



Hon. Dora L. Irizarry

Chief Judge, Eastern District of New York

by Dharma Frederick



Dharma Frederick is a senior legal editor in litigation for Practical Law at Thomson Reuters. This profile draws from responses that Judge Irizarry provided to Practical Law in December 2017 for its View from the Bench column.

A walk across Brooklyn's Cadman Plaza with Hon. Dora L. Irizarry, chief judge for the Eastern District of New York (EDNY), always takes a while. Judge Irizarry greets the fellow judges or law clerks she encounters on their way in and out of the courthouse. She pauses for any law enforcement officers and court staff that she recognizes. Attorneys and neighborhood regulars alike receive a warm smile and an encouraging nod.

Though each of these interactions may vary in length and substance, Judge Irizarry always looks for the right timing and opportunity to make a meaningful connection. Her ability to look first to the interests and needs of others, forged through years of breaking barriers and dedicating herself to public service, has made her a compassionate judge, an empathetic leader and problem solver, and a dedicated mentor.

Born in Puerto Rico and raised in the South Bronx, where she attended the Bronx High School of Science, Judge Irizarry graduated from Yale University in 1976. She recounts that, when her Spanish-speaking mother first heard she was going to Yale, she cried in dismay, thinking her daughter was “jail”-bound instead.

“Growing up in the tenements of the South Bronx and then the Bronx housing projects, I knew that I wanted to devote myself to improving my community,” says Judge Irizarry. “Meeting challenges and breaking barriers only made me more determined to devote myself to public service.”

Fulfilling a life-long dream to become an attorney, Judge Irizarry went on to graduate from Columbia Law School in 1979. Her professional choices after that were influenced by her childhood hero, Justice Thurgood Marshall, whose commitment to and skill in securing civil rights for people of all stripes inspired her to devote herself to the law.

Judge Irizarry served as an assistant district attorney in the Bronx and Manhattan from 1979 to 1995. She focused on prosecuting complex narcotics cases, driven in part by a desire to improve the quality of life in the neighborhoods where she grew up. Former Mayor Rudolph Giuliani appointed her a New York City Criminal Court Judge in 1995. Two years later, appointed by Gov. George Pataki, judge Irizarry



became the first Hispanic woman appointed to the New York State Court of Claims. This was followed by an appointment as the first Hispanic woman to sit in Kings County Supreme Court.

In 2002, she left the bench to run for New York state attorney general, challenging Democratic incumbent Eliot Spitzer and becoming the first Hispanic woman ever to run for statewide office. Then, after a brief stint in the law firm Hoguet Newman & Regal, LLP, President George W. Bush's appointment in 2004 made her the first Hispanic district judge to serve in the EDNY.

During her tenure on the federal bench, Judge Irizarry has presided over a broad swath of cases, including notable matters involving Islamist militants found guilty of planning to blow up New York City's John F. Kennedy International Airport by exploding fuel tanks and pipelines and a decades-old trademark dispute involving Brooklyn's famed Patsy's Pizzeria. These days, Judge Irizarry has her hands full with additional duties in her capacity as chief judge, a mantle she assumed in April 2016. Her rise coincided with an uptick in high-profile proceedings at the EDNY, including a large number of terrorism cases as well as alleged narco-trafficking matters (such as those involving Joaquin “El Chapo” Guzman and MS-

13), securities fraud matters (such as the Martin Shkreli case), and the challenges to the presidential executive orders banning travel to the United States from certain countries.

Judge Irizarry identifies the opportunity to swear in new U.S. citizens as a highlight of her role as district court judge, an enthusiasm she hopes to pass on to the young attorneys who train in her chambers.

“She insists that every clerk and intern in her chambers attend at least one new citizenship ceremony in the courthouse,” notes former law clerk David Chen, an associate county attorney for Westchester County. “I did, and can honestly say it was one of the more moving experiences of my life. More generally, Judge Irizarry is one of the most civic-minded persons I have met. She never forgets to thank jurors for their service and reminds her staff that jury duty and voting are rights for which Americans have fought and died.”

Her challenges include the imposition of criminal sentences, given the existence of lengthy mandatory minimum sentences for a variety of different crimes and the complexity of federal sentencing generally. She credits, in part, her time as a prosecutor and a state court judge for shaping her views on the criminal justice system. Judge Irizarry says that these experiences have helped her “appreciate and consider the defendants’ backgrounds in connection with sentencing.”

