

COMMENTS ON PAUL R. MICHEL'S CONTRIBUTIONS TO JUSTICE

THE HONORABLE JAMES F. HOLDERMAN²Chief Judge, United States District Court
for the Northern District of Illinois

I first met Paul Michel in the 1970s when we were both working in different areas of the Department of Justice. I could tell immediately that Paul, then a young lawyer, was destined for greatness. He was bright, contemplative, decisive, and passionate about the law, about justice, and about service to the United States of America. As our professional paths crossed numerous times in the following four decades, my first impression was confirmed time and time again.

Paul began his legal career in public service as an Assistant District Attorney and then Deputy District Attorney for Investigations under Arlen Specter in Philadelphia, where he was responsible for investigating police and public official corruption.

In 1974 he was asked by Watergate Special Prosecutor Leon Jaworski to lead the investigation into President Nixon's slush fund. As an Assistant Watergate Special Prosecutor, Paul issued more than 300 subpoenas in an investigation that focused on President Nixon, Howard Hughes, Bebe Rebozo, Adnan Khashoggi, and President Nixon's secretary, Rosemary Woods. As part of this investigation, Paul examined President Nixon and his chief aide John Ehrlichman before the Grand Jury.

Paul's investigative experience into public corruption led to his appointment in 1975 as an assistant counsel for the Senate Select Committee on Intelligence. Under Chief Counsel Frederick A.O. Schwarz, Paul examined abuses of American citizens' civil liberties by U.S. law enforcement and intelligence agencies, deposing former CIA Director Richard Helms, among others. He also helped draft proposed legislation to ensure that NSA, CIA, and IRS practices conformed to the U.S. Constitution and statutes.

In 1976 he became Deputy Chief of the Justice Department's new Public Integrity Section, where he directed the "Koreagate" investigation involving alleged payments to members of Congress in 1973-75 by Korean government intelligence agents and Korean businessman Tongsun Park. It was during that period in the mid-1970s that I headed the Public Corruption Section of the Chicago U.S. Attorney's Office. Throughout that time, Paul and I discussed investigative techniques, prospective decisions, and jointly wrestled with other knotty legal issues in our respective roles.

Our conferring with one another on the proper way to administer justice continued after Paul was appointed as an Associate Deputy Attorney General in 1978, helping to supervise U.S. Attorneys, the Criminal Division, the FBI, and the

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U.S. Marshals Service. He was one of the authors of the legislative charter proposed in 1978 for the FBI and of revisions to the Attorney General's *Guidelines* authorizing and constraining certain FBI investigative and intelligence-gathering practices. He also helped guide the illegal intrusions prosecutions of FBI executives, including Mark Felt, who was later revealed as Watergate's "Deep Throat." From 1978 to 1980, Paul was co-chair of the inter-agency Committee to Combat Terrorism and supervised policy aspects of domestic terrorism incidents. In 1980, he briefly served as Acting Deputy Attorney General and Acting Attorney General. During this period, he was responsible for supervising security arrangements for the 110,000 refugees from Cuba (Mariel Boatlift) and Haiti who washed up on U.S. shores in 1979–80.

In 1981, Paul left the Executive Branch and began his seven-year stint with the Legislative Branch, where he served on U.S. Senator Arlen Specter's staff as Legislative Assistant, Counsel, and Chief of Staff, helping craft legislation dealing with career criminals, arms control, gun control, mining safety, nuclear arms summit meetings and many other subjects.

In March 1988, he joined the Judicial Branch as a result of his appointment by President Ronald Reagan to the U.S. Court of Appeals for the Federal Circuit. He served as the Chief Judge of that court from December 25, 2004 until his retirement on May 31, 2010.

With his elevation to the position of Chief Judge, Paul became a member of the Judicial Conference of the United States, the governing body of the Judicial Branch. In 2005, he was appointed by Chief Justice Rehnquist to also serve on the Judicial Conference's seven-judge Executive Committee.

