, Judge Lee will be remembered for his enduring willingness to encourage others to lead successful lives of uncompromising integrity. American University is blessed to have Judge Lee’s continued service and support. To whom much is given, much is expected.

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A TRIBUTE TO THE HONORABLE GERALD BRUCE LEE

JOCELYN D. FRANCOEUR*

The Honorable Gerald Bruce Lee is a force of nature.

I first encountered that force in the spring of 2016 when I became the Executive Director of Just The Beginning – A Pipeline Organization (JTB-APO).⁴ Shortly after starting in that role, I sat down with the Honorable Ann Claire Williams, who worked closely with Judge Lee to launch JTB-APO in 1992. As Judge Williams and I discussed the organization’s extensive history and programs, Judge Lee’s name came up so many times that I grew certain there was more than one Judge Lee! JTB-APO’s mission for twenty-five years has been to encourage students from underrepresented backgrounds to pursue legal careers, and as I spoke with Judge Williams, I learned the central role Judge Lee had played in those efforts. For one, Judge Lee ran our Share The Wealth program, which provided students of color with opportunities to interview for federal judicial clerkships. In addition, he and his clerks lent critical support to the Judicial Resources Committee – Just The Beginning Summer Judicial Internship Program for diverse students, and he also welcomed high school students participating in our Washington, D.C. Summer Legal Institute to his chambers.⁵ How, I thought, could one person do all of these things?

Then I met Judge Lee.

From our first conversation, all I wanted to do was impress that booming, rapid-fire voice on the other end of the phone. Judge Lee’s commitment to the students whom JTB-APO served, and his insistence

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4. *About*, JUST BEGINNING-PIPELINE ORG., <http://jtb.org/about> (last visited June 1, 2018) (describing JTB-APO as an organization “dedicated to developing education programs to inspire and foster careers in the law among students of color”).

5. *See Summer Legal Institute for High School Students*, JUST BEGINNING-PIPELINE ORG., <http://jtb.org/summer-legal-institute> (last visited June 1, 2018) (describing the Summer Legal Institute as a free, multi-state program designed to enhance skill sets essential for high school, college, and law school through interactive training sessions).

that they have opportunities to succeed in law and in life, served as a model for the organization and for me. More importantly, Judge Lee grounded every idea he brought to the table—and he brought new ideas every time we spoke—in the reality of the small-but-mighty nonprofit that was JTB-APO. He focused me relentlessly on fundraising, recruiting, and programming. He asked questions that demonstrated his understanding of the challenges we faced and his dedication to overcoming them: Where were the students coming from? How could we recruit more? What programs would be of the greatest benefit? Where was the money coming from? How could we find more? And what could he do to help?

And help he did. Judge Lee invested his own time and money in JTB-APO's programs and corralled others to do the same. He ensured that the Eastern District of Virginia provided stipends to law students completing summer judicial internships with Eastern District judges and by doing so, expanded the opportunity to those who could not afford to take an unpaid job. He personally took four interns (the most of any judge in the district), and he spent countless hours mentoring them and his clerks in addition to the high school students he welcomed to his courtroom and chambers during JTB-APO's Summer Legal Institute. Years after attending JTB-APO's programing, former students—many now practicing attorneys—would write to thank Judge Lee for his life-changing mentorship. I do not exaggerate when I say that due to Judge Lee, hundreds of law students have completed prestigious internships with federal judges across the country—internships that opened countless doors for those aspiring lawyers. And hundreds more law school graduates have completed federal judicial clerkships that provided legal knowledge, connections, and a competitive advantage. Through devotion, energy, and sheer will, Judge Lee has played a critical role in increasing the diversity of the legal profession.

As a federal judge on the Rocket Docket,⁶ Judge Lee had an enormously full plate and could easily have been excused from all of the extracurricular participation JTB-APO requested of him. But Judge Lee always took our calls, returned our emails, and provided his inimitable support and guidance—even when waylaid by pneumonia.

6. Neal Miller, *An Empirical Study of Forum Choices in Removal Cases Under Diversity and Federal Question Jurisdiction*, 41 AM. U. L. REV. 369, 406 (1991) (noting that the speed with which the Eastern District of Virginia routinely processes its case load has earned it the title "Rocket Docket").

JTB-APO benefited tremendously from his partnership, but the real winners were our scholars. Every time I saw Judge Lee speak to students he was warm, tough, and practical. He understood the demands on students' time but would not excuse them from hand writing thank-you notes; he sympathized with the challenges many students faced but insisted that they be timely (always wear a wristwatch!), polite, and prepared. He brought those same qualities to bear every time he talked with me and his colleagues about JTB-APO, and it was an important and welcome reminder—especially to a new Executive Director—that first impressions truly mattered.

I will never forget my first impression of Judge Lee, but his lasting legacy and contribution to JTB-APO, our students, and the state of diversity in the legal profession will be etched far more broadly. It was a privilege and a pleasure to work with Judge Lee, and I only wish the opportunity had arisen earlier and lasted longer. I will carry the lessons he imparted to our students, and to me, throughout my career.

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REACH BACK AND LIFT UP:
A TRIBUTE TO JUDGE GERALD BRUCE LEE
ON BEHALF OF HIS LAW CLERKS,
INTERNS, AND WCL STUDENTS

MILES L. GALBRAITH*

*“Legacy. What is a legacy?
It’s planting seeds in a garden you never get to see”⁷*

Legacy is not a dusty relic fixed in the past—a record of achievements and good deeds from an earlier time. Rather, legacy is a living, organic thing that grows over time with those who carry it forward.

Judge Lee’s legacy is living. It blossoms in the many students and interns and law clerks who had the great fortune of working in his chambers, learning from his example, and hearing him speak.

In September 2017, Judge Lee retired after over twenty years on the bench and decades more in the practice of law. This Tribute honors that occasion by sharing a slice of the legacy Judge Lee shared with his students and expresses gratitude for his generosity and wisdom on their behalf.

The most common refrain associated with Judge Lee is, “To whom much is given, much is expected,” and for good reason. You would likely see the phrase printed and taped to his refrigerator, or appended to his email signature. If you were a law clerk or intern, you would hear him say it in chambers; or even, perhaps, you would hear it spoken to a defendant appearing in his courtroom. It is a mantra, a motto, and a bedrock core value Judge Lee lives every day. The phrase takes an awareness of, and gratitude for, the fortunes that a person holds, and ties it to the imperative that that person perform at their best, and

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7. LIN-MANUEL MIRANDA, *The World Was Wide Enough*, on HAMILTON: AN AMERICAN MUSICAL (Atl. Recording Corp. 2015).

above all, give back.

Judge Lee gave back, in large part, by sharing opportunity, wisdom, and values with his students. As a person who himself came from a humble background but ultimately achieved greatly, he made it his mission to “reach back and lift up,” as he put it. He did so in myriad ways. In particular, Judge Lee is fiercely proud of his alma mater, the American University, where he earned both undergraduate and law degrees. In selecting law clerks and interns, he gave careful consideration to WCL students, opening to them invaluable learning opportunities that may not have existed for them otherwise. Moreover, in selecting students to serve in his chambers, he often insisted on choosing those with “a story to tell,” meaning someone who had overcome adversity, as a consequence of race or gender, financial struggle, or otherwise. More important than finding candidates who would most benefit *him* in chambers, was finding candidates who *themselves* would most benefit from the experience of working for him.

Judge Lee proudly ran a “teaching chambers.” His court was more than a tribunal; he made it a classroom where students learned lessons about justice and lawyering in person, on a live stage. He invited students to attend weekly motions hearings in his court. On Fridays, his law clerks would welcome students into chambers before hearings and brief the visitors on the civil and criminal matters on the day’s docket. After the proceedings in court concluded, Judge Lee invited the students back to his law library where he would sit and give them as much time as they wanted to ask him questions about the issues that arose in court, about the law, about being a judge, or any other matters. He relished this weekly ritual.

To those who worked for him, Judge Lee taught discipline and preparedness. He is infamous for a set of rigid rules, known by many as “Lee’s Laws.” Among them: Always, always wear a wristwatch. To him, punctuality is essential (in fact, he would summon new law clerks and interns to synchronize their watches to his on their first day in chambers). Also among Lee’s Laws was the imperative to carry a spiral-bound notebook and pen on your person at all times (as he may have important things for you to note, and he would prefer to only say it once). I once saw Judge Lee spot an intern without the obligatory notebook and ask him to write down a thought—just to see him go scrambling, wide-eyed, to find paper. Judge Lee’s discipline imbued him with a paternal air, and as a consequence his interns and clerks worked hard to meet his high expectations out of respect.

Judge Lee showed great discipline in his own professional life, as an

example for others. Most notably, as a judge he practiced rigid adherence to the law, while striving always to be thoughtful, humane, and merciful. For example, in preparing to sentence criminal defendants he would spend considerable thought and energy pouring over the letters from family members and colleagues to better understand the person he would sentence in court and the lives that would be affected by that decision. He never, after so many years of sentencing defendants weekly, took that task lightly.

Judge Lee taught his students lessons about life as well. One of those was to be intentional in all things personal and professional. “Don’t let things just happen to you in life,” he urged—“make goals, achieve them, and be a change agent!” He counseled his students to *never* accept things “because that’s the way they have always been done.” Rather, he taught us to evaluate the world with fresh eyes for innovative ways of solving old problems. Judge Lee’s “be intentional” theme extended to relationships and love. He urged his students, about to enter their careers as lawyers, to be intentional about making time for family amid the pressures of their professional lives. “If President Obama—the leader of the free world—has time to take Michelle out for dinner on Friday night, then what’s your excuse?” I heard him say, on many occasions.

Perhaps the greatest lesson of all, however, is the value, and the never-ending work, of fighting for justice and equality. That is the cause to which he dedicated his life and his career. Over the decades, he stirred a passion for public service in scores of his students and law clerks, many of whom have gone on to serve justice and the public interest as public defenders, prosecutors, and government attorneys. His former clerks and interns have themselves become judges in his mold. And earlier this year, Judge Lee had the pleasure of swearing in his own former law clerk, Justin Fairfax, as the first African-American lieutenant governor of Virginia. Judge Lee also dedicated himself to the task of promoting diversity in the legal profession, mentoring students of color as they launch legal careers. To that end, he co-founded Just the Beginning Foundation, an organization that helps place talented students of color into internships and clerkships in the federal judiciary, an enormously successful program that is helping bring much needed diversity.

Judge Lee leads by example, setting the tone for all around him, knowing that so many people, particularly students, look to him as a role model. All of the values that Judge Lee embodies are a living lesson to those students who have had the benefit of spending a semester or a year in his orbit. By “reaching back and lifting up,” Judge

Lee set his students on a mission to serve justice and equality just as he did in his career. We will all carry forward this living and growing legacy throughout our lives.

On behalf of the *American University Law Review*, its student staff, and its alumni, I am honored to thank my friend and mentor for all he has done for our students in the WCL community—the wisdom he imparted, the opportunities he created, the minds and hearts he opened, the careers he launched, the barriers he bulldozed.

In his long professional career, Judge Lee was busy planting seeds in a garden whose fruits are certain to nourish and fortify justice and equality long beyond his time.

