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## Tribute to John Pickering

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# TRIBUTE TO JOHN PICKERING

*Ruth Bader Ginsburg\**

John Pickering was a grand human whose life is just cause for celebration. He taught constantly, through his own work and deeds, how lawyers in private practice can contribute hugely to the public good. John's dear friend, my revered D.C. Circuit colleague, Carl McGowan, spoke of the lawyer of technical competence content to be a working mason. The best of lawyers, Judge McGowan said, serve as architects, planners, builders in law. Along with high technical competence, the best of lawyers have a deep understanding of the nature and purposes of the law, which makes them wise and reliable counselors, broad-gauged advocates and planners, sensitive to the requirements of a just and orderly society and to currents of change. John Pickering fit that description to a T.

Early in his lawyering days, John was employed at my current workplace. His clerkship with Justice Murphy, in the 1941 and 1942 terms, accounted for his auspicious debut as an advocate. The very first appellate argument John made was in the Supreme Court, in 1946, just after he completed his World War II service in the Navy. John was appointed to represent an indigent defendant in a mail fraud case. His next day in court, John would hasten to tell you, was less impressive. He represented a chauffeur in a traffic violation case lodged in the District's old municipal court—and lost.

That court is no longer with us. John was one of the planners who studied the District court system in the 1960s, then issued a report recommending the judicial structure that remains in place today.

He was one of the founders of a firm that started up in 1962 with nineteen lawyers, now grown upwards of 350 strong just in the Capital City, a firm that, from its beginning, devoted large time and talent to public service and pro bono representation.

John was counsel to a party or a friend of the Court in dozens of headline Supreme Court cases, among them, the *Steel Seizure Case*; the Claiborne County, Mississippi, NAACP Boycott case; the physician-assisted suicide cases; and the University of Michigan affirmative action cases.

I first met John at the start of the 1980s, soon after he completed his term as D.C. Bar President. I was then a very new judge on the D.C. Circuit. John visited me in the company of Brooksley Born. Their mission was to consider whether gender bias existed in D.C. courts, particularly bias of the unconscious kind. In making that inquiry, they were well ahead of the time.

In the American Bar Association (ABA), as in his D.C. Bar endeavors, John was a steadfast promoter of public service, civil rights, legal education, and professional excellence. At every place he found himself, at every stage

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\* Associate Justice, Supreme Court of the United States.

of his career, John demonstrated his special skill for using the law to make things more than a little better.

In his senior years, his life was brightened, his spirits kept high, by his partnership in marriage with Helen Wright, who is to me the very model of all a truly great lady should be.

John attributed the good life he led to what he called a “free pass” at the start: gaining a first job fresh out of law school with the Cravath firm, without pounding any pavements, then his clerkship with Justice Murphy, whose caring about the morality of law touched John deeply. In truth, John’s pass was not so free, given his outstanding performance at the University of Michigan Law School and the several student pieces he wrote for the *Michigan Law Review*.

During his long and good life in the law, John received scores of honors and awards, including in 1999 the ABA Medal, the American Bar Association’s highest honor, awarded for “conspicuous service in the cause of American jurisprudence.”

He was both a devoted public servant and the quintessential Washington lawyer, well described by his colleague and friend, Charles Horsky: “The Washington lawyer,” Horsky said, “is a principal interpreter between government and private person, explaining to each the needs, desires and demands of the other.”<sup>1</sup>

May I conclude with the words John himself used to describe the Justice he served with devotion and affection, for they suit John so very well: “His hands were filled with acts of kindness.”

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1. CHARLES A. HORSKY, THE WASHINGTON LAWYER: A SERIES OF LECTURES DELIVERED UNDER THE AUSPICES OF THE JULIUS ROSENTHAL FOUNDATION AT NORTHWESTERN UNIVERSITY SCHOOL OF LAW, IN APRIL 1952, 9-10 (1952).