

UW School of Law

Transcript - Gates PSL Speaker Series 2009-2010

Judge Mark W. Bennett Mark W. Bennett, Chief Judge, U.S. District Court for the Northern District of Iowa October 5, 2009

Kellye Testy: Well good afternoon, everyone. I'm Kellye Testy, your dean, and it's really nice to see you all here. I want to congratulate you on making a good decision by being here today. I had some time to speak with Judge Bennett this afternoon and I know that you're in for a real treat.

This is the first in the Speaker Series for the Gates Public Service Law Program at the University of Washington School of Law, and so I wanted to take a minute to greet you today and to let you know just how pleased I am that this program is here at the UW Law School.

This program is designed to bring public service programming throughout the student body, throughout the Law School, to be kind of our center of inspiration toward public service. And I think it does an excellent job with that, and I want to congratulate Director Michele Storms on the tremendous leadership that she brings to the School of Law.

Yeah, let's just thank her for her good work.

[applause]

I think it's really important, as all of you who know me and know my background, you know I have a strong commitment to public service, public interest, to equal justice for all. And I think that one of the things this program has done a remarkable job in doing is making clear that no matter what it is you do in law, you can give back.

You, too, can play a role in public service. That it is not a matter of certain jobs, although we certainly need a lot of lawyers in all walks of law practice, but that no matter what our role in law, we have an obligation to give back, we have an obligation to be public servants. And this program has certainly brought forth some wonderful inspiration for that in the range of speakers.

Now, I won't take more of your time today but I do want to take a minute to let you know that Professor Paul Miller will be introducing our speaker today. And I just couldn't be happier to be on the same faculty than with Professor Miller.

He's the Henry M. Jackson Professor of Law here; he is an expert on disability law and employment discrimination. And I have to say that I have told many people that I would do a lot of things for the United States, but I didn't want President Obama to keep him, I wanted him back. And I am just delighted that he is back with the School of Law this year.

So, Professor Miller, I'll leave this to you. Thank you.

[applause]

Professor Paul Miller: Thank you. I'm going to use the table over here even though it screws up the thing, the video.

It is really a great privilege and I'm really excited to be able to introduce you to Judge Mark Bennett, who's been my friend for many, many years, to the law school, and who is the first Gates Public Service speaker of this new academic year. And we're in for a real treat.

As I was looking at the title of his talk, "Civil Rights Raconteur to Federal Judge, My Life's Blueprint," I think it's really an appropriate title for Judge Bennett. He was appointed a US district judge for the Northern District of Iowa in 1994, one of the early President Clinton appointees and confirmations. And he was made chief judge of that district in the year 2000.

I think it's appropriate, the titles are particularly appropriate because I do recall sitting at a bar one night with Judge Bennett, and musing to each other, each of us musing to the other. And the topic that we were particularly musing about that night was how is it possible that Mark Bennett ever got appointed and confirmed as a US district judge. Didn't they read his resume? Don't they know anything about this guy?

And he is not a likely judge, but I am glad he is on the bench. And he has been a magnificent jurist, not only in Iowa but for the American bench.

He started out his career as a civil rights attorney doing employment discrimination cases, constitutional law cases. He was also active with organized labor, and ultimately was appointed by President Clinton, nominated and confirmed by Bill Clinton to be on the federal bench.

Judge Bennett and I crossed paths, I would say maybe initially or early on in our friendship or our experience together, in a case in which we filed when I was commissioner of the EEOC, called US, or EEOC v. Burlington Northern and Santa Fe Railroad, which was the first genetic discrimination case ever filed in the United States, and to this day the only case ever filed which was an employment discrimination case on behalf of plaintiffs who were alleging that they were being discriminated against based upon their genetic markers, their genetic predisposition for illness that may occur at some point in the future.

We filed this first case in history, and as some of you 1L's may ultimately learn, we sort of were looking to find a place to file this case which mixed issues of privacy, civil rights law, technology, it was really cutting edge.

And lo and behold, we were lucky enough to learn that seven miles of Burlington Northern's railroad track happened to go through the Northern District of Iowa. And lo and behold, that was where we felt our clients' rights would be best served, and so we filed the case in front of Judge Bennett.

He was a wonderful judge because of his love for technology and his thoughtfulness about justice and fairness.

It's appropriate that he's here today because Judge Bennett also shares a tremendous love and appreciation and respect not only for the bench and for the bar, the practicing bar, but also for young attorneys and for teaching.

He is very concerned and well known for lectures on the state of professionalism within the bar,

and lectures frequently and teaches at law schools in the Midwest and around the country, and also with respect to CLE programs for established lawyers.