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TRIBUTE TO
THE HONORABLE GERALD BRUCE LEE:
A JURIST’S VIEW OF GRACE

THE HONORABLE ROGER L. GREGORY*

On September 29, 2017, at the close of Judge Lee’s retirement and portrait unveiling ceremony at the Albert V. Bryan United States Courthouse in Alexandria, Virginia, the distinguished jurist reflected on twenty-five years of stellar service as a state and federal judge. Tellingly, his perspective was a spiritual one. He began his personal remarks with a quote from the first stanza of John Newton’s timeless hymn, “Amazing Grace”:

Amazing grace! How sweet the sound,
That saved a wretch like me;
I once was lost, but now am found,
Was blind, but now I see.⁸

This opening reflection captures Judge Lee and his remarkable contributions better than he could have known. And I think it altogether fitting and proper to cast my tribute to him through the lens he chose—a view of grace.

Let me say at the outset, in the interest of full disclosure, that my view of Judge Lee is framed by thirty-five years of personal and professional friendship. But that view is not through rose-tinted glass. I see Judge Lee with the same clarity as the myriad professional, civic, educational, and community organizations that have bestowed numerous accolades, awards, and honors upon him over the years.

Judge Lee has had a brilliant career as a lawyer and jurist, but it is his gracious spirit and humble nature that distinguish him as one of the best of the best. The sounds of hope and human progress resonate with him. Judge Lee has refused to allow any young person to feel anything but pride in himself or herself. He has inspired them with his vision and vigor. He has encouraged others to live with an

* Chief Judge, U.S. Court of Appeals for the Fourth Circuit.

8. John Newton, *Amazing Grace* (1779).

expectation of excellence. Like Dr. Mary McLeod Bethune,⁹ he has kept the beating spirit of a child's heart at the forefront of his concern and commitment. He has refused to rest until he has opened a window of opportunity or closed a door on oppression.

And he adjudicated with grace. He was dedicated to the eradication of injustice. His courtroom was a place where all who came before him—government, corporations, and individuals—were given an equal opportunity to be heard and treated with respect. He tried cases and administered justice without fear of reprisal or the favor of praise.

Judge Lee's grace is matched only by his humility. He knows what it is like to be told that he is not "college material" and that he would likely not succeed. He defied those odds so that others would not be defined by them. He knew that if he could climb above his circumstances, there were so many others who could do the same and more, given the chance.

He has built ladders to foster diversity in the bar and on the bench. He has created opportunities for young people to learn about the law, he has advocated for greater access to and inclusion in the legal profession, and he has mentored aspiring and budding lawyers. He has shown them that they too can become leaders in the legal field. Today, countless young attorneys are making tremendous contributions to society thanks to his efforts.

Despite his achievements, Judge Lee is humble in his manner and walk. He has a sense of appreciation for the great foundation laid for him by such legal luminaries as Charles Hamilton Houston,¹⁰ Thurgood Marshall,¹¹

9. Dr. Bethune was a "world renowned educator, civil and human rights leader," . . . and "advisor to five U.S. presidents," whose mission was to advance education for women and young people. *History: Dr. Mary McLeod Bethune*, BETHUNE-COOKMAN UNI. (last visited June 1, 2018), http://www.cookman.edu/about_BCU/history/our_founder.html.

10. Houston was the Dean of Howard University Law School, the first special counsel to the NAACP, the primary architect of the legal strategy that led to *Brown v. Board of Education*, 347 U.S. 483 (1954), and widely recognized as "The Man Who Killed Jim Crow." *NAACP History: Charles Hamilton Houston*, NAACP, <http://www.naacp.org/oldest-and-boldest/naacp-history-charles-hamilton-houston> (last visited June 1, 2018).

11. Marshall litigated numerous landmark civil rights cases, founded the NAACP's Legal Defense Fund, served as U.S. Solicitor General, and was the first African American justice to sit on the U.S. Supreme Court. Linda Greenhouse, *Thurgood Marshall, Civil Rights Hero, Dies at 84*, N.Y. TIMES (Jan. 25, 1993), <https://www.nytimes.com/1993/01/25/us/thurgood-marshall-civil-rights-hero-dies-at-84.html>; *Thurgood Marshall*, NAACP LEGAL DEF. & EDUC. FUND, <http://www.naacpldf.org/thurgood-marshall> (last visited June 1, 2018).

Oliver Hill,¹² and Spottswood Robinson.¹³ He knows he stood on broad shoulders. And he knows that the most important thing about standing on broad shoulders is not to be seen, but to see what is on the horizon. He has made it his mission to let young people know that there is a great destiny for them—one that may seem distant but is nonetheless attainable.

The warmth and depth of Judge Lee’s character has touched his colleagues too. While managing a busy docket and spearheading efforts to diversify our legal community, he made time to call up a fellow judge just to check in. His vision and commitment to justice have inspired me, and they will no doubt continue to benefit the law for generations to come.

Judge Lee has dedicated himself to public service in the spirit of justice. He was assisted by the rope of destiny—woven by and stained with the blood, sweat, and tears of so many past trailblazers. And he has selflessly left rope behind as he has climbed through his tenure as a jurist so that others can take hold of that rope and climb to the top. He has always kept a servant’s heart and refused to accept failure for himself or others. As Judge Lee aptly noted in his reflection, it is the redemptive sound of grace that he has heard, and by its light, he has seen. And that grace has made his life and work truly *amazing!*

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12. Hill was an African-American civil-rights litigator who helped bring *Davis v. County School Board of Prince Edward County*, 347 U.S. 483 (1954), the Virginia companion case to *Brown*; co-founded the Old Dominion Bar Association; and in 1948 was the first African American elected to serve on Richmond’s City Council since Reconstruction. Larissa Smith Ferguson, *Oliver W. Hill (1907–2007)*, ENCYCLOPEDIA VA. (Sept. 24, 2013), http://www.EncyclopediaVirginia.org/Hill_Oliver_W_1907-2007; *The Early Years: 1940–1950*, OLD DOMINION B. ASS’N, <http://www.olddominionbarassociation.com/history> (last visited June 1, 2018) (noting that in addition to co-founding the Old Dominion Bar Association, Hill was elected as the first association president).

13. Robinson was “a leading and early apostle of the civil rights movement,” who also litigated *Davis*, served on the United States Civil Rights Commission in 1961 to 1964, and became the first African-American judge on the U.S. Court of Appeals for the District of Columbia. Bart Barnes, *Spottswood W. Robinson, U.S. Appeals Judge, Dies at 82*, WASH. POST (Oct. 13, 1998), <https://www.washingtonpost.com/archive/local/1998/10/13/spottswood-w-robinson-us-appeals-judge-dies-at-82/b0432171-3108-4c88-9439-38f726c4612f>.

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JUDGE GERALD BRUCE LEE

CLAUDIO GROSSMAN*

When I think of Judge Lee, one word comes to mind, and that is fortunate. WCL has benefited immensely having Judge Lee as one of its most distinguished alums. I myself, as the former Dean from 1995 to July 2016, have been a direct beneficiary of his advice and contributions. The commitment of Judge Lee to our law school was expressed in a myriad of ways. They included membership on the Dean’s Advisory Council (DAC), an important source of transformative ideas and actions to further develop WCL’s superb and well-rounded legal education together with innovative programmatic offerings, for example, in Intellectual Property, Online Legal Education, Business, Law & Government, International Commercial Arbitration, Trial Advocacy, and Human Rights, among others. Judge Lee was an active participant in all DAC discussion. His contributions were guided by important principles. The first is the centrality of the student experience. Related to this is that Judge Lee was an indefatigable proponent for students who lacked sufficient resources through the development and strengthening of scholarships.

Additionally, Judge Lee was an effective proponent of projecting the law school’s scholarship, teaching, service, and engagement and leadership in the community, the nation, and the world. Judge Lee constantly reminded us of the importance of publicizing the school’s activities, as a way to contribute to legal education as a whole. A guiding principle of Judge Lee was the need to reflect in the composition of the law school, its student body, its faculty, and its staff, the rich diversity of the nation and world where we live.

To promote his vision of a diverse and engaged institution, Judge Lee was a constant participant in the Annual Sylvania Woods

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Conference on African Americans and the Law. Topics included the creation of opportunities, the criminal law system, and diversity in legal education. Hundreds of members of our community consider this annual conference as essential to community development and to the generation of ideas to improve the legal system.

Judge Lee's importance to WCL goes well beyond his intellectual contributions designed to open up opportunities, enrich curricular offers, and promote diversity. For decades, he has made himself available to advise and mentor students while also offering valuable opportunities for clerkships and externships in his chambers. Throughout my twenty-one years at WCL, Judge Lee served as the annual keynote speaker at our Judicial Clerkships reception, inspiring hundreds of students through his example, insights, and experience. Numerous students have expressed to me how much they value Judge Lee's advice on clerkships and professional development, covering not only general concepts, such as integrity, but also including the importance of punctuality, civility, and effective communication. Judge Lee took an active interest in their lives and continued to be a mentor throughout the course of their professional career.

In addition to his service to WCL, Judge Lee became a member of American University's Board of Trustees in 2010. In that capacity, he has provided sound and sage advice, consistently advocating for the creation of opportunities for students and enriching the educational environment through a diverse student body and community.

Personally, my gratitude to Judge Lee knows no end. No matter the issue—whether creating new programmatic developments, anticipating the ongoing challenges to legal education, opening up valuable opportunities for students, or building a new law school campus—I always found in Judge Lee to be a wise, creative, energetic, and committed person.

The presence and demeanor of Judge Lee always struck me. He radiates a contagious optimism that, who you can be, notwithstanding obstacles or difficulties, depends largely on your own will and commitment. His own life serves as an example of this attitude. Judge Lee pursued a successful career in litigation and on the bench, in spite of the discouragement, which he himself often mentions, of a counselor that did not consider him "college material" and the fact that there were no graduates of higher education in his own family. There have been many firsts in his life, including being the first African American to serve full-time on the Alexandria Federal Court.

Perhaps one of the highest honors a judge may receive is that individuals see him or her as a person fit to judge, a person who satisfies

the highest standards in terms of knowledge of legal systems and passion for justice. For WCL, for its students, faculty, staff, alumni, and the community as a whole, Judge Lee is that person.

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RECOGNIZING HUMANITY

GEREMY C. KAMENS*

I am honored to contribute this testament to the Honorable Judge Lee, United States District Judge for the Eastern District of Virginia. Having practiced before Judge Lee in federal court for many years, I observed first hand many of the admirable qualities that he brought to the bench—a quick wit and perceptive eye toward identifying the most important issues in a case, a deep sense of fairness and desire for justice, humility and a sense of humor, and patience as well as an even temper with litigants and lawyers who appeared before him.

One particular quality that he possessed, however, was the ability to identify the humanity in criminal defendants who appeared before him. Federal criminal defendants arrive in federal court with the presumption of innocence, but not much else. Most are poor, many have prior criminal convictions, a significant number have mental health issues, and almost all who appear before federal district judges face serious criminal charges. But Judge Lee never acted as if the character of a defendant who appeared before him was defined by the charges brought against him.

Judge Lee’s perspective in criminal cases undoubtedly was the product of his lengthy experience as a trial lawyer and state judge, as well as his modest beginnings in Southeast Washington, D.C. As noted in an article about his retirement from the bench, “when he was growing up in a rough neighborhood in Southeast Washington, people assumed that young men like him were more likely to enter a courtroom as a defendant than a judge.”¹⁴ In no small part because of that background, Judge Lee has always been a passionate supporter of high quality criminal defense advocacy on behalf of indigent defendants.