Aleah Borghard, a former law clerk and currently an SEC enforcement attorney, identifies Judge Irizarry’s unique capacity and willingness to consider criminal cases from all sides as one of her strengths.

“[Judge Irizarry] is not quick to predetermine outcomes and works hard to consider all of the information before her. I think the defendants before her really feel seen by her, which is extraordinarily rare, and it helps them understand that they are being treated justly,” says Borghard.

Perhaps for this reason, Judge Irizarry finds it especially gratifying to preside over a reentry court that offers an alternative to incarceration at sentencing for people driven to commit crimes as a result of addiction. Since 2005, Judge Irizarry has presided over the Supervision Treatment and Re-entry (STAR), which provides intensive post-conviction supervision to people whose crimes were motivated by addiction to make them productive members of society and reduce recidivism. Observers praise Judge Irizarry’s familiarity with each STAR program participant and her skillful deployment of praise, encouragement, and reprimands, where appropriate.

“I think that Judge Irizarry’s greatest strength as a judge is her compassion,” says Benjamin D. Battles, a solicitor general in the Vermont Attorney General’s Office and another former law clerk. “She never loses sight of the fact that the legal cases before her involve real people, many of whom have faced incredible hardships, whether they be victims of crimes, criminal defendants, or parties in civil disputes. This concern is most apparent in the individualized time and effort she puts into every

sentencing decision she has to make and her efforts, along with the late Judge Charles Sifton, to develop the EDNY’s ‘drug court’ program for defendants suffering with addiction.”

“Judge Irizarry has innumerable strengths as a judge, but I would say that her compassion and integrity set her apart from other judges,” agrees Kristin Pauley, another former law clerk and an SEC enforcement attorney.

Her compassion does not make her soft, however. This is, after all, a woman with a spine of steel honed in the South Bronx, which allowed her to hold her own as she investigated drug crimes fresh out of law school. On the bench, Judge Irizarry can be a formidable and even fierce presence.

“Judge Irizarry has a memory like a steel trap. During my tenure as one of her law clerks, she presided over three criminal trials,” recalls Chen. “I was constantly amazed at her ability to quote long portions of testimony verbatim, days after the witness had appeared.”

She has no patience for attorneys who disregard her individual practices and rules. Nor does she have qualms about going on the record to note her displeasure with practitioners who appear before her without adequate preparation or to present arguments she deems patently meritless. Litigants in her courtroom can expect the judge to cut through their canned statements with direct questions on issues of interest to the judge, and to enforce tight deadlines to retain momentum in ongoing matters. Her occasional severity is tempered, however, by a profound sense of humility and empathy.

Behind the scenes, Judge Irizarry roars and laughs with equal ease. She is a woman of faith, devoted to her son, father, sister, and the rest of her family members, many of whom still reside in Puerto Rico. Her devotion extends to her chambers family. She hires law clerks who can both withstand scathing debates as she explores the potential weaknesses of draft decisions or prepares for legal argument, and contribute to the daily banter around her lunch table on topics ranging from favorite recipes to least favorite constitutional amendments. As a group, her law clerks are fiercely loyal to Judge Irizarry and look forward to her annual clerkship reunion, which tends to feature her excellent homemade red velvet cake.

I served as a law clerk in Judge Irizarry’s chambers between 2009 and 2010, while pregnant with my first child. Judge Irizarry suggested the name that my husband and I selected for our son, and she was among a select few who came to see me in the hospital as I recovered. The following year, she attended my son’s first birthday party, and in the years since, she has visited my home for dinner and remains a close mentor and friend. My experience is not unique. When I reached out for impressions, I was flooded with appreciative emails from former law clerks recounting how Judge Irizarry faithfully supported them through both professional and personal milestones throughout the years.

“Judge Irizarry has been a wonderful friend and men-

tor over the years,” said Pauly. “I clerked for her during my first year after law school, and she has counseled me numerous times over the years about my career decisions and has been willing to help in any way she can to advance my career. She also flew to Chicago to speak at my wedding, which meant the world to me.”

“Before interning in her chambers after my first year of law school, I had never even worked in an office; all my prior work experience was in restaurants and on construction sites. She took me under her wing and encouraged me to take every opportunity I could to learn about the court, work on a variety of cases, and observe proceedings in front of other judges,” echoes Battles.