I am most pleased that you're going to get a chance to hear from my friend of many years. He's not only my friend of many years through the bar, through other activities, but he is in fact, I believe, in fact I know because I just checked, my only article three Facebook friend that I have.

He is my friend on Facebook, and I think it gives you tremendous additional insights into Judge Bennett. Certainly his love for wasabi is mentioned several times within his Facebook page. But what struck me were the two quotes that I just want to end with which he puts up there on his Facebook page, which I think give tremendous insight into Judge Bennett's perspective and his values.

And the first is by Howard Aiken, who says, "Don't worry about people stealing your ideas. If your ideas are very good you'll just shove them down people's throats." And secondly by Mark Twain, which is, "Always do right. This will gratify some and astonish others."

Ladies and gentlemen, it is my privilege to introduce you to Judge Bennett.

[applause]

Judge Mark Bennett: Thank you so very, very much, Paul. I've had some amazing and bewildering introductions over the years, and I just wanted to share one that wasn't quite as gracious, but ties into Paul's introduction.

I don't know how many of you know this, but before you are nominated to be a United States district court judge, you have to go through a very extensive FBI background check. In fact, the FBI has to interview 200 people from your past that know you. That's the minimum. That's the minimum.

In my case, they went all the way back to grade school. My lifelong nickname is Buzz. So for about a four-month period, I was getting calls at home from people I hadn't talked to in years. They would say, "What's going on? The FBI came to our house this afternoon and wanted to know all about this Mark Bennett character."

Now they don't tell the people they're interviewing that I'm about to be hopefully nominated as a federal judge. So I'd get these calls, and they'd say, "What's going on? Are you about to be indicted?"

[laughter]

Mark: I had about six in row that said, "Are you about to be indicted?"

So I developed an appropriate response. "That depends on two things: how good your memory is, and whether the statute of limitations has run."

It was really a daunting time in my life. They had six FBI agents on our block for four days talk to everybody actually in a two-block area. They went back and drummed up grade-school friends, looked at all my grade-school records throughout my entire life.

I was sharing this with my best friend in law school. So right after I was appointed, he was introducing me at a continuing legal education program in Iowa. He explained this story about the FBI background check, and then he said, "I want you to meet Mark Bennett, our newest federal district court judge and living proof that the FBI is the most overrated investigatory agency in the world."

So here I am. It's a great privilege to have two of my very good Seattle friends here, Paul Miller, who introduced me, and Mike Reiss, who I'm about to embarrass. Mike, would you raise your hand?

Mike Reiss: [inaudible]

[laughter]

Mark: I'm a strange choice, I think, a very strange choice to be the first Gates speaker this year.

Mike Reiss, for example, as I recall, he's a senior partner at Davis, Wright, and Tremaine, a nationally recognized employment discrimination lawyer, a Harvard graduate, Yale law school, editor-in-chief I think of the law review, taught at Southern California Law School, worked in the EEOC, and then Seattle's fortunate enough to have him as a lawyer here.

He would have been a great choice to give this lecture, but I was the one that got chosen. I was not editor-in-chief of my law review. I wasn't on the junior staff. I wasn't on the senior staff. I wasn't notes editor. I wasn't an articles editor.

I think you get it. I wasn't on law review. I wasn't Order of the Coif, and though I was honored to graduate, I did not graduate with honors. I did not even win a single law school competition, unless you count Taco Tuesday when I was a 3L, where I ate the most \$0.25 tacos at a local bar.

I was not a top student, and when I was reading the flier outside, I noticed that I went to Duke Law School. Well, that would have been impressive, but I went to Drake, not Duke. But they get confused frequently. So I went to an average, mediocre law school and was a mediocre student there.

But long before I went to law school, I knew it was in my life's blueprint to be a civil rights lawyer. I also had this suspicion from within that I would probably hang out my own shingle and do it my way, because I figured nobody would likely want me.

I did not clerk for a prestigious federal judge when I graduated from law school. I didn't even clerk for a part-time state court magistrate. I actually only applied for one job.

It was at the Polk County Legal Aid Society, and I was thinking that if they would actually hire me, it would spare me the torment of starting my own law firm. The problem was the director of the Polk County Legal Aid Society gave me a D+ in consumer rights in law school, so it's no surprise that I wasn't hired as a legal aid lawyer.

Now, life is full of interesting twists, because after I graduated from law school I started my own law firm, and in six years, guess what? I was president of the Legal Aid Society board. I was his boss. So there are strange twists in life.

I'm not here because I showed potential in law school, because I didn't. But law school gave me the tools to reach my potential, and law school gave me a deep sense of the importance of constitutional law as a way to achieve social justice.

