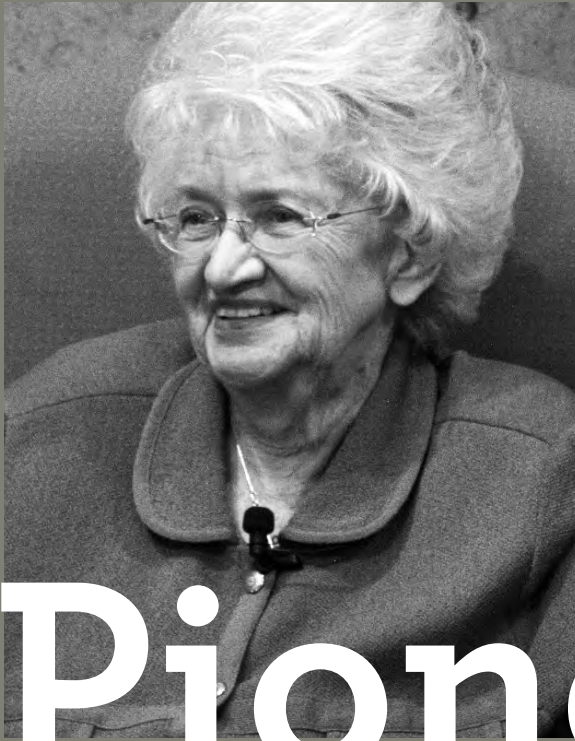


**ELLEN BREE BURNS**U.S. DISTRICT COURT JUDGE,  
DISTRICT OF CONNECTICUT**JOAN GLAZER MARGOLIS**U.S. MAGISTRATE JUDGE,  
DISTRICT OF CONNECTICUT

# Pioneer Women

by Sarah A.L. Merriam

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## JUDICATURE

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**It is no accident that she was appointed by governors of both parties; Judge Burns epitomized independence on the bench.**

**A**s an attorney practicing law in, and then a magistrate judge serving on the bench of, the District of Connecticut, I have had the good fortune to learn from many wonderful jurists. I have had many friends and mentors who have shaped my career. But there can be no mistaking the singular importance to me and countless others of two pioneers of this court: United States District Judge Ellen Bree Burns and United States Magistrate Judge Joan Glazer Margolis.

Ellen Burns graduated from Yale Law School in 1947 — a full 21 years before Yale College admitted its first female undergraduate. (Women were officially admitted to the Law School beginning in 1919, but their numbers were sparse.) She served as the director of legislative services in the legislative commissioner's office of the state legislature, shaping the Connecticut General Statutes, until 1973, when Gov. Thomas J. Meskill, Jr., a Republican, appointed her to the Circuit Court. The tale of that appointment is the stuff of legend. Apparently, when Judge Burns got the news that she had been selected, she politely declined the offer to join the bench. She liked what she was doing, hadn't applied to be a judge, and simply wasn't interested. Gov. Meskill, upon hearing of this turn of events, called Judge Burns directly. Having clerked for Gov. Meskill myself, in his later career as a judge on the Second Circuit Court of Appeals, I can vouch for his charm and people skills, and likely so

can Judge Burns. This time, when asked, she accepted. And so began a distinguished judicial career.

In 1974, Gov. Meskill elevated Judge Burns to the Court of Common Pleas. Just two years later, Gov. Ella T. Grasso, a Democrat — and the first woman to be elected governor of an American state — appointed Judge Burns to the Superior Court, making her the first female judge of the Connecticut Superior Court. It is no accident that she was appointed by governors of both parties; Judge Burns epitomized independence on the bench.

In 1978, Judge Burns attained another "first" when she was appointed by President Jimmy Carter to the District of Connecticut bench, becoming the first female district judge in Connecticut. (I was a first-grader in the New Haven Public School system in 1978, and although I did not know it at the time, I am sure that the presence of strong female jurists on the federal bench in my own hometown throughout my life instilled in me the unconscious knowledge that this was something women could do.)

Shortly after her appointment, Judge Burns began conducting interviews for her first crop of law clerks. Among the interviewees was a third-year law student at the University of Connecticut School of Law, Joan Glazer Margolis.