His ability to identify the humanity in individual criminal defendants was most evident during sentencing hearings. A critic of mandatory minimum sentences and the uniform and mathematical approach to sentencing reflected in the U.S. Sentencing Guidelines, Judge Lee worked hard to identify the individual circumstances relevant to his

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14. Weiner, *supra* note 1.

sentencing determination. For example, in one often-cited case, Judge Lee carefully compared a defendant's history of non-violent offenses and traffic convictions with eleven other comparable cases to evaluate the true gravity of the defendant's criminal history.¹⁵ In other words, Judge Lee took to heart the Supreme Court's admonition that a sentencing judge must engage in individualized sentencing based upon "the fullest information possible concerning the defendant's life and characteristics,"¹⁶ not simply the sentencing range suggested through the application of guidelines that ignored relevant distinctions between defendants.

Judge Lee took the same individualized approach when presiding over a criminal trial. A standard jury instruction advises jurors that law enforcement witnesses are not "necessarily deserving of more or less consideration or greater or lesser weight than that of an ordinary witness."¹⁷ Police officers are just people, after all. But in reality, it can be hard to disbelieve an officer's testimony as a witness on the stand. After all, it is common sense that police officers are simply doing a very difficult job, and criminal defendants have a motive to lie.

My first case before Judge Lee arose from a traffic stop, and the arresting officer testified at the suppression hearing that the stop was routine. My client, who had two drug felony convictions, testified at the hearing too, and his testimony conflicted sharply with the officer's.

Judge Lee asked pointed questions at the suppression hearing, and the officer, in particular, had trouble answering them. Ultimately, Judge Lee "conclud[ed] that [the officer's] testimony was inconsistent with his actions at the time and that [the defendant's] testimony concerning the actual search was more credible."¹⁸ Judge Lee approached the case without a preconceived notion as to the outcome or the credibility of the criminal defendant, and ultimately believed the testimony of a twice-convicted felon over that of a police officer.

I did not win all of my cases before Judge Lee—far from it—but I always knew that Judge Lee sought to consider all of the evidence before him and make a decision that he found just, even when comparing the

15. See *United States v. Nelson*, 166 F. Supp. 2d 1091, 1092–93 (E.D. Va. 2001) (finding that convictions for traffic violations and other minor offenses such as failing to return rented videos significantly overstated the seriousness of the defendant's prior record, which warranted a downward departure in sentencing).

16. *Williams v. New York*, 337 U.S. 241, 247 (1949).

17. See, e.g., Jennifer Sheppard, *The "Write" Way: A Judicial Clerk's Guide to Writing for the Court*, 38 U. BALT. L. REV. 73, 152 (2008) (providing model jury instructions regarding the weight of police officer testimony in criminal cases).

18. *United States v. Ford*, 232 F. Supp. 2d 625, 629 (E.D. Va. 2002).

testimony of a criminal defendant with that of a law enforcement officer.

Judge Lee’s ability to identify the humanity in all of us, including criminal defendants, was obvious to those who entered his courtroom. The one consolation I can draw from Judge Lee’s retirement is that he imparted his perspective on the legal system, and the criminal justice system in particular, to the many law clerks, interns, and other young people that he invited into his chambers and mentored.

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A TRIBUTE TO
JUDGE GERALD BRUCE LEE:
A MAN WHO WAS GIVEN MUCH AND
WHO GAVE BACK EVEN MORE

ELLIOTT S. MILSTEIN*

Had there been no one before him with a mission to create opportunities for young African Americans, had there been no one who would reach back to a promising high school student and show him a path to success, had there been no one at American University interested in opening doors to Black kids from Washington, and had our law school not had faculty members committed to increasing the number of Black lawyers through Affirmative Action, there would have never been a *Judge* Gerald Bruce Lee. Instead, we at this law school are very fortunate to have played a role in preparing this man for a career in the law during which everything he did and everything he stands for makes us proud.

Judge Lee's retirement from his lifetime appointment as a U.S. District Court Judge for the Eastern District of Virginia is one of those happy and sad moments that life sometimes presents. We are sad because losing him from the bench means losing a judge with an unblemished record of fairness, courtesy, respect, compassion, wisdom, and thoughtfulness. Throughout his career, first as a lawyer and then as a Virginia Circuit Court judge, and finally as a federal judge, he was a model of probity, integrity, and seriousness of purpose. His life-long project of helping others, particularly, but not only, people of color, to have opportunities for success is legendary. We will miss his on-going contributions to bending the arc of justice in the right direction. At the same time, we are happy for him, for his family, and for his friends. We are happy for him that he has time in retirement to reflect upon his life of accomplishment and action

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consistent with his values, goals and beliefs. Few have the right to be as proud and fulfilled as does he. We are happy for his family, his wife, his son, and particularly his grandchildren, who now can enjoy the attention from him that public duty often claimed. We are happy for his friends (and happy to be among them) who will benefit immeasurably from his wit, his companionship, and his ideas. And those of us at American University are happy because of his continuing devotion to the law school and to the University through his passionate support, hard work, and creativity as a member of the Board of Trustees and the Dean's Advisory Council.

I am among those who have known him and admired him since he was a law student. I was pleased, therefore, when I had a chance to interview him recently about his life and his career.¹⁹ Going all the way back to when he was an undergraduate at American University, Judge Lee devoted himself to helping others get ahead. I was particularly interested in the tradition among African Americans to reach down the ladder of success to ensure that it was in place for those who come behind. Few people did it as systematically and as joyfully as did he. So, I wondered what influences led him to see that as his duty. His multi-layered answer revealed not only his life story but also broader enduring themes about the personal and societal rewards of helping others.

He came from a family where work was built into the fabric of life. As he said, in his family, "even the dog had a job." As a young teen, he worked menial jobs including picking tobacco, and he developed an understanding of work and earning. But his real break came when he was hired to sweep streets as part of a program funded by the Department of Labor. Founded by a couple, Marion Barry and Mary Treadwell,²⁰ Youth Pride, Inc. hired a large number of black youth to clean up the city. Within three weeks, Judge Lee was made a supervisor and soon began to understand that he had leadership potential and could help others. The program had a big educational component and attending classes was one of the conditions for participation. Some of the classes were taught within the program and focused on Black History. But, in addition, while he was a senior in high school,

19. A recording of that January 9, 2018 conversation is on file at the WCL Pence Law Library.; the quotations throughout this Tribute may be found therein.

20. Mr. Barry later became Mayor of Washington, nicknamed "Mayor for Life." See Bart Barnes, *Marion Barry Dies at 78; 4-Term D.C. Mayor Was the Most Powerful Local Politician of His Generation*, WASH. POST (Nov. 23, 2014), https://www.washingtonpost.com/local/obituaries/marion-barry-dies-4-term-dc-mayor-the-most-powerful-local-politician-of-his-generation/2014/11/23/331ad222-c5da-11df-94e1-c5afa35a9e59_story.html.

he was given a chance to attend American University.

Having grown up in a segregated neighborhood and having attended segregated schools, he was stunned by what he saw on his maiden trip up Massachusetts Avenue to the University. He came in the back of a pickup truck and recalls thinking, “Is this Washington, D.C.?” But at American University he learned that he could be successful in college.

American University at the time had a program that was a companion to Youth Pride, Inc. called “AU Pride.” The program’s goals were to help the people served by Pride find their way to college. They were enrolled in regular college courses and given a chance to learn and be tested. Some people are good at attracting mentors, and Judge Lee quickly did so in Professor Edward Smith, who taught anthropology. Smith told him that if he could succeed in his course, he could succeed throughout college. And so, Judge Lee worked hard, prepared multiple drafts, and got an “A” on his first paper. He was hooked. Getting to American University required three hours of bus rides and he used the time on the bus (with two other friends) to read and study. He and his friends were the only students of color in the class but they made the conscious decision to sit in the front, to be seen, and to be sure that they could pay close attention.

Judge Lee says that the “pull of the streets” was strong but he was able to resist. But he remembers that time of his life vividly and thinks that he could have been someone who went to jail rather than later in life having the duty to sentence others to that punishment.

His parents transferred him from a segregated D.C. high school to an integrated one in the suburbs. Having decided that he wanted to go to college at American University, he went to a guidance counselor to get the required recommendation. Her reply says much about the obstacles that Black kids faced in choosing higher education. She looked at him and said, “Gerald, you aren’t college material.” Fortunately, he was able to give a perfect rejoinder, “You are wrong, I am already in college and have a B average.”

He was awarded a Frederick Douglas Scholarship which enabled him to attend and to live on campus, starting in 1969. There, he met other highly motivated Black students from around the country. He described this opportunity as “Affirmative Action at its best.” And of Affirmative Action, he said that, “It changed my generation, my son’s generation, and my grandson’s generation We are beneficiaries and I embrace it.” He added that the meaning of Affirmative Action is “giving people a chance and that beneficiaries of it have to take the same exams as everyone else. My view is that promoting diversity is

important not only because of the opportunity it provides to an individual but also because of the contributions that person makes to the world.” Gerald Lee is the prime example of that truth.

Throughout college he stayed deeply involved with Pride and was in charge of a program to encourage others to go to college and to show them the paths to make that a reality. He was active in the social movements of the time and marched on the embassy of South Africa to end apartheid as well as marched on the White House to end the war in Vietnam. He got to meet some of the major celebrities of the era including Muhammed Ali, Richard Pryor, Sergeant Shriver, and Julian Bond (who later taught for many years at American University). It was an exciting time.

In addition, Judge Lee was a leader with Black student organizations that enabled members to provide peer support to each other. Among the memorable accomplishments of the group was to demand of WAMU FM (American University’s radio station) that there be a show produced by African American students. To their surprise, the station management immediately invited them to produce it. In order to do that, Judge Lee and others had to get trained and licensed to run the station’s equipment. They turned this into a training program for other Black students to learn and to get licensed. The theme of all of their work was that it was “all about giving back,” helping each other graduate. Many of those who were part of the Black Student Union went on to successful careers, including as doctors and lawyers.

Influenced by his best friend, Tyrone Harris, and a lawyer who had volunteered to be his mentor, he decided to go to law school. Three of his colleagues joined him at WCL.

He recalled that there were ten African American students in the law school in 1976, including Tyrone Harris and two others from American University. When they got to know each other, they discovered that each of them had been an activist and a leader during their undergraduate days and they wondered how it had happened that they were all admitted to WCL. They agreed that Professor O’Neal Smalls, the first and then only African American on the WCL faculty and the long-serving chair of our Admissions Committee, had chosen them because he thought they would be successful as leaders, both in law school and in practice. He was right. Among this group was Alfreda Talton Harris, who was the first female judge in the Fifth District of Virginia, and L. Jackwell Thomas, who had a distinguished career as an Assistant U.S. Attorney in D.C. In the class ahead of this one, there was the late Bill Moffitt, one of the top criminal defense attorneys in

Virginia and D.C. Most impressively, this era of the law school produced four U.S. District Court judges, Reggie Walton,²¹ C. Darnell Jones,²² Margaret Seymour,²³ and Judge Lee.

Judge Lee describes law school classes as often intimidating. While he remembers particular professors as being great teachers, he felt like most of them were indifferent to the Black students. But he has fond feelings for the law school. “It changed my life.” At one point, he was working three jobs to make ends meet, including teaching an undergraduate course and clerking in a law firm. The Dean of Students at the time, Jamie Holloman, asked him about it and then offered him more scholarship money and other financial aid that let him refocus back on his classes.