I did not spend a lot of time with my case books. I was given an award at our senior class, our 3L graduation party, as the student who got the highest grade point relying exclusively on Gilbert's. I was fairly proud of that.

But while my colleagues were studying their case books, I can honestly say I did this. I started with the 1803 decision in Marbury against Madison, and every night in the law library, I would usually be the last one to leave - it was usually early in the morning the next day - because my goal in law school was to read and study every single United States Supreme Court case since Marbury that raised a federal constitutional issue.

While I did not spend a lot of time in my income tax case book or in the IRS code, I did spend a tremendous amount of time self-studying constitutional law.

I grew up in a tiny, teeny little town, Circle Pines, Minnesota. I wasn't that great of a student in high school, either. In college, I did fairly well.

But I turned this passion that I developed in law school for constitutional law into being a successful civil rights lawyer. I had the privilege of trying cases in over 50 United States district courts.

I've argued in over half of the United States courts of appeals. I've argued in about a dozen state courts. I had the privilege of arguing my very first case in the United States Supreme Court when I was 28 years old. My first four cert petitions were granted.

I thought, this is easy. You file a cert petition, they grant it, off you go to Washington. What's the big deal about that?

I was once introduced at a CLE program as "the lawyer who sued President Reagan, Pope John Paul II, and the nine justices of the Iowa Supreme Court, in a 30-day period, in federal court, and won all three cases. I bring you warm greetings from the progressive state of Iowa.

[laughter]

Mark: Where, in 1869, the Iowa Supreme Court decided that it was unconstitutional not to admit women to the state Bar. 1869. And Arabella Mansfield was admitted to the Iowa Bar, and became the first woman lawyer in the United States 20 years before Washington was admitted as a state. But 44 years after Arabella Mansfield, Washington admitted Reba Hurn, a Spokane woman, who became the first woman to be admitted in Washington.

Now Reba Hurn, was born in 1881 in Clear Lake, Iowa, and her father was a Iowa lawyer, and later became a judge and then decided in 1905 to move his practice to Spokane. And they came out here, and she became the first woman lawyer in the state of Washington .

Now, I graduated from law school nearly 35 years ago. I'm 59 years old. I've been a United States district court judge -- I'm in my 15th year. I was a very active civil rights litigator for 17 years. In the course of that time, I've developed a perspective, and I think a perspective is very important in

life. And some people have a sense of perspective, and some don't.

Just a couple of weeks ago, I was out walking my dogs on a Saturday afternoon, and I ran across our nine-year-old neighbor, Alex. Alex is kind of an interesting kid. His father is a cardiologist, and his mother is a cardiac surgeon. Alex obviously shares some of that gene pool, and he's a very, very bright kid. And whenever he sees me, he always asks me about my docket, and what cases I'm working on.

So we had that kind of discussion, and I said to him, "Alex, I've never asked you this. What would you like to be when you grow up?" And I was expecting some kind of astounding...way up here...he would set his sights very high. Without missing a beat, Alex said, "I want to be garbage man." And I said, "Well, that's an interesting choice. Why would you want to pick up garbage?"

And he looked at me, and he goes, "Because they only work one day a week."

[laughter]

Mark: Alex does not have a very broad [laughs] sense of perspective.

[laughter]

Mark: I want to take you back in time. I was a junior in high school. The date is October 17, 1967. The place is the auditorium of the Norris Barratt Junior High School in South Philadelphia. The speaker was giving his first speech in Philadelphia, and he was assassinated six months after this speech. It's Martin Luther King.

And it's really my...I'm a really quote freak, but this is my favorite quote from all time. And here's what Martin Luther King had to say:

"What is your life's blueprint? This is the most important and crucial period of your lives, for what you do now, and what you decide now at this age, may well determine which way your life shall go. And when you discover what you will be in life, set out to do it as if God Almighty called you at this particular moment in history to do it. If it falls on your lot to be a street sweeper" -- like Alex, picking up garbage -- "sweep streets like Michelangelo painted pictures. Sweep streets like Beethoven composed music. Sweep streets like Shakespeare wrote poetry. Sweep streets so well that all the hosts of Heaven and Earth will have to pause and say, 'Here lived a great street sweeper who swept well.'"

My calling in life was to be a civil rights lawyer. Martin Luther King talked about it in another speech. He talked about a "drum major for justice." I'd like to think that I was a ferocious civil rights advocate for my clients. Also on my Facebook page, Professor Miller, is a man with a very large sword, a gigantic sword, and a long cape. And underneath it, the simple word "justice."

I have kind of three core values in life, two of which you have probably heard before. I'm fairly confident one of which, you haven't. The first one is, that whatever you do in life, do it with an unrelenting passion. I really believe that. Whether your calling in life is to be a corporate lawyer or in private practice, or defending Fortune 500 companies, or suing them, or in Legal Aid, or in public service, it's all about passion. Go where your passion takes you.