Judge Margolis describes her first meeting with Judge Burns in poetic terms. Joanie, as she was then known, went to the Hartford Superior Court

building to meet Judge Burns. As she waited in the lobby, she became concerned that she would not recognize the Judge, having never met her in person. She approached a marshal, and asked what Judge Burns looked like. His response? "She looks like a judge." Time passed. Joanie was still nervous she might miss the judge, so she asked another marshal, "What does Judge Burns look like?" "Don't worry," he said. "She looks like a judge." And sure enough, when Judge Burns came through the lobby, Joanie knew immediately that was The Judge. The young attorney Margolis began her clerkship with Judge Burns that fall in the District of Connecticut.

After two years of clerking — years that Judge Margolis fondly recalls as the happiest of her professional life — Margolis went into private practice in New Haven. But just five years later, in 1985, she was back in the District Court, as her own first. On Feb. 4, 1985, Judge Margolis became the first woman to be sworn in as a United States magistrate in the district. (At that time, the title was "magistrate." In the Judicial Improvements Act of 1990, the title was officially changed to "Magistrate Judge.") She was only 31 years old.

By 1993, Judge Margolis had moved her chambers to the New Haven courthouse where she had clerked 15 years earlier, and where Judge Burns sat. Indeed, they were housed in such close proximity that, had Judge Margolis stomped on the floor of her office, she ▶

would have shaken the light fixtures over Judge Burns' desk. These two great friends were reunited, and served the district together for more than two decades.

Over the years, Judge Burns continued to build her judicial reputation. She served as chief judge of the district from 1988 through 1992, when she took "senior" status on the bench. Senior she may have been, but Judge Burns did not miss a beat. As a lawyer appearing before her, first in private practice and then as a federal defender, I knew I had to be on my game, because any exagger-

ing by complimenting the court staff and by wishing everyone a very pleasant day. And she meant it!

Judge Margolis never loses her cool. Never. I asked her recently if she had ever gotten truly angry on the bench. She thought back over 33 years on the bench, and she could only come up with two instances of what *she* considered getting angry. She told me both stories. And I can attest that in both of these unusual instances, she still kept her judicial temperament intact.

Thanks in part to her tremendous patience, Judge Margolis has

ingness to just *listen* — is remarkable. Judge Margolis is unfailingly patient and kind. She treats every person with the utmost respect, and she ensures that every litigant is *heard*.

For many years, Judge Margolis was the sole magistrate judge in the New Haven courthouse. New Haven was also the headquarters of the United States Attorney's Office. The volume of criminal work was crushing. At the same time that she managed this never-ending flow of warrants and complaints and presentments, and of course kept busy settling hotly contested cases, Judge Margolis was wrangling the ever-expanding civil docket. In particular, Judge Margolis has become our resident expert on Social Security disability appeals. She tracks the trends in filing and provides invaluable advice on managing the sometimes unwieldy Social Security docket while ensuring that every single case before her gets the intensive, individualized review it requires.

And while serving the court and the people so admirably, Judge Margolis has nurtured and built another remarkable career, as a wife, mother, and grandmother. Judge Margolis married her sweetheart, Stuart, while they were still in college, and they attended law school together. (They have known each other longer than I have been alive!) Anyone who shares a meal or an afternoon with the two of them can attest that they are still very much in love. Shortly after "Joan" became "Judge Margolis," she acquired another title: Mom. Her two sons, now both adults, are her pride and joy. They are both accomplished and impressive young men, and the family is close-knit. And when Judge Margolis learned she was about to become a grandmother last year, she positively glowed. Her grandson is, I have it on her authority, the smartest, cutest, most well-behaved infant on the planet. His

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ation or lazy language would be caught, and I'd hear about it. She ran a tight ship and was tough when she was on the bench. But at the same time, many of our conferences were held in chambers, where one of her loyal, friendly, and inevitably treat-seeking retrievers would visit with the parties while we argued our cases.

One of the most notable things about Judge Burns was that no matter what had happened in court, at the end of the proceeding, she wished everyone a pleasant day, or a good evening, and she meant it. Judge Margolis, whether by osmosis or temperament, developed the same habit. I appeared in front of Judge Margolis innumerable times, and every single time, she concluded the proceed-

ing by complimenting the court staff and by wishing everyone a very pleasant day. She has guided parties in literally thousands of cases to mutually agreeable resolutions over the years, from consumer matters involving a few thousand dollars to patent disputes, devastating personal injury and wrongful death claims, and corporate battles resulting in multi-million dollar payments.

