



Hon. Joseph F. Bianco

U.S. District Judge, Eastern District of New York

by James M. Wicks



Mr. Wicks is a partner and General Counsel of Farrell Fritz, P.C., and a member of the firm's Commercial Litigation Department. He is also an adjunct professor at St. John's University School of Law

Non nobis solum nati sumus, said Cicero thousands of years ago, but the phrase (“not for ourselves alone are we born”) also aptly describes the life work of the Hon. Joseph F. Bianco. Judge Bianco’s unselfish service to others defines him.

It’s late morning on a Friday, and Judge Bianco is presiding over what, in those litigants’ minds, is considered one of the most important cases ever tried in the Eastern District Courthouse. The litigants, however, are not lawyers. Instead, they are students. And, not law students, but high school students from nearby Walt Whitman High School in Huntington, New York.

The case is *U.S. v. Prince William*. The issue to be tried is straightforward: “*did Prince William steal Cinderella’s glass slipper at the Ball?*” For these students, the case before Judge Bianco is the most important case to ever be tried. From this experience, some of the “litigants” may well pursue careers as lawyers, judges, or court reporters or may serve our legal system in another capacity. At the very least, each of the students will have a deeper understanding of civics in general, and our federal court system in particular. For Judge Bianco, it is one of many Fridays, when he selflessly provides his time to local students. And, while he has now presided over that very same case for more than eight years, educating approximately 10,000 students, Judge Bianco exudes enthusiasm as if it’s *his* first trial. His passion is palpable.

Among the mornings “lessons,” were the importance of symbols in the courtroom: the American flag, the U.S. court shield, the expected respect and decorum. But, beyond courtroom symbolism and the mechanics of trial practice, were invaluable lessons: opening the eyes of today’s youth to varied career possibilities, to the pursuit of excellence, to not allow fear to inhibit those pursuits, to work hard at everything they do, and to respect the great institution of our third branch of government. In relaying these life lessons, Judge Bianco comfortably shares his own experiences ranging from his fear of public speaking as a young student, to the benefits (often deferred) of a continued commitment to working hard. “If you work hard, good things happen in life.”



Aside from these weekly trials, Judge Bianco oversees “Justice Camp,” a week-long mock trial summer camp hosted by the Eastern District for high school students. This program is so wildly successful, that the Administrative Office of the U.S. Courts in Washington, D.C., has featured the camp as a model for district courts throughout the Nation.

Quietly observing Judge Bianco plying his trade—whether to young students or seasoned lawyers—leaves the distinct impression the judicial role is a *calling* for him. Ralph Waldo Emerson said that the purpose of life, “is to be useful, to be honorable, to be compassionate, to have it make some difference that you have lived and lived well.” Judge Bianco has achieved that purpose and more.

Background

He was born on September 11, 1966 in Flushing, New York. Following high school, he attended Georgetown University (B.A., magna cum laude), and then Columbia Law School, where he was a Kent Scholar and member of the *Law Review*. His successful path following law school is remarkable, but not unlike many of our esteemed federal judges within this Circuit. Indeed, given his long list of accomplishments, it would not surprise anyone that he would someday

be appointed to the Bench: Law Clerk to the Hon. Peter K. Leisure; Litigation Associate at Simpson Thacher & Bartlett; Assistant U. S. Attorney in the Southern District of New York; Counsel with Debevoise & Plimpton, and Deputy Assistant Attorney General in the Criminal Division in Washington, D.C.

Appointment to the Bench

So while his credentials are impressive, and provide an ideal foundation for a federal judge, it is *how* he was appointed to the Bench that's not so typical.

Judge Bianco recounts how *after* he entered service as a federal judge, former Senator Alfonse D'Amato introduced himself to the Judge at which time the Senator jokingly said to him, "*How is it that you're a Long Islander; you're of Italian descent, and you're a sitting federal judge in my State, but I've never even heard of you?*" That's because Judge Bianco's recommendation came directly from Washington, D.C., and not through a New York political leader. Indeed, his commitment to hard work, and his dedication to that work in the Criminal Division of the Department of Justice, where he supervised the Counterterrorism and Fraud Sections (among others), got him quickly noticed. He was nominated by President George W. Bush on July 28, 2005 to succeed the Hon. Denis R. Hurley as a District Judge. He was later confirmed by the Senate on December 21, 2005, and then appointed to service on January 3, 2006. Even Judge Bianco was somewhat surprised by his own appointment, and amusingly quips how he was appointed as judge in a courthouse that he "had neither been to nor practiced in."

On the Bench: Civility and Professionalism

If you've ever had the privilege of appearing before Judge Bianco, you know first-hand how he engenders proper decorum in the courtroom. When he hosts students and describes the "symbols" that exist in the courtroom, he also asks them to note the absence of one in his courtroom: a *gavel*. He doesn't need it.

He places high value on civility and professionalism in the courtroom. How he conducts himself on the Bench engenders both. In all civil cases, for example, before arguments or conferences, he steps down from the Bench, personally greeting the lawyers with a warm smile and handshake, welcoming them to his court. Disarming? Yes. He is well-prepared for the appearance. His presence commands respect.

All who appear before him—lawyers and litigants (civil and criminal)—are treated equally with dignity and respect. His even-tempered, sometimes lighthearted demeanor sets the tone to be followed in the courtroom: respect for each other, no raised voices, and control is maintained at all times. How he conducts himself on the Bench not only fosters a professional atmosphere, but a humane one.