I had a fascinating parenting moment a few years ago. It was about this time of year. I have only

one child, Sarah. She was a senior in high school, and we were going on a practice college visit to the University of South Dakota because it's just thirty miles away. She had no interest in going there, but I wanted her to do a practice visit.

And we're driving up to the University of South Dakota, and she's shuffling through the materials, and she goes, "Daddy, I have to visit two departments." And I said, "Well, that's good. What do you think you might like to major in?"

And she said, "Well, let me look, " and she came up with something kind of crazy, like communications and something else, and I said, "Well that's interesting." I said, "But sweetie, your passion in life has always been art. Have you thought about majoring in art?"

And she started to cry. And it was one of the neatest moments in my life. I actually pulled the car over and I said, "What's wrong?" And she said, "Daddy, I didn't realize I could major in art. How would I ever make a living?"

And I said, "Sweetie, don't worry about that. My passion is law. Yours is art. Go where your passion takes you. The job, I guarantee you, will take care of itself." She's an art major at Lake Forest College in Chicago and just loves it. She has found her calling.

I found my calling very early, which I think makes me kind of weird. I knew I wanted to be a civil rights lawyer when I was seven years old. My mother was pretty ill when I was young, and we had an African-American nanny named Tessie, who was really like my second mother. Sometimes she stayed over night with us, sometimes she didn't. I was very close to her, really as close to her as I was my own mother.

And she grew up in St. Paul, and St. Paul was a very segregated city in her childhood. She was in her 40's when I met her. And I used to sit on her lap after I came home from school, and she would regale me with stories about her childhood. And with no bitterness, she would tell me about the fact that she couldn't drink out of the same water fountains as white folk. She couldn't go to restaurants. She literally had to sit on the back of the bus.

That hit a chord with me, that I instantly knew I wanted to do something about that. My folks belonged to the ACLU, but they weren't active members at all. We had no lawyer ever in the family. I started reading about the ACLU, and then I kind of focused on the fact that I wanted to be a civil rights lawyer.

When I was 13, we had to write a paper about what we wanted to be in life. I wrote a paper that I wanted to be a civil rights lawyer. My mother was kind of my editor, she was fabulous. She had a masters degree in English literature. I left it on the lazy Susan in the kitchen, and I went to bed when I finished my paper.

My mother was at a PTA meeting, and when she came home that night she read my paper. She came upstairs and she woke me up. It is as if it happened yesterday. I remember her soft hand on my cheek, waking me up with tears in the corner of her eyes that I could see the reflection of the moonlight. My mother said to me, "Buzzy, I am so proud of you, that you want to be a civil rights lawyer."

She tucked me in and I went to bed. The next day I went off to school, and I came home from school that afternoon and my mother had died from a heart attack. I found her dead in the kitchen.

Life is short and it is very uncertain. Another reason I think to pursue whatever you do in life with great passion.

Now there is a corollary in life to this. I did not discover it in law school, I was kind of in my thirties. And that is the most meaningful and important moments in life...Now think about this, the most meaningful and important moments in life are not the advertised ones. They are not the graduation from UW Law School, they aren't passing the bar, they're not becoming partner at a prestigious Seattle law firm. It's not about being appointed to United States District Court Judge. It's certainly not the even the traditional stuff, the weddings, the birthdays, the anniversaries.

The real important moments are much less obvious. They knock on the front door of life unannounced. You have to be open to seeing them. I'll share a couple of my most important moments.

I remember when I was a young lawyer, getting ready to start a two week trial. It was where I had sued the nine members of the Iowa Supreme Court. There was a very skilled lawyer on the other side. I feared him deeply. Before the trial he came over to see me. He sensed how scared I was, because he was a very skilled lawyer. He sat me down and he just said basically, "Don't worry, everything is going to be OK. You're a really good lawyer, you've got your experts lined up. We are going to try a good lawsuit and you're going to do a good job. I know you will." He was very encouraging, and that left a huge impression on me.

You get an email from a younger lawyer that you've mentored and probably forgot about, and they write to thank you. I got a call this week from a lawyer that I had sent to prison from a very prominent family in Cedar Rapids. His father was a lawyer I tried cases against. I tried cases against each of his three brother who were lawyers.

I sent him to prison and he called me. This has been over a decade ago. He called to thank me for the fact that I had sent him to prison, because he has now turned his life around and things were going great. What an unexpected special moment that is.