When I was appointed to the bench, I sat in on settlement conferences with my new colleagues. I suppose I thought that by watching Judge Margolis work her magic, I could learn to do what she does. Or maybe I simply hoped to absorb her gift. But I have come to understand just how difficult it is, and that her greatest gift — her ability and will-

arrival has rendered her giddy with grandmotherly love; it is a joy to watch.

Judge Margolis credits Judge Burns with teaching her to effectively balance her roles as judge, wife, and mother. Judge Burns is the mother of three beloved children, and as a law clerk, Judge Margolis marveled at how Judge Burns always managed to attend her kids' basketball games and school events. Judge Burns' ability to serve as a judge while still being a present and involved mother inspired Judge Margolis, who similarly ensured that she was there for her sons' big moments. And Judge Margolis has paid that lesson forward by ensuring that her law clerks and court staff understand the importance of meeting family responsibilities while pursuing the work of the court.

As Judge Burns encouraged and inspired Judge Margolis, they both have encouraged and inspired me and many other women. Judge Burns was, in fact, one of the first people to encourage me to apply for my current position. Because the active district judges are the decision-makers for the hiring of new magistrate judges, I did not think it was appropriate to talk with any of them about the position. But I did speak with Judge Burns, who was a senior judge by that time. I told her I was considering applying for the position. She encouraged me to do so. But a question nagged at me: What if I don't enjoy it? What if I am not good at it? The response to my query was classic Judge Burns: "If you don't like it, you can go do something else!" She then proceeded to tell me the story of how then-Governor Meskill had needed to cajole her into becoming a judge, some 40 years earlier, and how glad she was that she had decided to say yes.

So I applied, and I was selected for the position. I was excited, and not at all nervous. Until the retirement celebration for my predecessor. As the speakers

described her many attributes, one said: "Her greatest attribute as a judge is that she is completely unflappable." And in that moment, I panicked. For the first time, I was terrified. I leaned over to the friend who was standing next to me and muttered under my breath: "But I am flappable! I am totally flappable!" I must have looked as scared as I felt, because in a flash, an arm was around my shoulders. It was Judge Margolis, who had been standing nearby. She gave me a sideways hug and said, quietly: "You will be great, and in 20 years someone will be standing up there saying wonderful things about you. You. Will. Be. Great." It still brings tears to my eyes to remember that moment. She reassured me in that moment of panic, and she has been there for me ever since.

For the past three and half years, Judge Margolis has continued to support and mentor me. Until April of this year, when she took senior status, her office was right next door to mine, and in my first few months I must have been over there almost daily, venting, questioning, and seeking answers. Every time, she patiently listened, and offered calming, sage advice. Every time, I left feeling understood, and heard, and supported. Sometimes she was able to share the wisdom she has acquired over 33 years on the bench. Often she could point me to a particular case that might offer guidance. And always she gave of her time and energy willingly — even though I know she had a million other things to do. I will forever be grateful to her.

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In April, Judge Margolis took senior status, preparing to shift her focus from judicial endeavors to grandmotherly ones. But she is not gone. She continues to serve the court as a recalled magistrate judge, handling settlement conferences in her patient way. She has

a new office, just 50 feet down the hall from me still, and is in the building regularly. I know she will continue to be nearby, and available by phone and email. But not having her here every day is a great loss to me, personally and as a judge, and to the district. It is thanks to great women like Judge Margolis and her mentor, Judge Burns, that I am able to serve in this position. They blazed the trail for the rest of us, and they did so with tremendous grace and wisdom.

I will leave you with this parting bit of wisdom from Judge Margolis. When I asked her about her approach to settlement, and how she stays so calm in the midst of so much emotion, she said: "I figure, the last thing anyone needs is another angry person in the room." Anyone who has participated in mediation in any role will see the great wisdom of that simple approach.

Thank you, Judge Burns and Judge Margolis.



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was previously an Assistant Federal Defender, an associate at the law firm of Cowdery, Ecker & Murphy in Hartford, a law clerk to Judge Thomas Meskill of the U.S. Court of Appeals for the Second Circuit, and a law clerk to Judge Alvin W. Thompson of the U.S. District Court for the District of Connecticut. She holds a bachelor's degree from Georgetown University, a law degree from Yale University, and a master of judicial studies degree from Duke Law School.