One of the jobs was working as a law clerk with a WCL alumna, Gwendolyn Jo Carlberg, in Alexandria. There were a number of WCL graduates practicing in Alexandria and he liked the practice community that he found there. In those days, Virginia permitted law students to take the bar examination mid-way through the last year of law school, and so he took the exam and passed it before graduation.

His first job as a lawyer was as an associate in a small firm with only two partners. That enabled him to get a lot of responsibility working on some of the firm’s litigation matters. After four years with the firm, he opened his own office. For a while he partnered with another WCL graduate but largely worked as a solo practitioner. He developed a reputation as a lawyer who was effective and tough but also one who treated his opponents courteously, fairly, and professionally. This reputation served him well later when he became a candidate for appointment to the bench as various of those opponents stepped up to support him.

One formative experience on his path to becoming a judge occurred when a former legislator who had lost his seat ran for judge. While in the legislature, he had fought integration of the schools after *Brown v.*

21. Judge Walton serves on the U.S. District Court for the District of Columbia. *Senior Judge Reggie B. Walton*, U.S. DISTRICT CT. FOR D.C. <http://www.dcd.uscourts.gov/content/senior-judge-reggie-b-walton> (last visited June 1, 2018). He was confirmed in 2001. *Id.* He has also served as presiding judge of the FISA Court (Foreign Intelligence Surveillance Act). *Id.* He graduated WCL in 1974. *Id.*

22. Judge Jones was confirmed to the U.S. District Court for the Eastern District of Pennsylvania in 2008. *C. Darnell Jones*, UNI. PENN. L. SCH., <https://www.law.upenn.edu/cf/faculty/cjones4> (last visited June 1, 2018). He graduated WCL in 1975. *Id.*

23. Judge Seymour was confirmed in 1998, one month after Judge Lee, to the U.S. District Court for the District of South Carolina. *Seymour, Margaret B.*, FED. JUD. CENTER, <https://www.fjc.gov/history/judges/seymour-margaret-b> (last visited June 1, 2018). She graduated in 1977. *Id.*

*Board of Education*²⁴ required it.²⁵ Judge Lee, Bill Moffitt, and another lawyer spoke out and organized a coalition of Black, Jewish, and women lawyers to oppose him and support another candidate. Ultimately, neither candidate got a majority and the coalition threw its backing to a third person after securing his promise to be “fair and inclusive.” Lee went from that experience to being appointed or elected to multiple leadership positions in the local and state bar associations, including service as bar counsel and chair of the Judicial Selection Committee of the local bar. By age thirty-three, he ran for judge himself but lost.

Throughout the time he was in practice, Judge Lee worked to get Black law students opportunities in the Virginia legal profession. He believed that if they were given a chance to show that they could do the work, permanent employment would follow. He persuaded the leadership of the bar to create a committee to read resumes, interview applicants, and recommend them to firms. Jonathan Shapiro, another WCL alumnus who had also taught in our clinical program, joined in that effort. In the first year, ten were hired, and from the first crop, all became successful, and some became judges, some law firm partners, and one became the first Black prosecutor in Virginia. Judge Lee later branched out to include judicial law clerks. He counts among the students who got internships as judicial law clerks many who went on to great careers. One example among many was a WCL alumnus, Monte Richardson, who got a judicial clerkship, then became an Assistant U.S. Attorney and is now a magistrate in Florida.

When he was thirty-eight and a close political ally of the first African American governor of Virginia, Douglas Wilder,²⁶ he tried again and ran for the circuit court bench. The governor did not appoint him but instead asked him to serve as a member of the Metropolitan Airports Authority. He is proud of what he accomplished in that role. The Authority oversees airport constructions and he was able to help institute a forty percent set-aside for minority contractors for all new constructions. However, he really wanted to be a judge and applied again. Although he faced some opposition from some who believed

24. 347 U.S. 483 (1954).

25. *See id.* at 495 (concluding that “in the field of public education the doctrine of ‘separate but equal’ has no place”).

26. *See* Laura Vozzella, *Doug Wilder: At 84, the Virginia Maverick Is Still Bucking*, WASH. POST (Nov. 28, 2015), https://www.washingtonpost.com/local/virginia-politics/doug-wilder-at-84-the-virginia-maverick-is-still-bucking/2015/11/28/656d0ff62-92c9-11e5-b5e4-279b4501e8a6_story.html (noting that Wilder was the first elected African American governor in the United States).

that because he was trying so hard to get appointed he lacked judicial temperament, others intervened on his behalf with both Republican and Democratic leaders in the legislature. At age forty he became a circuit court judge in Fairfax.

Serving as a judge was his calling.

I loved the fact that I could do justice for a large number of people. As a lawyer, you could only represent one client at a time. As a judge, there are hundreds of people who come before you . . . you make critical decisions, evidence is admitted or excluded . . . in a criminal case, who gets on a jury.

He made sure that prosecutors would not systematically exclude people of color from juries. And, he made it clear that he would not be persuaded by prosecutors who argued for maximum sentences in every case. Judge Lee took advantage of the informal network of judges, to educate them, for example, about his personal experience of being under suspicion solely because of being Black. He had been followed around in a department store by a security guard, even though he was already a judge, and, in 1978 he had been stopped by a cop who put a gun to his head because he met a vague description of a robbery suspect—black man, green jacket. He wanted them to understand that when a defendant testified to something similar, it was likely to have happened. His influence and reputation grew, and he was put in charge of training other circuit court judges. He also taught in Continuing Legal Education programs across the state.

Being a judge allowed him to do even more with his life-long project of helping law students of color find and take advantage of opportunities. “And I did more than just become a judge but also I was able to start a program to get kids law clerk jobs and internships because I was a judge and could do that.” Many of those opportunities were in his own chambers. He also taught in a street law program for young people in which they came to his courtroom for classes and mock trials. They were introduced to a police officer, lawyers, and court clerks, all of whom were Black, with the hope that some of them would be inspired to pursue similar careers.

All his work as a mentor, trainer, and teacher paid off when he applied to fill a vacancy on the federal bench in 1998. He was fortunate to have an excellent lawyer to help him through the application and nomination process, Edna Vincent, his wife.²⁷ They were able to submit with his application endorsements from many judges and

27. She is a WCL graduate with whom I developed a friendship after she was my student. She had a quite successful career as a family lawyer in Northern Virginia.

lawyers who had benefitted from his work. Federal judges are typically appointed through recommendations of a state's senators to the president. In his case, he needed the support of two senators, Chuck Robb, a Democrat, and John Warner, a Republican. In his years on the state court bench he had demonstrated that he was a capable, serious, fair-minded jurist who was a straight-shooter and person of integrity. This, of course, made him a strong candidate on the merits. Even so, Judge Lee sought and got support from lawyers who were close to both senators. Robb sent his package of materials forward quickly and later, after a ninety-minute interview, endorsed him for the slot. Warner, a Marine Corps veteran and former Secretary of the Navy, asked him about his son, also a Marine, and his background, and refrained from asking about his politics or judicial views. President Clinton nominated him on April 1, 1998 and he was confirmed near the end of September. His father lived long enough to know that he had been nominated but died before he was confirmed. Ms. Vincent and a Justice Department lawyer prepared him for the hearing, but unlike similar hearings in the current climate, it was a friendly affair at which both Senators spoke on his behalf. Senator Robb's lengthy introduction and praise of him made it seem "like a wedding."

The workload of a U.S. District Court judge in Northern Virginia is large and he found himself working seven days a week and well into the night. He loved the variety of both civil and criminal cases. He presided over five death penalty cases, terrorism, and espionage cases and said that constitutional issues arose every day. Sentencing turned out to be the hardest part of the job. He resisted some of the mandatory minimum sentences that became a fact of life in the federal system. He was frustrated that a young prosecutor "with no life experience" would make charging decisions that led to prison terms that he considered to be too long. He said he had "no sympathy for drug dealers," but in other cases sought opportunities to mitigate the harshness of sentences under the guidelines he was required to follow, particularly because of the disproportionate impact of some of those guidelines on people of color.

One decision that he looks upon with particular pride is a habeas corpus case involving review of a state homicide conviction in which the death penalty was imposed.²⁸ Although there had been DNA analysis, it was inconclusive based upon the outdated methodology in

28. *Cherrix v. Braxton*, 131 F. Supp. 2d 756, 760 (E.D. Va. 2000), *aff'd sub nom. In re Braxton*, 258 F.3d 250 (4th Cir. 2001).

use at the time of the conviction.²⁹ The question was whether the federal court could order retesting of the evidence utilizing current technology.³⁰ The Commonwealth resisted retesting and would not agree to not destroy the evidence.³¹ He ordered that the evidence be impounded so it could be retested.³² The Attorney General sought a writ of mandamus that challenged his authority to issue the order.³³ His decision was affirmed by the Fourth Circuit.³⁴ Subsequently Judge Lee sent the evidence for retesting, but the results remained inconclusive, and the defendant was ultimately executed.

Another memorable and challenging case involved a terrorism suspect, Abu Ali, charged in a criminal indictment in the Eastern District of Virginia assigned to Judge Lee. The difficulty here was to find a way to try such a case in a civilian criminal court since most other such cases were sent to military tribunals in Guantanamo. The defendant was incarcerated in Saudi Arabia and, as a preliminary matter, the judge had to decide whether a confession was coerced or voluntary. After eight days of hearings that were conducted using a closed television connection, Judge Lee held that the confession was voluntary. Ultimately, the defendant was convicted by a jury and Judge Lee sentenced him to thirty years in prison, as opposed to the life term the Sentencing Guideline required. In affirming the conviction, the Court of Appeals held, in a lengthy opinion, that regardless of the adaptations that Judge Lee had to make to a typical criminal trial in order to try it, the defendant “received a fair trial, though not a perfect one, and that the criminal justice system performed those functions which the Constitution envisioned for it.”³⁵ Unlike the cases that were sent to Guantanamo, where no trials have yet been held, Judge Lee set a precedent that many believed showed that real federal courts were appropriate venues for them.³⁶ The Court of Appeals disagreed with Judge Lee’s rationale for the shorter sentence, that the defendant had taken fewer steps in

29. *Id.* at 760–61.

30. *Id.* at 759.

31. *Id.*

32. *Id.* at 786.

33. *Id.* at 762.

34. *In re Braxton*, 258 F.3d 250, 261 (4th Cir. 2001).

35. *United States v. Abu Ali*, 528 F.3d 210, 221 (4th Cir. 2008).

36. For a thorough analysis of this point see Stephen I. Vladeck, *Terrorism Trials and the Article III Courts After Abu Ali*, 88 TEX. L. REV. 1501, 1527 (2010). There are many other law review articles that discuss Judge Lee’s rulings in this case.

carrying out his conspiracy and had not yet harmed any person, and ordered instead that he impose a life sentence.

Judge Lee is very proud of the accomplishments of the many law clerks and interns to whom he gave opportunities in his chambers. Many, but by no means all, of them were minorities and many were from WCL. He took on the task of mentoring them, teaching them to hone their analysis, deepen their understanding of civil procedure and other bodies of law, and to improve their writing. He also conveyed the professional values that animated his career. These alumni of Gerald Bruce Lee School of Law include major law firm partners and associates, general counsels of corporations, law professors, government trial attorneys, assistant U.S. Attorneys, senior lawyers for a variety of government agencies and for a Senate committee, and a legal aid lawyer. In 2018, he had the pleasure of swearing in one of his former clerks, Justin Fairfax, as the Lieutenant Governor of Virginia. It is in the lives and careers of these people that Judge Lee has fulfilled his mission of reaching back and bringing others along. His goals are well-expressed by the Biblical adage that has become his motto, “To whom much is given, of them much is required.”