I think these moments kind of enrich your life, they kind of define it. Look at all of the things that you have to be grateful for. The friends you've made in law school, the friends that you will make. The fact that you are going to a top law school with an industrious faculty. The leadership and vision of your new dean, Kellye Testy. You have a lot to be grateful for. You will be proud of this law school experience until the end of your days.

I've always taught, for the last 25 years at Drake Law School. High on the wall outside the classroom that I teach, engraved in stone, is a biblical passage. I'm about the last person in the world to quote the Bible, but I love this passage and it goes like this. "They that instruct many in the ways of justice, shall shine like the stars forever." Daniel 12:3.

Be thankful for your outstanding faculty that you have here. I was deeply grateful for the opportunity to go to law school. I worked very hard, I had to put myself through law school. I worked four part time jobs. I started my own law firm with my two best friends, because the legal aid director didn't hire me. It was the best thing that ever happened to me in life.

We started our own law firm in an abandoned public school, in the inner city in Des Moines, Iowa because we got free rent. They were so excited that a law firm would be moving in. We were an unusual law firm. We were the only law firm in Iowa to be integrated racially at the partner level,

and we were the only law firm in Iowa without a single client.

[laughter]

We started with absolutely nothing. I had a bet with my two partners, about who would get the first fee paying client. About a week after we opened the doors, I had some people come in to see me about a discrimination case. I gave them my newly minted business card, and I was so sure they were going to hire me. They said they wanted to think it over.

They left about 11:30, so I ran into my partner's offices and said, "I'm buying you guys lunch because I just know they are going to hire me, let's go eat."

So we walked outside and I looked down at the curb, and there was my business card ripped in half. Another great lesson in life.

[laughter]

Right? Literally kicked to the curb. I looked at my partners and I said, "We only have one place to go from here, and that's up, and that's up."

Looking back at my beginning, it's one of the things that I am most proud of in life. That we started from scratch with literally nothing, and built a very, very successful law firm. Not because we were the brightest law students, but because we were the hardest working law students.

The very first case that I filed in federal court later that year, a case called Joseph Evans against Oscar Mayer went to the United States Supreme Court. I got to personally argue the case, just three years out of law school.

I was blessed to be able to try many fascinating civil rights cases on cutting edge issues. I tried the first federal constitutional challenge to state prisons, for failing to allow Native Americans erect sweat lodges in the prison. I'll never forget the headlines of the Des Moines Register: "Lawyer Sues for Sauna in Prison."

[laughter]

My very first client - this is a great story. My very first client...

In Iowa, they just changed it recently in the last few years. You used to take the bar exam on Monday, Tuesday, and half a day Wednesday, all essay.

They started grading your essay exams Monday when you turned in your first group Monday morning. So on Wednesday evening, they posted the results. It was like instant notification.

I passed the bar. I found out Wednesday night. I astounded my classmates. I passed the bar exam, was sworn in the next day. On Friday, I was appointed in my very first case.

I'll never forget this as long as I live. Her name was Mary Sue Spurling, and her crime in life? She tried to deposit a bottle of wine and a loaf of bread in her checking account at the Iowa-Des Moines National Bank.

The clerk was very perplexed, and things got a little bit out of hand because she was insistent that she had a right to deposit a loaf of bread and a bottle of wine in her checking account.

They wound up taking her to the public mental health facility and bringing a civil commitment proceeding against her. That civil commitment proceeding started the next Monday morning at nine a.m., and I was appointed Friday afternoon. I'd just passed the bar.

So I went to my partners to say, "What do we do now?" I started preparing for this hearing, and I called a couple lawyers to find out what it was like.

I was shocked to find out that there wasn't even a court reporter there, and that the state statute had no burden of proof, no procedural safeguards, no right to subpoena witnesses, nothing that I had studied in constitutional law.

I showed up early for this hearing, and I brought my tape recorder because I wanted to make a record. I had written motions to dismiss that I had prepared over the weekend, and I filed those.

The administrative law judge said, "No, you can't have your tape recorder. You can't make a record, and no, I'm not taking any motions," and proceeded to find my client that was mentally ill. The problem was she was then going to be transferred to one of four state hospitals in all different parts of Iowa.

So I went back to my office - that was a Monday afternoon by the time the hearing was over - and I really didn't know what to do. I talked to my partners, and I said, "I'm going to file a writ of habeas corpus."

I started doing a little bit of research, and then we hadn't hired a secretary yet. I wasn't a very good typist. I started typing out a writ of habeas corpus. The problem was I was a slow typist. I wasn't going to get it done before the courthouse closed, and they were going to transfer her the following morning.

I had read about a judge in the paper, just his name, and I remembered it. I looked him up in the phone book. First I called down to the courthouse. They said he was gone.

