

NORMA LEVY SHAPIRO

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This issue of the *University of Pennsylvania Law Review* is dedicated to Judge Shapiro on the occasion of her twenty-fifth year on the federal bench. Why Judge Shapiro? Is it that she is the first woman to sit in the Third Circuit, that she was the first woman part-time partner at a major Philadelphia law firm, that she was the first woman to serve as a law clerk on the Pennsylvania Supreme Court and the first woman to chair the Board of Governors of the Philadelphia Bar Association? Is it that Judge Shapiro chaired the Women's Rights Committee of the Pennsylvania Bar Association and the American Bar Association (ABA) Conference of Federal Trial Judges, probably the first woman to hold the latter position? Is it because, besides all these activities, she was chair of the ABA Judicial Division, served as a member of the ABA Standing Committee on Judicial Independence, and just recently was nominated Judicial Division representative to the ABA Board of Governors? Granted these are all significant contributions to the law by a member of the legal community, but surely alone they did not trigger the publication of this tribute.

Perhaps this tribute was occasioned by her beyond-the-law activities. The list of her community contributions is long. Among other accomplishments, Judge Shapiro was President of the Lower Merion Board of School Directors and President of the Board of Trustees of the Jewish Publication Society, Vice-President of the Jewish Community Relations Council of Philadelphia, and a member of the Board of Overseers of the University of Pennsylvania Law School. Yet I doubt that even these impressive additions to her legal work prompted this tribute.

I submit that Judge Shapiro is receiving this recognition because so many legal professionals in this city simply adore her in a way that goes beyond respect and admiration. I will try to shed some light on this phenomenon.

In 1978, the loud buzz around the legal community was all about President Carter's appointment of a woman to the federal bench, and

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a Republican no less. Those of us close to Judge Shapiro knew coming with the glory of this honor were hundreds of “dogs” dumped on her lap by her new colleagues as soon as she arrived at Sixth and Market Streets. “Dogs” are loosely defined as cases that are very old, or cases where the lawyers do not get along with one another, or cases where the trial is expected to last a month or longer. (Thereafter, Judge Shapiro saw to it that this lovely little tradition changed, and now when a new judge comes on board, cases are randomly reassigned on the wheel.) Not only was Judge Shapiro faced with all the burdens of having “first woman” status, but at the same time, she had to deal with a crushing caseload. And there were further challenges: lawyers calling her “Sir,” whispering that they couldn’t argue too hard or “she’ll cry” and, at the same time, cringing because she overruled one of their objections.

Judge Shapiro dealt with these problems in her usual style. She transformed her frustration into overwhelming warmth and generosity toward her colleagues. She began to treat the other judges with her usual gusto. Every year, every birthday of every colleague, was celebrated in the judges’ luncheon with their new mother hen. Judge Shapiro would, and still does, purchase an extravagant birthday cake, sufficient to feed the entire bench, compose a suitable ditty set to a popular tune, and then insist upon singing the song herself, completely off-key, to all of those gathered for the celebration. Until taking senior status, Judge Shapiro capped her performance with a specially selected present for each judge. There she was, in her own way, dealing with her environment through genuine camaraderie. When I arrived on the bench fifteen years later, it was clear that so many of her initially skeptical colleagues now absolutely adored “their Norma.”

This private persona, known to all her friends and fellow judges as solicitous, warmhearted, “feminine” Judge Shapiro, is at odds with her public persona. Everyone knows Judge Shapiro. Whenever I identify myself as a judge on the Eastern District of Pennsylvania, I receive the immediate response, “Oh, Norma Shapiro’s bench.” As for this public persona, let me give you an example. Judge Shapiro has presided over many cases involving the sport of boxing. In one of these cases, she had occasion to come into contact with a well-known boxing promoter. The promoter is known for his eagerness to opine about upcoming fights, but Judge Shapiro imposed a gag order in the case. In a videotape of a television interview of the promoter played for all the judges at one of our conferences, we heard him telling the

reporter that he absolutely could not say one word about the upcoming fight. He explained that he was under a court order not to discuss the fights, saying, "What Judge Norma wants, Judge Norma gets." Thereafter, one of our colleagues said to me regarding the only two women on the bench, "You know, Anita, the bar thinks that Norma is the toughie, and that you are just so very sweet. The truth is just the reverse." I am unwilling to concede that I am not sweet, but what is absolutely a fact is that Judge Shapiro is just that—a softie with a thin skin. She is the embodiment of all of those hearts that she sends to every chambers on Valentine's Day. However, if "tough" means clear-sighted, outspoken, and calling it as she sees it, then she is tough as well.