And now, Gerald Bruce Lee has retired. He is determined to say “no” to the many requests he receives to continue parts of the professional service that has dominated his life so far. The one exception is his work on behalf of American University. As he describes his duty to the University, in addition to saying “American University changed my life,” he also says that he grew up on our campus. Former WCL Dean Claudio Grossman appointed him to the Dean’s Advisory Council and then later recruited him as a potential member of the Board of Trustees. President Neil Kerwin and the Board agreed. Although most Board members are major financial donors to the University, Judge Lee contributes wisdom. His work on the Board is driven by his interest in the student experience. He has promoted increased health care and mental health counseling and was a successful advocate for doubling the size of the counseling staff. He was also part of a successful effort to switch the university’s financial aid strategy from an emphasis on “merit” to an emphasis on “need.” That has led to a much more diverse student body and the implementation of new programs to ensure its success. This man’s journey with American University began at a time when its commitment to educating people of color was in its infancy. Now, perched at its very top he is able to speak with special authority about the importance of educating students who would otherwise be disenfranchised or disadvantaged. His life of service and accomplishment stands as a perfect example of why that commitment must endure.

A TRIBUTE TO THE HONORABLE GERALD BRUCE LEE

ANDREW F. POPPER*

MASTER CRAFTSMAN

Judges are remembered vividly by those who appear before them but such recollections are personal and fleeting. The opinions they write, however, form a more permanent record. Judge Lee’s decisions are and will always be a powerful testament to the rule of law, fairness, measured justice, and his commitment to the multiple disciplines strong legal writing requires. While Judge Lee is the author of hundreds of truly marvelous opinions, many setting precedent and changing the course of law in diverse fields, I will mention only three, the first because of its graceful and direct treatment of a bafflingly complex case, the second because of its notoriety, and the third because of its place in history.

In the first, *Taylor v. Republic Services*,³⁷ a workplace harassment case, Judge Lee worked his way through emotionally charged claims, sorting those that lacked merit (an unsubstantiated charge of harassment) from a meritorious retaliation claim resulting in a \$1.2 million judgement.³⁸ The opinion is a masterful and measured application of a complex statutory scheme and celebrates the power of legal reasoning as the best means to resolve a bitter dispute.

The second involves a local (greater Washington, D.C. region) controversy that still draws national attention.³⁹ This is not a judge who shies from the substantive challenges tough cases present. In *Pro*

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37. 968 F. Supp. 2d 768 (E.D. Va. 2013).

38. *Id.* at 775.

39. See generally Ian Shapira, *A Brief History of the Word “Redskin” and How It Became a Source of Controversy*, WASH. POST (May 19, 2016), https://www.washingtonpost.com/local/a-brief-history-of-the-word-redskin-and-how-it-became-a-source-of-controversy/2016/05/19/062cd618-187f-11e6-9e16-2e5a123aac62_story.html (discussing both the linguistic controversy over the origins of the word “redskin” and the dispute over its use as the name of an NFL football team).

Football, Inc. v. Blackhorse,⁴⁰ Judge Lee took on a potent set of First Amendment issues, a bitter claim regarding seemingly racist language, and the complexities of the Lanham Act,⁴¹ in crafting a resolution of the contention that the use of the team name “Redskins” for the Washington, D.C. professional football franchise was unlawful.⁴² The decision is remarkable for a number of reasons not the least of which is the direct and accessible nature of the opinion as Judge Lee works through constitutional, statutory, and complex common law arguments, fields often treated by courts with anything but clarity.⁴³

The third decision involves a lawsuit alleging torture and related claims brought by prisoners held at the infamous Abu Ghraib prison against contractors doing business with the United States.⁴⁴ The doctrinal and political difficulty this case presented cannot be overstated. Few judges are at ease with the subtle issues in this case, such as justiciability of claims by non-U.S. citizens, the act of state doctrine, and the political question doctrine. Judge Lee took on these thorny matters as he considered whether the Iraqi prisoners were entitled to bring a civil action for damages in a U.S. court.⁴⁵ His

40. 112 F. Supp. 3d 439, 490 (E.D. Va., 2015).

41. The Lanham Act, Pub. L. 79-489, 60 Stat. 427 (1946) (codified at 15 U.S.C. §§ 1051–1141n (2012)).

42. Zachary S. O’Driscoll, Comment, *The Mascot Manifesto: Challenging the Constitutionality of Section 2(A) of the Lanham Act in a Heightened Era of Political Correctness*, 46 CAP. UNI. L. REV. 161, 178–80 (2017) (outlining the factors that led to Judge Lee’s formation of a four-prong test that sought to balance competing interests).

43. This carefully crafted opinion is the subject of some criticism. See, e.g., Russ VerSteeg, *Blackhawk Down or Blackhorse Down? The Lanham Act’s Prohibition of Trademarks that “May Disparage” & the First Amendment*, 68 OKLA. L. REV. 677, 758 (2016) (arguing that Judge Lee’s opinion applied precedent inappropriately).

44. See *Al Shimari v. CACI Premier Tech., Inc.*, 119 F. Supp. 3d 434, 438 (E.D. Va. 2015), *vacated*, 840 F.3d 147 (4th Cir. 2016). This was not the first time Judge Lee was called on to untangle the complex and politically charged legal morass that accompanied these allegations. See, e.g., *Al Shimari v. CACI Premier Tech., Inc.*, 657 F. Supp. 2d 700, 704 (E.D. Va. 2009), *rev’d*, 840 F.3d 147 (4th Cir. 2016). Ultimately, the Fourth Circuit reversed Judge Lee’s 2015 ruling, finding his application of the political question doctrine did not account for the circumstance where the government contractor’s actions were allegedly unlawful thus exposing those contractors to liability. *Al Shimari v. CACI Premier Tech., Inc.*, 840 F.3d 147, 162 (4th Cir. 2016) (“We recognize that the legal issues presented in this case are indisputably complex, but . . . cannot abdicate our judicial role in such cases. Nor will we risk weakening prohibitions under United States and international law against torture and war crimes by questioning the justiciability of a case merely because the case involves the need to define such terms.”).

45. See *Shimari*, 119 F. Supp. 3d at 438–39.

opinion is clear, succinct, and carefully reasoned—and was reversed⁴⁶ and remanded⁴⁷ by the U.S. Court of Appeals for the Fourth Circuit.

While one might argue with the outcome of some of the decisions authored by Judge Lee, the craftsmanship, insight, and wisdom his opinion reflect is beyond question.

ELOQUENT ADVOCATE FOR EXCELLENCE IN THE LEGAL PROFESSION

Beyond the massive body of case law he leaves to prosperity, Judge Lee was, is, and hopefully will continue to be an eloquent voice of the legal profession, demanding excellence from all those privileged to engage in the practice of law. Lawyers appearing before him were well-advised to know the rules of his courtroom, the nature of the Rocket Docket he administered,⁴⁸ and the content and import of the federal, state, and local rules he followed.⁴⁹

His commitment to excellence was reflected in many ways including his caring and demanding treatment of the legions of law students who worked as interns, externs, and clerks in his chambers. He told me once that a summer externship with him began with a “boot camp,” a rigorous training designed to bring out the best for those fortunate enough to spend time working in his chambers. Discussions with students and lawyers who completed boot camp with the Honorable Judge Lee as their drill instructor confirm the intensity and, ultimately, great value of that experience.

THE VOICE OF CONSCIENCE FOR LAW SCHOOL ADMISSION

I have served on the WCL (Judge Lee’s *alma mater*) Faculty Committee on Admissions (the “Committee”) for the better part of the last three decades, chairing the Committee for roughly the last twenty years. Rarely did a year go by without a call from Judge Lee. He has an expansive network of friends and associates and when someone associated with that group was considering law school, they were well-advised to speak with Judge Lee.

46. *Al Shimari*, 840 F.3d at 162.

47. The case was remanded back to the Eastern District of Virginia and was before Judge Leonie M. Brinkema. *Al Shimari v. CACI Premier Tech., Inc.*, 263 F. Supp. 3d 595, 597–98 (E.D. Va. 2017) (requiring the plaintiffs to convince the Court of the presence of subject matter jurisdiction as a pre-condition of going forward with the claim).

48. Lloyd Smith, *Profiles in IP Law: An Interview with Judge Gerald Bruce Lee, United States District Court, Eastern District of Virginia*, LANDSLIDE, Nov./Dec. 2013, at 7, 8–10.

49. *Id.* at 10.

I do not know the process he used as he sorted through numerous requests but sort he did. Early on I learned that when he contacted us, urging us to look carefully at a file, it was only because he had first done his homework. His recommendations were always the result of a careful review of an applicant's true potential. Not once in all those years were we led astray. The applicants for whom he advocated later turned out to be stars.

As with any professional with a deep commitment to excellence, Judge Lee assessed the whole of a student's potential. I do not recall ever receiving a call from him asking us to take a look at file based on an applicant's GPA or LSAT. There was always a more meaningful story, a deeper insight, and we listened carefully.

Lest there be any misunderstanding, everyone who has ever been in my position who received calls of this nature from Judge Lee knew they had complete freedom on the files he recommended. He called to inform us about characteristics that might not have been immediately evident in a file review, in effect, to educate us about a particular applicant. I never had the sense that I was being pushed to make a particular decision—that was not his way.

Dignified and discerning beyond question, Judge Lee was a genuine friend of the admissions process. It is my hope he will continue in that role, letting us know every now and then to look beyond the numbers and, when the stars align, help us identify some of our most remarkable graduates.

In discussing admissions, I would be remiss if I failed to note Judge Lee's legendary and heartfelt commitment to diversity. It was my experience, however, that his passion for diversity never reflected a compromise of his passion for excellence in the legal profession. The students he recommended were put forward, first and foremost, because he saw in them the potential for greatness in the legal profession. That some also may have helped the law school achieve its diversity goals was a benefit but not a basis for his recommendations.

A UNIVERSITY CITIZEN OF THE FIRST ORDER

Few have contributed as much as Judge Lee to the health, positive direction, growth, and maturation of American University. He was a voice of reason and conscience on the law school Dean's Advisory Council and the University Board of Trustees. He took those roles to heart and gave fully of his intellect, experience, and insight. He took the time to learn the intricacies of higher education; he appreciated the impossibility of placating multiple incompatible constituencies that surface in all great universities; and he brought to these important boards insight into law, justice, and, by virtue of his own remarkable

life story, an unparalleled depth of compassion and reason. His mark on this university is unforgettable, elevating, and indelible.

A PERSONAL COMMENT

Like everyone fortunate enough to make his acquaintance, by knowing him, I have been changed. If ever one is at a crossroads, unsure of the next step, it may be worth asking “WWGBLD” or “what would Judge Gerald Bruce Lee do?” I am fortunate beyond words to call him my friend.

* * *

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POINTING AT THE JUDGE

JONATHAN SHAPIRO*

Gerald Lee was a year behind me in law school. All I knew about him at the time was that he had an infectious grin and he seemed very tall.

