

# THE HONORABLE NORMA L. SHAPIRO

by Daniel Simon, Esquire  
(Law Clerk to Honorable Norma L. Shapiro 1993-1994)

My fondest recollection of my year with the Judge is not the most cheerful moment in chambers, but one of the darker moments. For me, it is also the most significant one where the Judge's character most clearly rose to the occasion in trying times.

I think it was in the early summer of my clerkship in 1994 that the prison cap case had one of its occasional blow-ups in the press. I don't know how it ranked against the other blow-ups, but it seemed pretty ugly to me. A substantial portion of the public was outraged at the Judge who, according to press reports which made little effort to get things right, was letting criminals loose on the streets. Certain elected officials, who must have known better, railed against the Judge for enforcing the prison cap consent decree that she was obligated to oversee. One of them, if I recall correctly, questioned the Judge's competency to sit on the bench, though not in such fine terms. Some people sent hate mail or called chambers calling the Judge a disgrace, and a few issued death threats.

It was a difficult time for everyone in chambers. For security reasons, deliveries were dropped off in the hallway. The media seemed to be doing everything they could to sensationalize the story while the Judge held to her policy of not commenting on a case currently under her review. While the uproar had no apparent effect on her work, it still took its toll, and seemed to me that the Judge's typically boundless energy had flagged a bit-though as usual I still had a hard time keeping up with her!

But even though she seemed wearied by the controversy, the Judge never wavered, never backed off from her duty, never yielded to the press, the politicians, or the vocal but uninformed portion of the public. She followed the law, and she knew what she was doing was right. And I realized during those weeks -and I hope I said this to her at the time, though I'm not sure whether I did -that the Judge was the essence of Article III in action. It was for this kind of situation that the Framers created an independent federal judiciary which enabled people of integrity to do the right thing and follow the law. It's not every day that one gets to see one of the great founding principles of our nation acted out in person.

I also saw that having Jefferson, Hamilton, and Madison on your side was not enough. It also took courage and commitment to wield those tools and weather the considerable adversity that accompanied the conflict. While it is no surprise to anyone who knew the Judge that she never lacked in courage and commitment, I feel proud to have served when she put those traits to use during that challenging but remarkable time, showing that a person with the right qualities can make the judicial system work the way it should even in the most difficult of circumstances. Fortunately for us, her character and spirit would allow nothing less.