These traits are often manifested in our judges' meetings. Judge Shapiro will never compromise on her core convictions, even when others have no time to listen. As head of the court's jury-utilization committee, she is always there to protect the interests of the jurors who give their valuable time to serve their community and their country. But firm as she can be, there is her leavening sense of humor and an ability to laugh at herself when dealing with her colleagues. I recall the time that one of our judges, who might see matters slightly differently from Judge Shapiro, became ill and some of his cases were transferred to Judge Shapiro. Hearing this, Judge Shapiro volunteered that she had found a fool-proof way to make him better: let him know that some of his more controversial cases had been transferred to her.

Not only does Judge Shapiro have a special relationship with her colleagues, but she also has a special, loving relationship with her court staff. No one else is more adored by staff than Judge Shapiro. She includes them in all her overflowing activities and shows them respect and deep affection. As Judge Shapiro caters to their needs, so do they cater to hers. She and her law clerks have a lifelong relationship. Judge Shapiro is forever "their judge." They keep in contact with Judge Shapiro, and on the occasion of her twenty-fifth anniversary on the bench, it was they, of course, who arranged that her portrait be painted and displayed prominently in the courthouse.

Judge Shapiro nurtures her friendships with the same intensity that she pursues her other endeavors. Beginning from early childhood and continuing to this day, as Judge Shapiro rides life, she gathers friends to join her on board. She is forever intensely loyal to each one of them. We hear about her elementary school friend whom she runs to visit in New York City, how she flies to California for the wedding anniversary of her buddy from law school, and how she drives a long

distance to the wedding of a son of a post-graduate friend she met while spending a year in Norway. Judge Shapiro and I have been friends for forty years, and I am a newcomer.¹ I remember being a recipient of her attention. I had already been admitted to the bar in two states but, after leaving the law when my children were young, I needed to pass the Pennsylvania Bar exam to practice here. I recall the first day of the bar review course when the first order of business was to announce that “Mrs. Brody” was to come up to the podium immediately. I assumed I had failed to pay the entire tuition. You can imagine how surprised I was to learn that the then-“Mrs. Shapiro” had instructed the lecturer to take care of me because she thought I might be scared after having been away from the law. The lecturer just wanted to reassure me that I would do just fine.

Judge Shapiro’s best qualities as a judge, citizen, colleague, mentor, and friend are all collected in her most central commitment—her family. When it comes to them, nothing is ever too much. Those who know Judge Shapiro see her as a model for grand parenting: for instance, she is often seen with her grandchildren at the Philadelphia Orchestra’s Sound All Around or Family Concert. Since she has become a senior judge, I have often called her chambers and learned that she had left to pick up a grandchild. From her children’s perspective, the most important job for Grandma, the federal judge, is to be perpetually available for baby-sitting!

Recently Judge Shapiro has had to cope with some perambulation challenges. But don’t think this has slowed her down one bit. She handles these new challenges with her usual aplomb. Last spring, she and I attended the American Law Institute meeting in Chicago. I looked on in utter amazement as she maneuvered the travails of her travel by wheelchair. She tolerates being scanned from head to foot by a stranger in the airport, without uttering a word of displeasure. She is constantly on the go, clocking the air miles like a corporate CEO. Walking may be convenient, but hardly essential, so long as her ability to speak is not challenged.²

Fortunately, Judge Shapiro’s achievements have not gone

¹ We met through a mutual friend who insisted that we get together because “you two are the only women lawyers in the Philadelphia area who are also home with young children.” Although perhaps not factually accurate, we did meet.

² I can recall when she first acquired her motor scooter that she uses to maneuver around the courthouse. She seemed so happy with it that every one of us yearned for the right to try to tootle around too. In the best Tom Sawyer tradition, you can imagine the scene with all the judges vying for their turn to ride around the lunchroom on Judge Shapiro’s scooter.

unrecognized. Besides being a Distinguished Daughter of Pennsylvania, and a recipient of the ABA Meador-Rosenberg Award and the National Association of Women Judges' Excellence in Service Award, she has been honored with the Margaret Brent Women Lawyers of Achievement Award given by the ABA Commission on Women in the Profession and received the first Philadelphia Bar Association Sandra Day O'Connor Award. In addition, she has received the Federal Bar Association Bill of Rights Award and the University of Pennsylvania Law Alumni Society Distinguished Service Award. Her recognition dates back to her membership in the Cheltenham High School Hall of Fame.

Judge Shapiro is gentle and tough, forbearing and brave, gregarious and principled, modest and ambitious, domestic and professional, and carefree and demanding. But beyond combining all of these incompatibilities, there is an animating spirit that places Norma Shapiro into a category of her own—a gift to all who know her.

I appreciate the opportunity that the *University of Pennsylvania Law Review* has given me to write about my wonderful friend, Judge Shapiro.

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