I didn't really get to know Gerald until several years later, after we both had graduated and were practicing law in Alexandria. That was the mid-1970s. By some fortunate quirk, WCL produced a bumper crop of extraordinary criminal lawyers in those years. My guess is it had something to do with the social upheaval of the times, as well as the superior clinical education pioneered by Elliot Milstein, but whatever the reason, a core group found themselves together, raising hell in court on behalf of pot smokers, Pentagon demonstrators, Yippies, and marijuana smugglers. The group included John Zwerling, Alan Cilman, Marvin Miller, Bill Moffitt, me, and, of course, Gerald.

Northern Virginia was a much quieter, sleepier, dusty place in those days, completely unprepared for the likes of us. Zwerling, a Navy vet, was a huge man with long hair who rode a three-wheeled motorcycle. Miller had been “honorably” discharged from the Army for rabble rousing against the war in Vietnam. And Moffitt and Lee were black lawyers who surprised everyone—merely by being black lawyers in Alexandria—but also by tearing up the courtrooms, and moreover, winning! You knew Gerald was someone who was going to put up a fight by the way he proudly used his full name—Gerald Bruce Lee—a subtle message perhaps that he might hold a Black Belt.

I will always remember a case in a backwater town in rural Maryland in which Zwerling, Miller, Moffitt, Lee and I all had co-defendants who had been caught on a boat in the Potomac by the Maryland Natural Resources Police. They had just sailed back from Jamaica with, as I

* Jonathan Shapiro has practiced criminal law in Virginia for the past forty-four years, handling cases in the state and federal courts, including a number of death penalty cases (including the defense of John Muhammad, the “Beltway Sniper,” as well as several espionage cases). For the past six years, he has been a Visiting Professor of Law at *Washington and Lee University Law School*. In 2001, he was awarded the *American University Washington College of Law's* Peter Cicchino Alumni Award for Outstanding Advocacy in the Public Interest Within the United States.

recall, six tons of marijuana. Even by today's standards, that's a boat load. The case had not been turned over to the feds but was being prosecuted by the local State's Attorney, a choice which initially puzzled us but which soon made sense.

We had filed a round of pre-trial motions the likes of which, I am quite certain, the State's Attorney had never seen before. There were challenges to the search of course, but also challenges to the constitutionality of the drug laws, the punishment scheme, claims that the waterway was not properly the province of Maryland criminal laws, requests for re-enactments, demands for training material, requests for an evidentiary hearing on the ability to smell marijuana on a boat on the Potomac given the wind conditions, the temperature, the smell of diesel fuel, and something our University of California expert on "odor discrimination" called "head room." And more.

We were soon invited to a first sit-down with the prosecutor. I drove out with Bill and Gerald, and met John and Marvin at the courthouse. We were ushered into a conference room and sat around a big table. The weight of the motions certainly had made an impression, but I do believe that the weightier impression was made just by our collective presence. We likely looked like a motorcycle gang which got lost on the way to Sturgis. The prosecutor looked around the table at the assorted defense lawyers with a look of utter dismay and defeat.

"Gentlemen," he began, and then he stopped for what seemed like a full minute. "We are prepared to end this case if each of your clients will donate \$10,000 to the County government." Not missing a beat, as I recall, Zwerling said, "We want the boat back."

Gerald, Bill, and I drove back together and may well have stopped for some refreshment along the way. To this day, I remember Gerald joking with Bill about "selling wolf tickets," something which puzzled me over the last forty-plus years until I stopped to look it up while writing this piece. Wikipedia claims that the phrase is African-American slang for "engaging in threatening or intimidating verbal aggression, usually without the intent of actually doing physical harm." I had always thought that Gerald was referring to the prosecutor when he used that phrase, and just today I understand that he was referring to us.

Gerald, of course, left the ranks of mere defense lawyers and had a career as a first-rate judge, first on the Circuit Court in Fairfax, then on the U.S. District Court in Alexandria. Tough but fair is how he came to be known. It was a good day when you learned that Gerald had been assigned to your criminal case because you knew he got it. Not that he would favor the defense or the prosecution, he didn't. I must say there were times

when I saw flashes in his eyes which reminded me of the days when, as a defense lawyer, he drove prosecutors crazy. But what most impressed me and reminded me that he was after all still Gerald, was the way he would lecture young drug defendants from the heart and from personal experience about life and choices. I’m sure those lectures saved some lives.

My regret is that I never had the courage to steal the sign which Gerald installed inside the podium in his federal courtroom. You could only see it when you stood at the podium. It said, oddly, “DO NOT POINT AT THE JUDGE.” I’m not sure why Gerald did not like to be pointed at, and I must say, I often did my best to point at him but never in a way that I could be accused of it. I would sort of point off to the side, and maybe let my arm gently swing back toward center while looking off to the other side. I never got caught. I often promised my associates a free meal if any one of them could steal the sign for me. No one had the guts and the sign is probably still there.

Now, after all these years, it is finally time to point at the judge, openly. WCL, I know, is proud to have produced him, and we are all glad to have had been in his company. I point to Gerald as an example of a man who never forgot that the young people who stood before him to be judged were pretty much the same as the rest of us but maybe without the help we got in life, which often had nothing to do with us at all. It had to do with those around us—family, friends, mentors, teachers—who fate put in our paths.

I’m glad fate put Gerald in my path. Thanks, Gerald. Enjoy.

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A TRIBUTE TO THE HONORABLE GERALD BRUCE LEE

EDNA RUTH VINCENT*

“[S]ervice is the rent we pay for living. It is the very purpose of life and not something you do in your spare time.”⁵⁰

GOING THE DISTANCE

Thirty years ago, during an earnest discussion about marriage, Judge Lee looked me squarely in the eyes and asked, “Can you go the distance?” In response to my quizzical expression, he explained:

A fire burns in me for my people; I don’t know why, but it always has. The flame inside compels me to stand up for and with those who are denied equality and justice. Sometimes the causes and needs of others must come first. The call to serve others is who I am at my core, and I must be free to do so in ways or at times you may not otherwise like. I need you to know that my duty to others will in no way reflect a lack of my love for you. Before we go any further, I need to know that you understand who I am and that you will uplift me as I do what I must for others. Can you go the distance?

It was Judge Lee’s heart for people, commitment to service and fight for justice that attracted him to me, so I unequivocally accepted the “go the distance” challenge. Thirty years later, these qualities remain the cornerstone of Judge Lee’s legacy.

* I am a 1989 graduate of the *American University Washington College of Law*. After graduating from law school, I clerked for the Judge Leonie Brinkema, then U.S. Magistrate Judge in the Eastern District of Virginia. After working at Hazel & Thomas, P.C., now known as Reed Smith, I joined Surovell, Jackson, Colten & Dugan, where I became a partner. In 2002, I co-founded Colten Cummins Watson & Vincent, P.C., a boutique family law firm in Fairfax, Virginia, which subsequently became Colten Watson & Vincent P.C. There, I practiced family law throughout Northern Virginia until gleefully retiring in June 2017. Prior to my legal career, I taught high school in Fairfax County after earning a B.S. from *North Carolina A&T State University* and M. Ed. from *Howard University*.

50. MARIAN WRIGHT EDELMAN, *THE MEASURE OF OUR SUCCESS: LETTER TO MY CHILDREN AND YOURS* 6 (1992).

HOW DO YOU GET HERE FROM THERE

Judge Gerald Bruce Lee beat the odds. He grew up in Southeast Washington, D.C., attended segregated schools, wore a full Afro and wrap-around sunglasses, and strutted a cool swagger familiar in his neighborhood. For reasons that unfortunately still plague Black boys and men today, Judge Lee could very easily have ended up on the wrong side of the law, wearing an orange jumpsuit and handcuffs. With God's amazing grace, faith, opportunity, and determination, Judge Lee matriculated through college and law school, became a trial lawyer, a Fairfax County Circuit Court judge, and a U.S. District Court judge. He unabashedly proclaims that he is a judge who lives for justice. None of this would have been possible had someone not believed in and supported his dreams. Judge Lee is living evidence of the essentiality of providing opportunities to excel to those who do not fit your ideal or look like you.

Judge Lee was a first-rate lawyer, extraordinary trial judge, and community and organizational leader. At every turn, he showed himself to be a person who is up to the challenge of excellence and a man who seeks to advance others. Throughout his life, as he moved forward in any adventure, Judge Lee reached back to bring others with him. The theme was evident in the many jobs Judge Lee held and opportunities he sought. Whether he was working as a street sweeper in Southeast Washington, attending college or teaching at the American University, learning radio production and journalism, helping organize a Bar Association, or becoming a leader in the majority and minority Bar Associations, Judge Lee encouraged and often trained others to seize opportunities with him.

Judge Lee's faith, work ethic, integrity and forthrightness were offerings surrounding him from birth. His parents, grandparents, and community embraced faith, hard work, and integrity. They were people willing to render an honest day's work for an honest day's pay. Judge Lee's mother worked at the National Archives, and his father worked at the U.S. Post Office as an auto mechanic and later became the general supervisor.

At age ten, Judge Lee watched the inauguration of President John F. Kennedy. He studied the black and white television screen as President Kennedy spoke these historic words, "Ask not what your country can do for you—ask what you can do for your country."⁵¹ In

51. John F. Kennedy, President of the United States, Inaugural Address (Jan. 20, 1961).

sharing this story with me, Judge Lee recalled feeling inspired to do something for his country but also being troubled that he saw no one on the stage or Capitol steps who looked like him. That day, Judge Lee declared with certainty to his mother that someday he would do something for his country and he would make her proud. No one, including Judge Lee, could have imagined the heights his childhood yearnings would take him.

Judge Lee’s odyssey from Southeast Washington to the campus of American University began when he was still in high school and working at D.C. Youth Pride Incorporated (Youth Pride) as a street sweeper at Barry Farms public housing projects in Southeast Washington, D.C. He recalls telling his father that he knew he did not want to be a street sweeper. His father replied, “Good work does not go unnoticed.” Within weeks, Judge Lee was promoted to team captain and later supervisor. It was during this time frame that Youth Pride instituted an adult evening program at American University. Judge Lee applied and was admitted; he began taking college courses while still attending high school.

Judge Lee recalled his first day of college as transformative. He rode in the back of a pick-up truck to American University, traveling from his urban neighborhood of 16th and U St., Northwest, to Massachusetts and Nebraska Avenues. As he rode past manicured lawns, circular driveways and large, elegant buildings, Judge Lee asked innocently, “Is this Washington, D.C.? Is that somebody’s home?” Having never before seen this area of Washington, D.C., Judge Lee was in awe. When he entered the classroom, he sat in the front so as not to miss anything. He remembers looking around and wondering if he was smart enough to be there and if he really belonged. Judge Lee sat quietly in class for several sessions. Motivated to excel, when his first term paper was due, he handed in his fourth draft and received an “A” on the assignment. With this, Judge Lee answered his nagging internal questions with a resounding “Yes. I can do this!”

After spending a semester at American University, Judge Lee learned if he wanted to earn a four-year college degree he had to secure his high school counselor’s recommendation, among other things. By this time, Judge Lee and his family had moved to Prince George’s County, Maryland, where schools were in the process of integrating, and he was attending a majority white school. Judge Lee met with his school counselor, Ms. Smith, who was white, and told her he wanted to go to college at American University and needed her written recommendation. Ms. Smith took one look at Judge Lee and

exclaimed twice, “Gerald, you are not college material.” When he told her he was already enrolled at American University and had a B average, Ms. Smith sheepishly said, “Oh!”

