

In Memoriam: Judge Deborah A. Batts

On February 3, 2020, shortly before the world changed in the wake of the COVID-19 pandemic, we lost an icon: the Honorable Deborah A. Batts, a Harvard Law alumna and pillar of the Southern District of New York for 25 years.

As media covering her too-early passing noted, Judge Batts was a trailblazer: her appointment to the federal judiciary in 1994 transcended barriers that have long stymied the progress of women, African-Americans, and openly gay people.¹ Perhaps not as well known, she possessed an unorthodox passion for cartoon characters (especially “Wile E. Coyote, Super Genius”²), knick knacks, and all things Disney.

Judge Batts broke the mold in another, less public, but important way: the vision she brought to her eclectic group of law clerks. Many judges make a point of serving as a mentor to their clerks, and some welcome ex-clerks to annual get-togethers. Judge Batts took this even further. Once an applicant accepted a clerkship offer, that person became part of her official Chambers Family. Judge Batts relied on her current clerks to screen new hires, and her practice of employing three clerks at any given time for overlapping two-year stints guaranteed continuity. The longer, overlapping clerkship terms also meant she could really get to know the new members of her Chambers Family, and clerks could get to know one another.

Because she encouraged, welcomed, and rejoiced in diverse personalities and backgrounds, there was no “typical” Judge Batts clerk. She was open to hiring people of all backgrounds, including her beloved courtroom deputies: for the first 20 years, Bill Delaney, an Irish-American ex-baseball pitcher, and for her last five, Khalilah Williams, an African-American volleyball enthusiast who doubled as Judge Batts’s gym buddy. Judge Batts defied traditional notions about what a law clerk should be or look like. That meant her robust array of clerks reflected every racial identity and ethnicity under the sun. Clerks were straight, gay, and transgender, and they hailed from different parts of the country, were first-generation lawyers, and graduates of non-Ivy League schools.

As Martin Luther King, Jr. famously said, if “justice at its best is power correcting everything that stands against love,”³ then the one thing Judge Batts required of all her law clerks was that they join in her definitive pursuit

¹ See Katharine Q. Seelye & Benjamin Weiser, *Deborah A. Batts, First Openly Gay Federal Judge, Dies at 72*, N.Y. TIMES (Feb. 5, 2020), <https://www.nytimes.com/2020/02/05/nyregion/deborah-batts-dead.html>, archived at <https://perma.cc/2BBE-J7VV>; Harmeet Kaur, *Deborah Batts, the Nation’s First Openly Gay Federal Judge, Dies at 72*, CNN (Feb. 4, 2020), <https://www.cnn.com/2020/02/04/us/deborah-batts-manhattan-federal-judge-obit-trnd/index.html>, archived at <https://perma.cc/VY5T-XQTK>.

² See OPERATION: RABBIT (Warner Bros. 1952).

³ MARTIN LUTHER KING, JR., WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY? 37 (1967).

of justice. To that end, Judge Batts worked closely with law clerks on opinions, passing drafts back and forth before they might land on “the signing pile,” in order to craft decisions carefully and aimed above all to further the interests of justice. Judge Batts’s rulings in the well-known Central Park Five civil rights case are paradigmatic. In 2007, five years after five black teenagers (Antron McCray, Kevin Richardson, Yusef Salaam, Raymond Santana Jr., and Korey Wise) were found by a court to have been wrongly convicted and incarcerated for the 1989 beating and murder of a white woman,⁴ Judge Batts refused to dismiss their claims against the City of New York for civil rights violations.⁵ By 2016, all claims against both the city and the state were resolved in favor of Messrs. McCray, Richardson, Salaam, Santana, and Wise for nearly \$45 million in total.⁶ Her clerks watched Judge Batts act with integrity and independence, especially in cases in which powerful interests were represented in court.

With this intense one-on-one, master-apprentice training in hand and her modeling of an unerring ethical commitment, clerks transitioned from their two years with Judge Batts to practice in law firms, teach, write books, work for state and federal governments, and become judges themselves. A large number went on to do public interest work in all of those contexts, committing themselves to criminal defense, economic justice, civil rights, and human rights work.