So I called him at home, and I said, "Your Honor, I'm Mark Bennett, and I'm a brand-new lawyer. I'm working on a writ of habeas corpus. I'm a slow typist. I don't have a secretary yet. I think I'll probably have it done about eight o'clock. Can I come by your house?"

He said, "Absolutely."

So I finished it. I went by his house. Leo Oxberger was his name - Oxberger. I presented him the writ, and he was impressed. He said, "Do you know what you need to do now?"

I said, "I have no idea."

He said, "Well, you need to serve Broadlands Hospital."

I said, "Well, I know their executive director is Charles Ingersoll because I looked it up."

He said, "You need to find out where he lives or serve him first thing in the morning."

He drafted an order of service, because I hadn't done the right paperwork. He was very kind to me. I actually found out the guy's address, and about 11:00 at night, knocked on his door, served him with these papers, and got an injunction preventing Mary Sue Spurling from being moved.

Ultimately, in another case that went to federal court, a case that went to the Eighth Circuit I think three times, we ultimately had the Iowa civil commitment statute declared unconstitutional.

So I had a lot of really fun cases and a great opportunity. I said at lunch that my clients list looked like the who's who in a strange land. I represented the ACLU, the Socialist Workers Party, the Ku Klux Klan, one of my favorite clients, ACORN. Boy, it would be fun to be back in private practice now.

I represented Reverend Moon and the Unification Church, the Hare Krishnas. Now keeping those two at bay, that was no easy task. But my favorite - my favorite client of all time - was the holy bishop Zevs Cosmos of the Nudist Christian Church.

I think I have had a number of firsts in my life, but I'm pretty confident that I'm the only federal judge that at their investiture was presented a T-shirt from Zevs Cosmos. On the T-shirt it said, "Go naked if the Holy Spirit moves you."

I represented actually the Nudist Christian Church in litigation all over the United States. Mostly, most of the cases looked like this. Zevs Cosmos would wear this sandwich board. You know what a sandwich board is? It's a sign, and it would say, "Go naked if the Holy Spirit moves you."

He loved to pick high schools and the public sidewalk in front of high schools. He had a clear First Amendment right to do it, but you'd be surprised at how many times he got arrested. You'd be surprised.

I was 43 when I was appointed by President Bush. I was the first Drake Law grad to be a United States district court judge in Iowa. Drake Law School was founded in 1865. My math is not very good. That's 129 years.

Why me? I've often thought that. I don't know the answer. I think it had to do with the fact that Senator Harkin and President Clinton were impressed by the fact that I was a very zealous advocate on behalf of my clients, but highly professional.

I had great respect for the other side in litigation. In fact, most of my long-standing good friends, my really close friends, are lawyers that I had a chance to try cases against.

As much as I love being a civil rights lawyer, I just love being a federal district court judge. I'm in my 15th year now. It's a wonderful job. I love the variety. One week we might try a methamphetamine drug conspiracy case; the next week a patent case, a product liability case.

I'm gearing up for a very large antitrust case involving ice cream sandwiches and the chocolate wafers of ice cream sandwiches. Would you believe that one company has 99 percent of the North American market share, and a little teeny startup company in Iowa has one percent?

They're suing Interbake and Norse Dairy for antitrust violations. Two huge national law firms that are getting ready to do battle.

I've had an opportunity to hear every type of case you can imagine in federal court. Several years back I tried two death penalty cases, very daunting. Very daunting. We had six US Marshals living in our home for six months.

My daughter Sarah started high school with two US Marshals at her side. She couldn't go to the bathroom in her public high school without one US marshal going in and clearing it, and then one US marshal taking her in, and the one that cleared it coming out and guarding the door.

Everywhere my wife and daughter went for six months, they had two US Marshals at their side. I was driven to work by a US marshal and driven back from the courthouse by a US Marshal.

When I worked every night on these cases in my study, I had a US Marshal sitting in the study with me. Our house was surrounded by US Marshals with assault rifles.

Every morning when the defendant in the first case was moved from the county jail to the courthouse, we moved him generally at 4:00 in the morning, and there would usually be four to six assassin-type guys -- what are those guys called? Marksmen, yeah -- snipers on the roof of the courthouse.

They would move the defendant in vans, with a group of agents behind them and in front of them, and block off the streets when they moved him.

A former ACLU lawyer, I never thought in a million years, I would have an anonymous jury. I didn't even know their names or where they came from, other than the Northern District of Iowa.

I authorized the defendant to be bolted to the floor. So every morning before the jury came in, he was bolted to the floor in the courtroom. We had put a titanium bolt into the floor. When the jurors were brought in, they went to secret locations everyday, and then they were bussed-in in two different vans.