When Judge Lee talks to young people, he always asks them if they have ever been somewhere and wondered if they belonged or felt they were not smart enough, and then shares his story to empower and demonstrate that no one but you can determine your future.

At American University and throughout his legal career, Judge Lee has been a catalyst, an innovator, leader, and role model. While at American University, Judge Lee and Russell Williams,⁵² working with the Organization of African and African American Students at the American University, developed the idea of creating a multimedia FM radio program target to Washington, D.C., that would include news, sports, music, interviews and arts. They named the radio program *Spirits Known and Unknown Urban Communications Workshop* (“*Spirits Known and Unknown*”), and it aired on WAMU FM in November 1971. The *Spirits Known and Unknown* philosophy was “each one, teach one,” so as Judge Lee and Russell Williams trained each other, they trained students and community members in broadcast communications, radio production, and journalism.

After college, Judge Lee entered WCL, and worked his way through law school, at times holding as many as three jobs while attending law school full-time. One of those jobs was as a law clerk to Gwendolyn Jo Carlberg⁵³ in Alexandria, Virginia, which led him to move from Washington, D.C., to Virginia. It was in Virginia that he saw opportunity and, following law school, he joined the law firm of Wiggs & Holland,⁵⁴ a general practice law firm.

Judge Lee immediately embraced the idea of being a trial lawyer,

52. Russell Williams won two Academy Awards for his expertise in film sound for the movies “Glory” and “Dances with Wolves.” *Russell Williams*, AM. UNIV., <https://www.american.edu/soc/faculty/rwill.cfm> (last visited June 1, 2018). He currently is Artist in Residence and a Professor at the American University School of Communication. *Id.*

53. Attorney Gwendolyn Jo Carlberg, a WCL graduate, gave Judge Lee his first legal job working in her Alexandria, Virginia office; she now practices family law at the Carlberg Law Firm. *Gwendolyn Jo M. Carlberg*, CARLBERG L. FIRM, <https://web.archive.org/web/20170805033920/http://www.carlberglaw.com/gwendolyn-jo-m-carlberg> (last visited Mar. 22, 2018).

54. Press Release, The White House: Office of the Press Sec’y, The President Nominates Two to the Federal Bench (May 22, 1998), <https://clintonwhitehouse6.archives.gov/1998/05/1998-05-22-president-nominates-two-to-the-federal-bench.html> (noting that Judge Lee practiced at Wiggs & Holland from 1976 to 1977).

and advocate, and champion for his clients. As a general practitioner, he was known for trying cases at all levels in the Virginia state and federal courts. Some of his notable work as a trial lawyer includes being the first defense lawyer to successfully assert the battered woman defense in a murder trial. In defending Vietnam Veterans, he successfully presented posttraumatic stress disorder as a matter of mitigation in a criminal case, with clients receiving an alternative to incarceration sentence treatment, and receiving disability benefits from the Veterans Administration.

Never one to sit on the sidelines, in his tenth year of law practice, Judge Lee was elected to the Virginia State Bar Council, the Board of Directors of Virginia State Bar. As a member of Council, he was able to engage with lawyers and judges from around the state. He developed the reputation on Council of being a well-prepared councilmember who, when he spoke, had something meaningful to say. It was during this timeframe (1986 to 1991) that Judge Lee became keenly aware of the dearth of minority lawyers practicing law in Northern Virginia and was determined to do something about this.

A chance meeting with William D. Dolan (“Dolan”),⁵⁵ then President of the Virginia State Bar, led Judge Lee and Dolan to a conversation about what they could do together to improve opportunities for minorities to join government offices as prosecutors and defense attorneys and to join large and small law firms. As a result, Judge Lee and Dolan created the Virginia Lawyers Study Group (“VLSG”), an interracial group of lawyers and law professors to interview and screen diverse candidates for legal opportunities in Northern Virginia.

VLSG, which continued for 8 years, was successful in expanding opportunities for African American students to obtain employment in Virginia.⁵⁶ At least ten minority law students were hired, including at three of the largest law firms in Northern Virginia, the Arlington County Commonwealth Attorney’s Office,⁵⁷ the City of Alexandria

55. *William D. Dolan, III*, DOLAN LAW LLC, <https://www.dolanlaw.net/index.php?bio> (last visited June 1, 2018) (highlighting Dolan’s legal career, which included his tenure as Virginia State bar president, an assignment as a Special Prosecutor that resulted in a conviction of a sitting judge, and over forty years of civil and criminal law experience).

56. Through VLSG, I was offered two judicial clerkships, one in Virginia and in the District of Columbia. I accepted the clerkship with Judge Leonie Brinkema, then U.S. Magistrate Judge in the Eastern District of Virginia, because I wanted to build my practice in Northern Virginia.

57. Tonya Robinson was the first African American woman to work as a law clerk

Commonwealth Attorney's Office,⁵⁸ and Fairfax County Attorney's Office.⁵⁹ Several of the VLSG participants became prominent lawyers,⁶⁰ judicial law clerks,⁶¹ and judges.⁶²

Judge Lee first applied for a judgeship in his tenth year of practice when was thirty-five years old. Three years later, he applied again, was endorsed by all the major bar associations, but was not selected. On his third attempt at age forty he was elected a Fairfax Circuit Court judge by the Virginia General Assembly.

Judge Lee's broad legal experience made him well suited to join the Fairfax Circuit Court in 1992. There, he handled a myriad of cases including product liability, commercial real estate, medical malpractice, and criminal cases. Dignity and patience surround Judge Lee's communications and interactions with lawyers and litigants, both represented and pro se.

In 1998, Judge Lee became a candidate for a judgeship on the U.S. District Court for the Eastern District of Virginia, Alexandria Division. Of the ten applicants for the position, Judge Lee was the only candidate to receive the highest ratings from all twelve Bar Associations. Virginia Senators Chuck Robb (Democrat) and John

in this office. Following law school graduation, she was hired as an Assistant Commonwealth Attorney in Fairfax County. She is currently a Director and General Counsel of the D.C. Department of Employment Services.

58. Sonja Sacks became a law clerk at the City of Alexandria Commonwealth Attorney's Office. Following graduation, she became the first African American Assistant Commonwealth Attorney in Alexandria. She later became an assistant U.S. Attorney and currently is an attorney in the Civil Rights Division of the U.S. Department of Justice.

59. Esther Wiggins was hired as a law clerk in the Fairfax County Attorney's Office. Following graduation, she joined the Arlington Commonwealth Attorney's Office and was the first African American female to work there. Esther Wiggins later became an Arlington County juvenile court judge.

60. For example, Karen McWilliams joined the law firm of Booth Prichard & Dudley, and later became one of the first associates to become a partner at DLA Piper. Today, McWilliams is Senior Vice President of SAIC in the Law Department.

61. For example, Monte Richardson was placed in the Alexandria attorney's office. He later became a law clerk for Honorable Joe Hatchett of the U.S. Court of Appeals for the Eleventh Circuit. Richardson is now a U.S. Magistrate Judge of the U.S. District Court for the Middle District of Florida. See *About the Judges: Monte Richardson*, U.S. DISTRICT CT. MIDDLE DISTRICT FLA., <http://www.flmd.uscourts.gov/judges/monte-richardson> (last visited June 1, 2018).

62. In or around 2000, C.N. Jenkins, Jr., was appointed to the Richmond Juvenile and Domestic Relations District Court, where he served for several years before being elevated to the Virginia Thirteenth Judicial Circuit, where he is the Chief Judge, Presiding Judge, in the Richmond Circuit Court.

Warner (Republican), both recommended Judge Lee to then President Bill Clinton for the appointment, and the President approved the nomination in April 1998. Judge Lee was confirmed unanimously by the U.S. Senate on September 28, 1998. Judge Lee’s expertise as a trial judge and his sense of justice formed the perfect union as he handled high-profile espionage, terrorism, First Amendment, intellectual property, and employment cases. His judicial opinions are numerous and often cited for his sage legal reasoning. Lawyers laud Judge Lee’s calm and respectful courtroom demeanor and his efficient handling of cases while preserving the dignity of the litigants, attorneys, and the judicial office.

WE ALL HAVE SOMETHING TO CONTRIBUTE RIGHT WHERE WE STAND;
NO MATTER WHERE WE STAND.

At his essence, Judge Lee is a public servant. He lives to serve and often can be heard saying, “For unto whomsoever much is given, of him shall be much required”⁶³ Despite his humble beginnings, he heard these words as a call to action, a call that sometimes burdened his heart but never lessened his commitment to reaching back and lifting up others. He believes everyone is duty-bound and capable in his or her own way of paying the “service” debt described by Marian Wright Edelman: “[S]ervice is the rent we pay for living. It is the very purpose of life and not something you do in your spare time.”⁶⁴ We do not have the luxury of waiting until we have accomplished lofty financial or personal goals before we help others. We all have something we can contribute right now, right where we stand in life, no matter where we stand in life, says Judge Lee.

For forty-one years Judge Lee has been a force of nature assisting WCL students obtain jobs as judicial law clerks and attorneys. As a judge, Judge Lee has led law clerk recruiting for the federal courts and in each instance countless WCL students have secured internships and clerkships. Judge Lee had a rule in his District Court Chambers that there had to be at least two WCL judicial interns at all times. Judge Lee estimates that, in twenty-five years as a judge, he trained 150 interns and that at least fifty of his interns went on to become judicial law clerks in state and federal courts.

Judge Lee is one of the leaders of Just the Beginning – A Pipeline

63. *Luke* 12:48 (King James).

64. EDELMAN, *supra* note 50, at 6.

Organization Judicial Internship and Judicial Clerkship program.⁶⁵ These programs have opened federal judicial chambers to a host of minority law students.

For twenty-five years, Judge Lee has led a Street Law Program for his Fraternity, Kappa Alpha Psi, called Kamp Kappa.⁶⁶ Kamp Kappa offers a weeklong overnight camp in Haymarket, Virginia, and provides campers with leadership training, team building exercises and exposure to positive role models from business, government, armed forces, and education. During the Street Law aspect of the camp, Judge Lee and a diverse group of lawyers, judges, U.S. Marshalls, and Alexandria Sheriff Deputies teach the boys about the criminal justice system and how to handle police encounters.

On the bitter-sweet occasion of Judge Lee's retirement, his former law clerk, Virginia Lieutenant Governor Justin Fairfax, declared, "You cannot retire a legacy." This is true, particularly given that Judge Lee's legacy is also forged in his former judicial law clerks and interns who are committed to furthering the cause of social justice. They are high-impact members of the legal profession.⁶⁷ The relationships cultivated between him and them extend far beyond their prescribed time together. He takes immense pride in their personal and professional accomplishments. Judge Lee has traveled near and far to officiate the marriages of many of them. We often host reunions at our home so we can see them and their children and they can enjoy being with each other.⁶⁸ His former law clerks and interns give Judge Lee high praise for his contributions to them; however, Judge Lee is quick to say that his role in their lives pales in comparison to the real work done by their families to ready them for the tasks ahead.

As Judge Lee's wife, I have been a front-row partner and eyewitness

65. See *About*, JUST BEGINNING-PIPELINE ORG., *supra* note 4.

66. Judge Lee is a life member of Kappa Alpha Psi fraternity. See *Kamp Kappa*, ALEXANDRIA-FAIRFAX ALUMNI CHAPTER OF KAPPA ALPHA PSI FRATERNITY., INC., <http://afkapsi.com/page.asp?urh=KampKappa> (last visited June 1, 2018) (describing Kamp Kappa as an organization "structured to provide activities that foster the spirit of team building, self-respect, and respect for others").