But Judge Batts’s influence over her law clerks did not end there. Being a member of the Chambers Family meant long after a clerkship ended, her clerks dutifully updated Judge Batts with personal and professional accomplishments. It meant providing her with a steady stream of photos of children and pets, all of which made her beam with pride. Former clerks were not allowed to stray too far for too long: Judge Batts would have a party every June to celebrate her appointment to the bench. Sometimes those parties took place in her courtroom and sometimes at her home, and clerks, as well as their significant others and their children, were not only welcome, but expected. A broad circle of friends who worked in the courthouse, inclusive of staff from various departments and fellow judges, would likewise join. These celebrations meant that generations of clerks got to know each other over the years. They also came to know and love Judge Batts’s beloved wife, Gwen Zornberg, and her pride and joy—daughter Alexandra McCown and son James McCown. And every five years, including her most recent silver anniversary, her clerks would throw a party for her. When Judge Batts unex-

⁴ See Susan Saulny, *Judge Vacates Convictions in 1989 Central Park Jogger Case*, N.Y. TIMES (Dec. 19, 2002), <https://www.nytimes.com/2002/12/19/nyregion/judge-vacates-convictions-in-1989-central-park-jogger-case.html>, archived at <https://perma.cc/B7UE-M9YK>.

⁵ See *McCray v. City of New York*, No. 03 Civ. 10080(DAB), 2007 WL 4352748, at *2 (S.D.N.Y. Dec. 11, 2007).

⁶ See Stephen Rex Brown, *Central Park Five Received Additional \$3.9 Million from the State in 2016*, N.Y. DAILY NEWS (June 9, 2019), <https://www.nydailynews.com/new-york/ny-central-park-five-claims-settlement-20190609-u6vryrdhrfjdja6datzkofnf4-story.html>, archived at <https://perma.cc/5GDB-PYFA>.

pectedly passed away, clerk alumni attended the large memorial service at St. John the Divine⁷—some flying in from thousands of miles away—to grieve and celebrate her life as family members do. At the crowded bar after the service, clerks toasted Judge Batts with Jameson and regaled each other with their own clerkship tales. Their stories made even clearer what had been obvious before—the dizzyingly diverse group of lawyers Judge Batts had given a chance to and welcomed under her wings.

Judge Batts was a fierce trailblazer who transcended racial bias and white supremacy, as well as patriarchal and heteronormative barriers, and then relentlessly worked to dismantle them for others. In a fitting tribute to her unique blend of both respect for and defiance of traditions, Judge Batts left behind an extended Chambers Family that embodies the values she lived by: choose your family, diversify by design, and use whatever power you have to correct anything that stands against love.

Roland R. Acevedo (1996–97)

Melissa S. Ader (2012–14)

Catherine Amirfar (2000–02)

Sameer M. Ashar (1999–2000)

Beth Bloom (1999–2001)

Mae Ackerman-Brimberg (2014–16)

Darius Charney (2003–05)

Wilfred U. Codrington III (2012–14)

Carolyn Coffey (2004–06)

Acrivi Coromelas (2012–14)

Ken Hashimoto (2002–04)

Kevin Jayne (2009–11)

Jonathan Kay (2016–18)

Daniel Loevinsohn (2019–20)

Brynn Lyerly (2010–12)

Matthew McGough (2002–03)

Jason Moff (2005–07)

Matthew L. Moore (1994–96)

Christopher Neff (2010–12)

Catherine Peyton Humphreville (2016–18)

Masiel Rodriguez-Vars (1998–2000)

Lisa Rosen (1994–95)

Deirdre Runnette (1997–98)

Karla G. Sanchez (1995–97)

Theresa Sgobba (2008–10)

Ji Seon Song (2004–06)

Mathura J. Sridharan (2018–20)

Mahrah Taufique (2018–20)

Tara Urs (2007–09)

Ona T. Wang (1998–2000)

Niki Warin (1997–99)

Kate Webster (2011–12)

Carine Williams (2006–08)

Derek Williams (2000–02)

Kyle Wong (2002–04)

⁷ See Erin Degregorio, *Fordham Law Mourns Death of Hon. Deborah Batts, First African American Faculty Member*, FORDHAM L. NEWS (Feb. 3, 2020), <https://news.law.fordham.edu/blog/2020/02/03/fordham-law-mourns-death-of-first-african-american-faculty-member-hon-deborah-batts/>, archived at <https://perma.cc/UX64-C22>.