Very, very stressful. You know what was stressful about it? Trying to make sure that I could give the defendants the fairest trial I was capable of. That's what was stressful. It was a new area to me, hundreds of pretrial motions. I think when we finished; we had published 43 decisions in death penalty law.

Not once, not once during that trial, did I ever regret for a second, the privilege of becoming a US district court judge, and doing public service.

Now my second point, and this the one that I don't think you've ever heard anybody say this before. I know I haven't in my life. I really believe in this, "You never stand taller or shine brighter, than when you extend your hand in friendship to someone in real need, someone at their low point in life."

Think about it. In good times, friends are easy to have. It's the tough times in life. Let me give you an example. Several of my classmates have been disbarred. Do you know what a piranha it is to be a disbarred lawyer? I've always called them up, gone to see them, taken them out for dinner, send them personal notes. That's a very hard thing to do, to lose your license.

I've had several lawyer friends go to prison. I've done the same thing. I've made the effort to visit them. So when a classmate or a fellow lawyer in your community falls from grace, the easy thing

to do is to do what everybody else does, and that's pretend they don't exist.

It's really chicken soup for the soul, to extend a hand of friendship to them. You will be ostracized for doing it, but I think you will find it very fulfilling. If someone from your community never had a chance to fall from grace, because they never rose above their life circumstances high enough to fall, they need your friendship too. It's very important to develop friendships with people in all stations in life.

One of the things I'm most proud of is that in every single building I've ever worked in, including our US courthouse, I know the names of every son and daughter of every cleaning person, that has ever cleaned space that I've worked in. That's important in life.

Just because you get Article three wonder dust sprinkled on your head, and you become a US states court--I'm sorry, a federal district court judge doesn't make you better than anybody else. We all put our pants on one leg at a time.

That's why I visit inmates. To my knowledge, I'm the only federal judge in the country. I started visiting inmates eight years ago. There are 118 federal prisons. I've been to nearly half. This year, I've been to 10. Three weeks ago, I was in two prisons in Minnesota, and two in Wisconsin. I had visited 126 inmates that I had sentenced, including four people serving life sentences.

I talked to them in a group, and then anybody that wanted to talk to me one-to-one. I find it unbelievably inspirational, because I find the ability of people to change and make big changes in their life, and set their goals high and try and do some positive things, is very, very fulfilling.

It's hard for me to explain. I've been trying to write an article about why I visit inmates. I'm not sure I understand it totally, but I know it's important to me. I know this, and I really believe it. Some people say it, I really believe it. "The difference between where they're sitting, and where I'm sitting, " we're in the same room in the prison. We're sitting right next to each other. "The difference, a very thin line."

I don't think most people believe that. It's a very thin line, a very thin line. A couple bad decisions that I made where I didn't get caught, or a couple decisions that I made that were pretty good when I could have made a bad one, I could be sitting where they are.

A couple of good decisions that they would have made instead of bad decisions, they could have been a US district court judge. So weave your friendships whenever you can.

The other quote on my Facebook page is from Pericles, the Athenian statesman. He said, "What you leave behind is not what is engraved in stone monuments, but is woven into the lives of others." So weave in the lives of others, have an impact in the lives of others.

The third thing I want to finish up with is the Mark Twain quote that Paul Miller sent; "Always do right, this will gratify some and astonish the rest." "Represent a client in an unpopular case." "Speak out against oppression and injustice." Here's a big one for me, "Do not tell lawyer jokes." I think it demeans all of us.

Since I've been a young child, I've been able to stand up to injustice. I think it was instilled in my parents. I had this experience in first grade. My best friend in kindergarten was Robert Miller. This was in St. Paul, Randolph Heights Elementary School.

I didn't really realize at the time, but he was slow in learning. In first grade, my first grade teacher one day was really frustrated with Robert. She said to another student, right in front of Robert and me, she said, "If you don't work harder, you're going to windup just like Robert Miller."

I jumped out of my seat, and I said, "Mrs. Churchill, don't you ever say that about my friend." She grabbed me by the ear, and marched me all the way to the principals office, by my ear. It had to be a Wednesday, because my father was home. He was a children's dentist, and every other Wednesday he worked in a free cleft palate clinic, and then the other Wednesday he took the day off.

He came up to school, and we just lived three houses from school. He came into the room and I was sobbing. The Principal, Mr. Campin, was lecturing me on how disrespectful I was. My father didn't say anything. The Principal said, "Well, you should take your son home, because he's obviously upset."

We were walking home, and my dad had his arm around me. He said, "You know, I'm really proud of what you did." He said, "You stood up for something that was an injustice and you saw it as an injustice." And my dad said something I will never forget, "You never get a second chance to stand up to injustice."

