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Linda B. Johnston

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A TRIBUTE TO THE HONORABLE FRANK X. ALTIMARI*

*Linda B. Johnston*¹

Judge Altimari's judicial opinions and other accomplishments which have marked his life have enriched the jurisprudence of this nation and have affected his fellow citizens. In him, the instincts of democracy were a force that moved him to speak out and act for the rights our Constitution affords.

On behalf of the men and women who had the privilege of serving as Judge Altimari's law clerks, I would like to discuss the extraordinary relationship we shared with the Judge. He wrote in one of his decisions, "the working relationship between a judge and [his] law clerk . . . is unique."² While we each have our individual memories of our relationship with the Judge, in the time we clerked for him we all came to know him as a mentor, a father and a friend.

As a mentor, the Judge taught us to love the law and to dedicate ourselves to the pursuit of justice. He enjoyed discussing the cases before him with his law clerks and listened attentively to different points of view. Often times, voices would be raised as the Judge sparred with us over the intricacies of a particular legal issue. Ultimately, such discourse would yield to reason and fairness; and the judicial process (and usually the Judge) would win.

Although the Judge became a distinguished public servant, he never forgot his humble beginnings. The Judge empathized with those without power or position and sought to make the

* Remarks Delivered on the Occasion of the Special Session of the United States Court of Appeals for the Second Circuit, In Memoriam Honorable Frank X. Altimari, December 9, 1998.

¹ J.D. 1993, St. John's University School of Law; Law clerk to the Honorable Frank X. Altimari (1993 - 1995); Associate at Mudge Rose Guthrie Alexander and Ferdon (1995 -1996); Career law clerk to the Honorable Frank X. Altimari (1996 - 1998); Law clerk to the Honorable Jacob Mishler, United States District Court for the Eastern District of New York (1998 - Present).

² *Sheppard v. Beerman*, 18 F.3d 147, 152 (2d Cir. 1994).

Constitution a living document for the ordinary person. He instructed us that no one case was more important than another; and implored us to understand the human dimension of the cases entrusted to him. To the Judge, the law was not an abstract tool, but rather was an instrument of justice for the ordinary person.

The Judge took great pleasure in making us an extension of his family. He cared deeply about the lives of his clerks and their families and was proud of their accomplishments. He fostered this special relationship for years, hosting pool parties and dinners. Nothing would bring a smile quicker to his face than the announcement of a telephone call or visit from one of his former law clerks.

As a friend, the Judge was on everyone's short list of who to call about important life events. No matter how busy he was, his door was always open to us. He was always there, ready to offer his counsel and his heart. He rejoiced with us in good times and in the more difficult times, he would call in every favor to help us. And when that did not work, the Judge sought the intercession of a higher authority on our behalf, keeping us in his prayers.

I would like to close with an insight to the Judge's philosophy of life. Interestingly, this originated from the Judge's response to an elementary school principal's letter to leaders throughout the nation soliciting their advice for the school's children. The Judge reflected:

Love and faith have been the guiding forces in my life. While hard work is often spoken of, I prefer to think of it as love. If you identify your interests and commit yourself to pursuing them with excellence, then you will be acting out of love.

The Judge left an indelible imprint on the minds and in the hearts of his law clerks. One of the greatest accomplishments any one of us can speak of is having served in the pursuit of justice with the Honorable Frank X. Altimari.