67. Patrick Wilson, *Justin Fairfax Takes the Gavel, Presides Over State Senate on First Work Day in Elected Office*, RICHMOND TIMES-DISPATCH (Jan. 15, 2018), http://www.richmond.com/news/virginia/government-politics/general-assembly/justin-fairfax-takes-the-gavel-presides-over-state-senate-on/article_e2bd5dd4-cad3-5f51-8146-d5189345104a.html (noting that Virginia Lieutenant Governor Fairfax was a former law clerk of Judge Lee).

68. Judge Lee takes great pride and joy in obtaining the biggest Moon Bounce he can find for the occasion.

to the hard work, the long days, the contests, the triumphs and the defeats. Judge Lee never wavered, working at one speed: intense and unrelenting or, as I call it, “Full Tilt Boogie.” Now, having completed his time on the Bench, Judge Lee calls this a time of “retooling.” To stay constructively involved in the legal profession, Judge Lee joined the McCammon Group as a neutral mediator.⁶⁹ Judge Lee enjoys his new role and finds it gratifying to assist lawyers and litigants resolve their legal disputes through mediation. When I asked him if he found it difficult to be a neutral mediator after being the decider for so many years, he said, “Not really. There is such satisfaction in knowing you are helping people reach a resolution that brings finality to their months or years of angst.”

He is a judge’s judge, a lawyer’s lawyer, and a friend’s friend. The characteristics attributed to Judge Lee in this and other tributes are the same characteristics he has displayed to me and our family throughout our twenty-nine-year marriage. There is no duplicity in his mission or persona. No matter the time or place, he loves equality and loathes injustice. He is always thoughtful, respectful, patient, compassionate, honorable, selfless, fearless, creditable, jovial, loving, and I am honored to be his wife, friend, and lawyer.

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69. The McCammon Group provides mediation, arbitration, special master, judge pro tempore, and related dispute resolution services throughout Virginia, Washington, D.C., and Maryland. *See* MCCAMMON GROUP, <https://www.mccammongroup.com> (last visited June 1, 2018).

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TRIBUTE TO JUDGE GERALD BRUCE LEE

THE HONORABLE REGGIE B. WALTON*

Gerald Bruce Lee is truly an amazing individual. As a product of inner-city Washington, D.C., the young man who would become Judge Gerald Bruce Lee could have become a statistic that befalls all too many African-American males. But Judge Lee defied that stereotype and became a star of the legal profession.

I first met Gerald when he enrolled in WCL as a first-year student. I was a third-year student at the law school, and Gerald impressed me as a bright, energetic young man who aspired to excel as a law student. As a full-time law library employee, I counseled Gerald to acquire a position on the law library staff so that he could receive a library key that would give him 24/7 access to the library, which he did. Gerald took full advantage of his access to the library and studied diligently.

I had no doubt that Gerald would ultimately have a successful legal career. However, I did not fully appreciate how accomplished his future would become. After a successful career as a private practitioner in Alexandria, Virginia, Gerald became a Circuit Judge on the Nineteenth Judicial Circuit of Virginia in Fairfax, Virginia. As a result of his outstanding performance as a state court judge, Judge Lee was nominated on May 22, 1998, to fill a vacancy on the U.S. District Court for the Eastern District of Virginia. After being confirmed for the position by the U.S. Senate, he assumed his position as a U.S. District Judge on October 1, 1998.

As a federal judge, Judge Lee has been considered a fair,

* Senior Judge, U.S. District Court for the District of Columbia. Judge Walton was born in Donora, Pennsylvania. He graduated from *West Virginia State University*, and received his Juris Doctor from *American University Washington College of Law* in 1974. Judge Walton assumed his current position as a U.S. District Judge for the District of Columbia in 2001. He previously served as an Associate Judge of the Superior Court of the District of Columbia for eighteen years. He also served as President George H. W. Bush's Associate Director of the Office of National Drug Control Policy, an Assistant U.S. Attorney for the District of Columbia, and a staff attorney in the Defender Association of Philadelphia.

compassionate, well-prepared, and knowledgeable jurist, who administered justice expeditiously on what is known as the Rocket Docket. He has presided over some of the most significant cases litigated in federal courts, including cases involving espionage, terrorism, and conspiracy to assassinate the President of the United States.

As both a state and federal judge, Judge Lee has been active in educating his judicial colleagues. I had the privilege of attending a federal judges' training program where Judge Lee made a presentation on electronic surveillance and national security law. The presentation tackled complex legal issues, which Judge Lee presented in a skillful and understandable manner.

Judge Lee has also been a tireless and financially generous supporter of not only WCL but also of American University as a whole. For as long as I can remember, Judge Lee has served as a member of the law school's Dean's Advisory Council. He has also hired a number of the law school's students as judicial interns and law clerks. And his commitment to American University as a whole is demonstrated by his tenure as a member of the University's Board of Trustees.

Despite all of his achievements, what I have found most impressive about Judge Lee's professional career is the fact that he never forgot from where he came and therefore has committed himself to reaching back and helping others also striving to climb the ladder to success. His commitment to equal opportunity has not only inspired many to achieve their full potentials, but he has also provided clerkships to some who otherwise would not have had that opportunity. And even though he has now retired from the federal bench, Judge Lee continues his outreach efforts through the Just the Beginning Foundation, which strives to enhance the opportunity of minorities to obtain admission to law school and acquire clerkships with federal judges.

For personal reasons that I fully understand, Judge Lee decided to retire from his position as a member of the federal judiciary. Nonetheless, I regret that he felt compelled to take that action. His departure is a tremendous loss to the federal court system, but more importantly to our system of justice. At a time when the independence of the judiciary and other institutions of government are being challenged, jurists like Judge Lee, who are not intimidated by forces that seek to undermine what our Founders understood was critical to a free and democratic society, are especially important.

It has been inspiring to witness the professional life of Judge Lee and an honor to submit this Tribute on Judge Lee's behalf. The quality of a man is also reflected by his devotion to family. As a father and

husband, Gerald exemplifies manhood at its best.

For all of these reasons, I applaud the decision of the *American University Law Review* to dedicate Volume 67 of the journal to Judge Lee. The honor is well deserved, and recognition of Judge Lee’s accomplishments makes me proud to be a graduate of WCL.

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**BECAUSE IT MATTERS:
A TRIBUTE TO
THE HONORABLE GERALD BRUCE LEE**

THE HONORABLE ZUBERI BAKARI WILLIAMS*

When the *American University Law Review* asked me to write a tribute to U.S. District Court Judge Gerald Bruce Lee, I agreed, despite having no idea what a tribute was, or how to craft one for a preface to a Law Review Symposium. Certainly, I could write about his legal prowess, his “adrenaline of excellence,” and decisions in landmark cases. Yet, I will let others wax on about those qualities, as I am certain future tributes to Judge Lee will. Most importantly, for me, I must write about the indelible mark he left on my own journey to the bench. As Judge Lee impassioned from the bench, “Brevity is the hallmark of great advocacy,” so I will be brief.

**I WATCHED HIM CHALLENGE THE LEGAL COMMUNITY TO DO BETTER
AND DO MORE FOR YOUNG LAWYERS**

As a young lawyer, it can be tough to gain traction to be taken seriously. The hammer of age and inexperience provides ready excuses for the legal community to relegate you to the fringes of conversations, even while that conversation directly affects your community. This can be especially true when you are a person of color, a woman, or a LGBTQ member of our community. You can feel invisible.

When you were in Judge Lee’s orbit, you never felt invisible because he would not let you. I was always illuminated by his character and reputation. He never introduced us as his law clerks or interns. Instead, he said, “I’d like you to meet my lawyers.” For the legal community, it immediately thrust upon them a young lawyer, whom apparently had the ear of a prominent federal judge. For a young law

* Honorable Zuberi Bakari Williams is an Associate Judge of the District Court of Maryland, sitting in Montgomery County. At the age of 36, Williams has the distinction of being one of the youngest judges appointed in Maryland history. He served as law clerk to Judge Gerald Bruce Lee from 2005 to 2006. Williams has the further distinction to be Judge Lee’s first law clerk to become a judge.

clerk, that simple phrase immediately lifted my desire to do better and strive toward excellence.

At gatherings, he never allowed us to stay on the fringe of conversations. Whether we were talking with other judges, partners of major law firms, or presidents of non-profits, Judge Lee always asked for our input in front of them. This was his way of signaling to them that we were quick on our feet and could deliver clear and concise legal analysis at the drop of a hat. It insured that we were seen. That we were heard. That we were not invisible. Essentially, that we were qualified job candidates standing right in front of them. We were low hanging fruit for folks in the legal community who were authentically committed to opportunity and diverse hires.

As a judge now, I know that it is a rare quality for a judge to stand behind their clerks and interns in this way. I have tried to emulate the same with my clerks. I, and my Judge Lee law clerk family, were truly blessed to be his lawyers and have this type of advocacy.

I KNOW HIM WELL

His mentorship evolved into true friendship. It was forged when I served as his law clerk through one of his most rigorous years on the federal bench—the trial of Omar Abu Ali and his assassination plot against President George Bush;⁷⁰ the plea and sentencing of bank robber Candace Martinez, the so-called Cell Phone Bandit;⁷¹ and a case of fraud and former American international Group executives, to name my most memorable. There were many times Judge Lee, my co-clerk Justin Fairfax (now the Lieutenant Governor of Virginia), and I were huddled around Judge Lee’s old wooden Virginian standing desk, parsing through the law until late evening. The goal was always

70. See David Stout, *American Is Sentenced to 30 Years in Terror Case*, N.Y. TIMES (Mar. 30, 2006), <http://www.nytimes.com/2006/03/30/us/nationalspecial3/american-is-sentenced-to-30-years-in-terror-case.html> (reporting that Judge Lee sentenced Ahmed Omar Abu Ali to thirty-years in prison on terrorism charges, including plotting to assassinate President George W. Bush); see also Jerry Markon, *Va. Terror Suspect's Torture Story Improbable, Judge Says*, WASH. POST (Oct. 27, 2005), <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/26/AR2005102602276.html> (publicizing Judge Lee’s decision declining Abu Ali’s motion to exclude certain statements that implicated him in a plot to kill President Bush).

71. Tom Jackman, *12-Year Term for “Cell Phone Bandit,”* WASH. POST (Mar. 4, 2006), <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/03/AR2006030300713.html> (noting that Judge Lee sentenced a bank robber to twelve-years in prison for robbing four banks, all while she talked on a cell phone).

to work hard to get it right because it *mattered*. It mattered to people whom we were complete strangers to. It mattered to people who were not yet born. It mattered to the Judiciary’s role as this nation’s heartbeat and conscience.

YOU WILL KNOW HIM BY HIS FRUIT

Although Judge Lee is retired, he has left a cadre of young lawyers and judges to pick up the gavel. Of the things that Judge Lee did so well was to share his knowledge, perspective, attention to detail, and work ethic to all whom would listen. His lasting impact on the law and justice is not a single case, ruling, or decision. It is the legion of young lawyers he taught as clerks and interns to be excellent every day, because folks are counting on these young lawyers to be their voice. It matters. He matters. In perpetuity.

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