You have a great injustice here at the University of Washington Law School that I will close with. Takuji Yamashita, how many of you have seen the porcelain statue of him sitting? Have you all seen it? You all know his story?

He graduated, I believe second in a class of 10 in 1902, one of the most diverse classes the University of Washington Law School has ever had. Three women, an African American from Barbados and Takuji, who came over from Japan, from a little fishing village.

And he went to work in Spokane, I'm sorry, Tacoma, at a Japanese restaurant that was owned by a Japanese person who came over from the same little fishing village. And he lived in a mission and went to high school in two years, had a photographic memory.

Graduated from this law school, took the bar exam, scored incredibly well, but he wasn't allowed, the State Supreme Court didn't allow him to practice law because he wasn't a citizen. And he sued, filed a 28 page brief which I've read. I encourage you all to read it, too. It was an excellent piece of scholarship. Washington Supreme Court, five white males, turned him down.

He ultimately then went to the US Supreme Court on another case that related to the same issue. They turned him down, too.

After Pearl Harbor, on December 7, 1941, there were 12, 892 Asian Americans in King County that were incarcerated. He was one of them.

Long after his death in 2001, the Asian American Bar Association and this law school, which you should be very proud of, petitioned the Washington State Supreme Court to admit him posthumously, which he was done, one of the few times that's ever been done in any state supreme court.

Well, it's time for me to close. I wanted to share with you what I consider to be the greatest accomplishment in my life next to raising my daughter.

It is not being a federal judge. It is not arguing in the United States Supreme Court. In a couple of months I'm fairly confident that I will be the lowest ranking member of any law school class to have an article published in the "Harvard Law Review," but that's not what I consider to be a noteworthy accomplishment, it's just kind of interesting.

The thing I'm most proud of is having the privilege of representing clients. There is nothing like it. And I represented Fortune 500 companies, and I'm proud of the fact that I represented Fortune 500 companies. And thank you for helping put my daughter through college on the fees I earned.

That was interesting but not really fulfilling to me. What was fulfilling to me was representing the downtrodden and the oppressed, the folks who had been discriminated against, the people who didn't really have a voice. They came to me, little old Mark Bennett, asked me to represent them.

And that, knowing that you were zealous and did everything you could. And my pledge was I would never be outworked. I litigated against some of the top national law firms from Washington and New York, and this little old Des Moines civil rights lawyer never did get outworked.

And so, if you have the privilege of representing a client, particularly one who doesn't have a voice, that's the most wonderful thing there is I think in the practice of law.

I'm going to close with my favorite quote from the great Victorian poet, Robert Browning. "Ah, but a person's reach should exceed their grasp, or what's a heaven for?" Thank you very, very much.

[applause]

Michele: OK, so I just want to say thank you so much, Judge Bennett. That was outstanding. And you really obviously live your core values of relentless passion and standing up for others and all of that good stuff. So, I just feel really honored that you came out to open up our year this year.

And he has let me know that he is willing to entertain a couple of questions before we dismiss for the reception. So if you have a burning question now would be a great time to ask it.

Mark: Come on, you're law students. Yes.

Michele: Yeah, there's one.

[audio splice]

Mark: ...courts.

[laughter]

Well, let me qualify that. The federal courts.

[laughter]

Woman: You're not putting yourself very well here.

Mark: I mean, I still think you can have a career as a civil rights lawyer. I think it was easier in

my time to kind of hang on a shingle and start from scratch, but I think that can be done. And I'd really encourage you to do it. I mean it's just so incredibly fulfilling.

But the biggest impediment would be the federal courts, but I think that's changing in this administration. President Obama is going to be able to appoint a significant number of judges even if he's just a one term president because there are so many openings now.

And so, you know you just kind of have to hang in there and the tides are going to change at some point. So it may be rough going, but you know, that makes it all the more fulfilling.

So, I think the only impediment really is yourself. I guess that's what I'd say. If you really want it, you can do it. I mean don't you think you can do anything you put your mind to? How about more?

[laughter]

Of course you can. And that's the big thing. Set your sights high. The problem with most people is not that they set their goals too high and fail to achieve them, but they set them too low and they reach them. So set them high. You can achieve it. It just takes a lot of hard work, a lot of hard work.

Yes.

[inaudible]

I did.

[inaudible]

Yeah, I represented him in a number of cases, but usually it was a denial of a permit to do a parade or to engage in otherwise First Amendment activity, a protest. Yeah, I had not problems whatsoever. I enjoyed representing him.

[inaudible]

Yup.

[inaudible]

[audio splice]

Michele: You're all invited to come down to room 115, and talk more with the judge and with each other. And let's thank Judge Bennett one more time.

Mark: Thank you.

[applause]