



John Cooke

Director, Federal Judicial Center

by Paul Vamvas



Paul Vamvas, J.D., LL.M., retired recently after 19 years at the Federal Judicial Center, the education and research arm of the federal courts.

The federal judiciary apparently owes actor Raymond Burr another debt of gratitude. When asked why she became a lawyer, Supreme Court Justice Sonia Sotomayor famously answered, to the surprise of no baby boomer, “Perry Mason.” That 1950s television lawyer, played by Burr, is the same answer the newly appointed director of the Federal Judicial Center (FJC), John Cooke, gives when asked why he went into the law. At least, he said, that was the original motivation. “And then growing up, I mean I grew up in the ’50s and ’60s when the civil rights movement was obviously a big thing and the power of the law, which had in effect been used to hold people down, was now being used to provide people with liberties and protections that everybody should have. That’s a kind of idealistic thing, but that is part of it.”

Cooke’s appointment marks only the second time in the 50-year history of the FJC that a director is not an Article III judge. Cooke, who has spent 20 years with the FJC, was first hired as the director of the then Judicial Education Division. Cooke later became the head of the combined Education Division for judges and court staff and then served 13 years as the agency’s deputy director. Although his appointment is a departure from the history of appointing Article III judges to the position of director, Cooke is not concerned.

“First of all, I am just as honored as I can be that the board put that trust in me and was willing to appoint a non-Article III judge. Where it is liable to have some impact is that occasionally there are matters that involve a pretty in-depth, down-in-the-weeds experience in what goes on in certain types of litigation that I don’t have. And I recognize that, and I will need to reach out and tap into people who have that if it is going to influence some decision or some program that the Center is putting on. But I am aware of that and I think I can work through it.”

If that answer suggests that Cooke is a stranger to litigation or judging or the intricacies of the law, that conclusion would be incorrect. Prior to joining the FJC, Cooke served 26 years in the U.S. Army Judge Advocate General’s (JAG) Corps, reaching the rank of



brigadier general. Why the Army JAG Corps after law school? His answer is as terse as to why he went into the law: “The draft.”

Cooke described his time in the Army as very different than what he expected. “It was very different than the image I had of the Army. In my first assignment, I was a defense counsel and then a prosecutor, and I got to work with really just some superb lawyers. All of us were brand new to the Army. We all joined essentially because of the draft. Most of us weren’t gung-ho. There was a certain, I would say, ‘M*A*S*H’-like atmosphere. Our haircuts probably didn’t conform strictly to the regulations and things like that. But the professionalism of how we tried the cases was all there, and I realized that these were good people. These are people who are doing something because they think it is important for our country. So I did the unthinkable and decided to stay in. I was in three years, and I decided to stay another three and that became another three, and another three and it all added up to 26.”

While Cooke makes it sound like a series of fairly casual career decisions, former JAG colleagues paint a picture of Cooke that was anything but. William Suter, who retired from the JAG Corps as a major general and later served as clerk of the U.S. Supreme Court,

knew Cooke for most of his Army career. “As a relatively junior officer, John had compiled a remarkable record as a JAG officer. He was the best teacher at the JAG school and had the practical trial experience to make criminal law a reality to his students.”

When Suter was the head of JAG personnel, Cooke told him he was thinking of leaving the service. “He wanted to be a judge but he had many opportunities in the private sector.” Suter knew that Cooke had been selected for promotion to major from “below the zone,” essentially ahead of his peers because of his excellence, but could not tell Cooke because the list had not yet been published. Luckily for the JAG Corps, said Suter, Cooke decided to stay in and learned of his promotion soon after reporting to Germany for duty as a military judge. Suter said Cooke’s promotions to lieutenant colonel and colonel also came quickly, and his selection for brigadier general was no surprise. “He deserved it,” said Suter.

Cooke is a little more humble about that final step. “As I used to say, you have to be pretty good and darned lucky to get there. And when I got picked there were at least a dozen or more contemporaries of mine that the board just as easily could have picked and no one would have batted an eye.”

Comparing working in the Army and in the federal courts, Cooke said there are some differences, but not as many as one might think. “There is a different structure and some different rules and a different culture between the military and the federal judiciary, and the FJC within the judiciary. You certainly have to adapt to that and respect that.” But he thinks the fundamentals are the same. “It’s taking care of people, making sure they have the guidance and resources they need to move in the right direction, helping them when they need it, protecting them when they need protection, and so that is the same everywhere.”

People who worked with Cooke at the FJC said they saw those sentiments reflected in how Cooke functioned at the Center. Russell Wheeler, who preceded Cooke as deputy director, said he remembers their work together not so much in terms of incidents or anecdotes but rather in how Cooke did his job on a daily basis. “He stands out as one with a deep reserve of character, always dependable, with a steady strain on the line and a sincere caring for the well-being of his colleagues, those serving under him and those to whom he reports.” Judge Barbara Rothstein, who served as FJC director from 2002 to 2010, counts herself fortunate for having been able to work with Cooke. “I arrived as a new director of the Federal Judicial Center knowing very little about the internal working and organization of the Center. John provided information in a gentle and unobtrusive manner, which I came to realize was his hallmark.” And Judge Jeremy Fogel, who succeeded Rothstein as director, thinks the quality of Cooke’s management stems from the breadth of his abilities. “There are many different kinds of intelligence,” said Fogel. “The legal profession tends to value a particular kind of cognitive intelligence reflected in

logical reasoning. But good managers need an understanding of organizational dynamics and an awareness of why people feel and see things the way they do. And strong personal relationships are grounded in emotional intelligence, the ability to empathize with others and find ways to care about them effectively. Perhaps more than anyone else with whom I’ve ever worked, John is gifted in all three of these areas.”

Cooke uses those gifts to pursue his agency’s mission. He believes the FJC is a unique institution making an important contribution to the federal courts. “One of the most valuable functions the Center performs is a sort of meeting place, a collection point for good ideas, a place where good ideas can be shared, where we can look at things we do in a nonthreatening way. We look at them in an objective way and ask is this the best way?”

Cooke emphasized that among the FJC’s most important attributes in doing that work is its independence. “We have no authority to tell anybody to do anything. Our job is simply to provide the best information and resources that we can to the courts, and being independent allows us to do that without having a vested interest in any particular approach or policy that might exist. The judges and the people in the courts and the Judicial Conference all know we are not trying to put a thumb on the scales one way or the other.”

Although he said his “pole star” in making decisions as the agency’s new director will be to do his part in preserving and fostering the integrity, relevance, and rigor of the courts’ work, there are some specific issues he thinks will occupy much of his time as director. Two of these are cybersecurity and ensuring that the courts are a truly exemplary workplace. He notes that the Center has already started working on both those issues. But Cooke thinks there are bigger questions that the federal courts, among others, must address as well.

“I have said elsewhere that I think a larger challenge that faces us as a society is the diminishing public trust and confidence in institutions generally. That affects the courts in a special way. Deservedly the courts usually fare better in surveys and polls than other agencies. But even the courts, if you look at overall trends, it’s not moving in a favorable direction. I think we ignore that at our peril. So one of the things I want to encourage, not that the Center or the courts are going to solve that problem, but to encourage the courts, with our assistance, to do that kind of introspection, and hopefully serve the public as well as we can and be seen as doing that.”

That perspective and his new job as agency director suggest that Cooke is firmly focused on the future. But when he thinks back on how he got to this point in his career, what comes to mind?

“Just how lucky I have been to have the two careers and the great jobs that I have had. I feel extraordinarily fortunate. I am proud to have served our country. My career is now in its fifth decade and I look forward to keep doing it.” ☺