The reputation of his temperament and demeanor go far beyond his courtroom. Staff, court personnel and

U.S. Marshals alike uniformly think the world of Judge Bianco. He's a "people person."

So what do those who appear before Judge Bianco say? He's been described as an "exemplary model", "thoroughly prepared", "uses fair judgment", "strong intelligence" and exhibits a "dedication to courteous decency."¹ One description sums him up well: "*Everything a judge should be.*"²

Judging and Teaching Aren't All He Does!

He is passionate about all he takes on, with an indefatigable work ethic. Both traits become readily apparent from his schedule.

Not only does he "teach" fifth graders and high school students weekly, but he's also an Adjunct Professor at St. John's University School of Law, currently teaching three upper level courses: Counterterrorism Law, Sentencing, and Criminal Procedure. He has also taught law classes at Fordham, Hofstra and Touro law schools. His students adore him.

But, like the famous tagline for the "Ginsu knife" commercial, "*there's more.*" That is, "judging" and "teaching" aren't his only vocations.

About five years ago, after many years of intense study, Judge Bianco was ordained as a Deacon in the Roman Catholic Church. He currently serves a Long Island-based parish where, every Saturday he visits a local nursing home, spending three hours administering prayers and Communion to the home-bound. And, each weekend since being ordained, he preaches at Mass.

He's also a devoted family man. He and his wife together raise six accomplished children, the oldest now attending law school. His busy work life in no way interferes with the quality time he spends with his family. He covets every free second he has to spend with his family: whether weekends around the house, assisting with homework in the evenings, the well-deserved annual vacation, or even coaching basketball from time-to-time.

His loyal devotion to the responsibilities attendant to each of these roles—that of judge, teacher, Deacon, and family man—is what makes him truly remarkable. He approaches each role with the commitment and dedication as if each were the only thing that mattered in life. His devotion to one role, however, does not seem to impede him from effectively carrying out his other roles. Indeed, these roles all seem to complement one another and serve to define a person, Joseph F. Bianco, who has found his "calling" to serve others in many ways.

Some say he's got a second family, namely, his law clerks. All are hand-picked accomplished lawyers who quickly become part of the extended "Bianco Family." There are over 30 former law clerks by now. He beams with pride as he talks about their achievements. Thirteen are either current or former Assistant U.S. Attorneys; one of whom, Conor Lamb, just won the 2018 special congressional election in Pennsylvania's 18th congressional district. They gather annually to celebrate Judge

continued on page 23

me assure you that he was never “old” because he always carried himself as someone forty years younger than he was. Last January he and his wife, Barbara, accompanied us to the New York City Ballet on a cold blustery night, and we had trouble keeping up with him. Other than being shot in the leg during a battle the day before the Battle of the Bulge, he was never in the hospital, never took medication, and never wore glasses or exercised.

Judge Wexler was the ultimate Long Islander and a part of every inch of granite in the new courthouse. Without his dedication, the Long Island Courthouse might never have been built.

Upon his and Barbara’s return from two weeks in Egypt, he died suddenly at home. He was 93 years old. He and his wife were married for sixty-five years, and she showered him with her lovely paintings in his chambers. Their youngest son Bill Wexler, an attorney, lived six houses away from his parents and would have lunch at least once a week with his dad in the court’s cafeteria.

Judge Wexler cared deeply for the Court, his colleagues, and the lawyers and parties who appeared before him. He was direct, never intimidated, and never missed a day in court. He shall be truly missed. ☉

Amon Profile *continued from page 17*

upon the court as an institution, and to the inherent challenges in her responsibility as a judge of the Eastern District of New York—a judicial district that spans two courthouses, 26 Article III judges, 16 magistrate judges,

and encompasses more than 300 employees consisting of law clerks, support staff, deputies, and marshals—to name a few. ☉

Bianco Profile *continued from page 21*

Bianco’s anniversary of his appointment to the Bench.

Judge Bianco has had, and will continue to have, a profound impact on the lives of many people, in many contexts. His family, his students, his law clerks, his congregation, and the public at large who he serves dutifully in his judicial role are all beneficiaries of his good work. We are indeed fortunate to have him in the Eastern District of New York. ☉

Endnotes

¹Comments from *The Robing Room*, <http://www.therobingroom.com/District>.

²*Id.*

Editorial Policy

The Federal Lawyer is the magazine of the Federal Bar Association. It serves the needs of the association and its members, as well as those of the legal profession as a whole and the public.

The Federal Lawyer is edited by members of its Editorial Board, who are all members of the Federal Bar Association. Editorial and publication decisions are based on the board’s judgment.

The views expressed in *The Federal Lawyer* are those of the authors and do not necessarily reflect the views of the association or of the Editorial Board. Articles and letters to the editor in response are welcome.



**YOU CREATE IT.
WE PROTECT IT.**

Founded in 1869, Howard & Howard is a full-service law firm with a national and international practice that provides legal services to businesses and business owners.

With a focus on intellectual property, our seasoned team of business legal counselors and engineers-turned-attorneys have the experience to protect your innovations.

Howard & Howard
law for business

www.howardandhoward.com 702.257.1483
Las Vegas, Nevada | Los Angeles, California | Detroit, Michigan
Ann Arbor, Michigan | Chicago, Illinois | Peoria, Illinois