In his work as a judge on the Federal Circuit, Paul reviewed several thousand appeals and wrote more than 800 opinions in the diverse legal areas covered by his circuit, including patent, government contracts, international trade, veterans' benefits, government takings of private property, tax, childhood vaccine injuries, military and civilian promotions, trademark, civilian government personnel, and whistleblower cases. By designation of the Chief Justice of the United States, he also regularly sat with the U.S. Courts of Appeals for the Second, Third, Ninth, and District of Columbia Circuits, where he decided appeals and authored opinions in constitutional, criminal, administrative, securities, immigration, and state law cases.

In addition to his case work and among other duties, Paul, as the Federal Circuit's Chief Judge, was responsible for the Federal Circuit's 130 employees, its \$33 million annual budget, and the courthouse complex on Lafayette Square in Washington, D.C.

When I sat by designation on the Court of Appeals for the Federal Circuit in June 2007, I was fortunate to serve on an appellate panel with Paul. He is one of the most thorough judges that I have ever observed preparing for an oral argument. He unwaveringly cut right to the key issues quickly and concisely with his questions to the lawyers during argument, but always allowed the lawyers time to make the points they desired to make. He was a judge's judge. In the judges' conference after the oral arguments, he was brilliant in his analysis. He was a truly great Chief Judge of the Court of Appeals for the Federal Circuit.

Paul is also a man of great humility and humanity, who appreciates the human side of the people who have made our American history. When Howard Markey, the first Chief Judge of the Court of Appeals for the Federal Circuit and former Dean of

The John Marshall Law School, passed away, Paul, remarking at the funeral, provided a sensitive portrayal of the great human being that Judge Markey was, as well as his legacy of justice.

Paul himself has left a legacy of outstanding jurisprudence and a legacy of outstanding lawyers who continue to serve our profession in the finest traditions, because they each served as Paul's law clerks over the years. Some of them have contributed to the tribute in this publication. Without doubt, each of their professional and personal lives was changed for the better having worked with Paul.

Over the years, Paul and I taught several continuing legal education seminars and law school programs together. He is a tremendous teacher and has been a featured speaker at numerous legal education programs across the United States and internationally.

He taught courses in appellate practice and procedure and in patent enforcement at George Washington University National Law Center, and master's classes in appellate advocacy at The John Marshall Law School, which awarded him an Honorary Doctor of Laws degree in June 2001. He has also spoken at the law schools of Harvard, Yale, Stanford, UC Berkeley, the University of Chicago, DePaul, University of Washington, Texas, USC, Howard, Northwestern, Loyola (Chicago), Georgetown, Fordham, Case Western, University of Houston, Cardozo, Maryland, Lewis & Clark, Franklin Pierce, NYU, and UVA, and taught master's classes in patent litigation at Chicago Kent Law School. Paul gave generously of his time to further the legal profession by serving on the intellectual property advisory boards of the George Washington University National Law Center and the University of Maryland Law School. He was also a founding member of the George Washington Inn of Court, a member of the Giles S. Rich Inn of Court, and a founder of the Edward Coke Appellate Inn of Court over which he served as president in 2003–2004. In 2009, the Los Angeles Intellectual Property Inn of Court was renamed the Paul R. Michel Intellectual Property Inn of Court. In May 2010, just before he retired from the bench, Paul received an Honorary Doctor of Laws degree and gave the commencement address at Catholic University's School of Law.

Paul's achievements in promoting justice have been recognized numerous times by numerous organizations, including his receipt in 2008 of the first Lifetime Achievement Award given by the Richard Linn American Inn of Court in Chicago for his "Dedication to Justice for All." His acceptance speech on that occasion was one of the most inspiring articulations for justice through the Rule of Law I have witnessed. He is a true American patriot.

I feel very honored to know Paul as I do, and very honored to have had the opportunity to serve with him in various capacities as our professional paths have crossed over the years. My wife, Paula, and I feel very fortunate that he and his wife, Brooke, are our friends. Our lives are enriched because of the wonderful times we have had together. Paula and I wish them the best of good fortune in all of their endeavors throughout the years to come.