



CARDOZO

Benjamin N. Cardozo School of Law

LARC @ Cardozo Law

Faculty Articles

Faculty Scholarship

2019

Tribute to Judge Robert Katzmann

Lindsay Nash

Benjamin N. Cardozo School of Law, lindsay.nash@yu.edu

Follow this and additional works at: <https://larc.cardozo.yu.edu/faculty-articles>



Part of the [Judges Commons](#), and the [Legal Biography Commons](#)

Recommended Citation

Lindsay Nash, *Tribute to Judge Robert Katzmann*, 75 N.Y.U. Ann. Surv. Am. L. 10 (2019).

<https://larc.cardozo.yu.edu/faculty-articles/564>

This Article is brought to you for free and open access by the Faculty Scholarship at LARC @ Cardozo Law. It has been accepted for inclusion in Faculty Articles by an authorized administrator of LARC @ Cardozo Law. For more information, please contact larc@yu.edu.

TRIBUTE TO JUDGE ROBERT KATZMANN

PROFESSOR LINDSAY NASH

So thanks to Nancy and to the NYU Annual Survey of American Law for the privilege to speak here about Judge Katzmann, who's been a personal mentor to me and a real source of inspiration about the good that one person, albeit an extraordinary person, can do.

So while the group that initially came together was a small group of eleven lawyers, it quickly grew into a coalition of actors from the public, private, and non-profit sectors, and it became known as "the study group on immigrant representation." This group included people from judges to prosecutors to advocates. But what unified them was first, a deep admiration for Judge Katzmann, and second, a desire to do something about the crisis in immigrant representation that he had identified. So bringing these leaders together, as he predicted, quickly began to spark change. He realized that while some of the most troubling aspects of the system were obvious to those of us working in the field, what we needed was rigorous study of the problem and potential solutions if we were going to make the problem meaningful to a broader audience. As he often said, quoting his own mentor, everyone is entitled to their own opinion, but not everyone is entitled to their own facts, and he knew that we needed the facts.

So this understanding led to the New York Immigrant Representation Study, in which study group members worked together to collect a broad set of data on the impact and quality of counsel in immigration proceedings. And when we completed the study, the findings were unambiguous, and the disparity was even greater than we had anticipated. The data showed that individuals who are not detained, and who had counsel, prevailed about seventy-four percent of the time, but individuals who were detained and unrepresented succeeded only three percent of the time. So all of this meant that for the first time ever, we had real numbers to quantify the impact of counsel, an undeniable support for what we had long felt: that the assistance of counsel, particularly for people who are detained, significantly impacts the immigrant's ability to access justice. The findings in this initial report laid the groundwork for what has been a transformation in the field. Following this report, members of the study group created a blueprint for a solution, and that solution was a public defender type system that would guarantee

that no detained immigrant would be forced to face deportation proceedings alone simply because they couldn't afford an attorney. The community that Judge Katzmann catalyzed then led the way in putting this plan into action. It quickly grew into the system that many of us now know, which is the New York Immigrant Family Unity Project. This is the first of its kind system of deportation defense that provides representation to all non-citizens in New York who are detained, indigent, and facing deportation.

The recognition of the importance of competent counsel also led to the creation of the Immigrant Justice Corps, another pioneering initiative in the immigration arena. Understanding the value of providing counsel to a broad array of noncitizens, and the need to raise the quality of the immigration bar more generally, Judge Katzmann conceived, and launched, the first and only fellowship program for college and law school graduates to focus on immigrant representation.

Unsurprisingly, the impact of these initiatives had a huge impact. I'll turn over to my colleague, Peter Markowitz, in just a second to describe this impact. But first I want to say that as someone who has worked with Judge Katzmann over the years in the study group, and on a daily basis as his law clerk, there's no one better suited to serve as an inspiration, as a mentor, and as an exemplar for generations of lawyers, both now and in the decades to come.