“Judge Irizarry affectionately refers to her clerk’s children as her grandclerks. She never forgets to ask how they are doing, or to fawn over their pictures. Her annual gathering of former clerks feels more like a big family reunion,” adds Chen. “Even now, nearly a decade after I clerked for her, Judge Irizarry never fails to send me a text message every Nov. 11 wishing me a happy Veterans Day. It is incredibly thoughtful and means the world to me—and is just one small example of how much she

cares about people.”

Judge Irizarry is keenly aware of her privileged position as a trailblazer for women of color. A dedicated mentor to students and attorneys alike, Judge Irizarry is an active member of many bar and judicial associations. Judge Irizarry has participated in many CLE programs as well as programs to foster diversity within the legal profession at all levels, particularly in the federal courts. She is a fellow of the New York State Bar Foundation and was president of the Association of Hispanic Judges from 1997 to 2002. She also has served on the Eastern District’s Criminal Justice Act Panel Committee, where she spearheaded the implementation of a mentoring program to increase the diversity of qualified applicants to the Criminal Justice Act Panel.

“Diversity matters,” she asserts. “It matters to our communities. It matters to the litigant who comes to court full of fear and anxiety and is immediately comforted by seeing someone who looks like her. I am living proof that others like me of color who grew up poor can achieve their dreams.” ☉

At Sidebar *continued from page 6*

Greens MHP, L.P. v. Comcast SCH Holdings LLC, 374 F.3d 1020, 1022 (11th Cir. 2004); *Handelsman v. Bedford Village Assocs. Ltd. P’ship*, 213 F.3d 48, 51 (2d Cir. 2000); *Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998).

²⁷“The concepts of subject-matter and personal jurisdiction . . . serve different purposes, and these purposes affect the legal character of the two requirements.” *Tennessee Ins. Guar. Ass’n v. Penguin Random House, LLC*, 271 F. Supp. 3d 959, 965 (M.D. Tenn. 2017) (citation omitted); *Mountain Funding, LLC v. Blackwater Crossing, LLC*, 2006 WL 1582403, at *3 (W.D.N.C. June 5, 2006) (“The practice of disregarding [an unincorporated association] as an entity and looking to the citizenship of its members is only used to determine whether a court has diversity for subject matter jurisdiction.... This principle has not been applied to personal jurisdiction, which presents distinct due process issues.”). Different considerations are implicated in assessing subject matter jurisdiction versus personal jurisdiction. Subject matter jurisdiction restricts federal power and implicates considerations under Article III while personal jurisdiction flows from the Due Process Clause and is a matter of individual liberty. *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702, 102 S. Ct. 2099, 2104, 72 L.Ed.2d 492 (1982).

²⁸134 S. Ct. 746, 754, 187 L.Ed.2d 624 (2014) (looking to the unincorporated entity’s states of formation and principal place of business, as done for corporations, to assess general jurisdiction).

²⁹See, e.g., *Shell Rocky Mountain Prod., LLC v. Ultra Res., Inc.*, 415 F.3d 1158, 1162 (10th Cir. 2005) (finding a Delaware limited liability company with its principal place of business in, Texas to be a citizen of both Delaware and Texas); *Duncanson v. Wine & Canvas IP Holdings LLC*, 2017 WL 6994541, at *2 (S.D. Ind. Apr. 20, 2017) (exercising personal jurisdiction over LLCs by finding it “at home” in its state of incorporation); *Finn v. Great Plains Lending, LLC*,

2016 WL 705242 at *3 n.3 (E.D. Pa. Feb. 23, 2016) (considering unincorporated entity’s state of formation and principal place of business in personal jurisdiction analysis); *Allen v. IM Solutions, LLC*, 83 F. Supp. 3d 1196, 1203-04 (E.D. Okla. 2015) (applying Daimler and Goodyear to find that an LLC was at home for general jurisdictional purposes in the state of its organization and the state where it has its principal place of business).

³⁰*Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006); *General Tech. Applications, Inc. v. Exro Ltda*, 388 F.3d 114, 121 (4th Cir. 2004); *GMAC Commercial Credit LLC v. Dillard Dep’t Stores, Inc.*, 357 F.3d 827, 828 (8th Cir. 2004); *Rolling Greens MHP v. Comcast SCH Holdings*, 374 F.3d 1020, 1022 (11th Cir. 2004); *Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003); *Handelsman v. Bedford Village Assoc. Ltd. P’ship*, 213 F.3d 48, 51 52 (2d Cir. 2000); *Allen v. IM Sols., LLC*, 83 F.Supp.3d 1196, 1204 (E.D. Okla. 2015).