

**NEW YORK AMERICAN INN OF COURT**

**HISTORICAL TRIAL TEAM**

November 13, 2019

**THE SENATE IMPEACHMENT TRIAL OF ANDREW JOHNSON**

Timed Outline

- I. Introduction – 5 minutes
- II. The Senate Impeachment Trial of Andrew Johnson
  - A. The House Managers’ Case – 15 minutes
  - B. The President’s Defense Case – 10 minutes
  - C. Closing Arguments and Deliberations – 10 minutes
  - D. Verdict and aftermath – 5 minutes
- III. CLE Presentation and Questions – 15 minutes

## THE ARTICLES OF IMPEACHMENT AGAINST ANDREW JOHNSON

*ARTICLE 1.* That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord, 1868, at Washington, in the District of Columbia, unmindful of the high duties of his oath of office and of the requirements of the Constitution, that he should take care that the laws be faithfully executed, did unlawfully, in violation of the Constitution and laws of the United States, issue an order in writing for the removal of Edwin M. Stanton from the office of Secretary of the Department of War, said Edwin M. Stanton having been, therefor, duly appointed and commissioned by and with the advice and consent of the Senate of the United States as such Secretary; and said Andrew Johnson, President of the United States, on the 12th day of August, in the year of our Lord 1867, and during the recess of said Senate, having suspended by his order Edwin M. Stanton from said office, and within twenty days after the first day of the next meeting of said Senate, on the 12th day of December, in the year last aforesaid, having reported to said Senate such suspension, with the evidence and reasons for his action in the case, and the name of the person designated to perform the duties of such office temporarily, until the next meeting of the Senate, and said Senate thereafter, on the 13th day of January, in the year of our Lord 1868, having duly considered the evidence and reasons reported by said Andrew Johnson for said suspension, did refuse to concur in said suspension; whereby and by force of the provisions of an act entitled “an act regulating the tenure of civil officer,” passed March 2, 1867, said Edwin M. Stanton did forthwith resume the functions of his office, whereof the said Andrew Johnson had then and there notice, and the said Edwin M. Stanton, by reason of the premises, on said 21st day of February, was lawfully entitled to hold said office of Secretary for the Department of War, which said order for the removal of said Edwin M. Stanton is, in substance, as follows, that is to say:

*Executive Mansion, Washington, D.C., Feb. 21, 1868.*

*Sir: By virtue of the power and authority vested in me, as President, by the Constitution and laws of the United States, you are hereby removed from the office of Secretary for the Department of War and your functions as such will terminate upon receipt of their communication. You will transfer to Brevet Major-General L. Thomas, Adjutant-General of the Army, who has this day been authorized and empowered to act as Secretary of War ad interim, all books, paper and other public property now in your custody and charge. Respectfully, yours,*

*Andrew Johnson.*

*To the Hon. E. M. Stanton, Secretary of War*

Which order was unlawfully issued, and with intent then are there to violate the act entitled “An act regulating the tenure of certain civil office,” passed March 2, 1867, and contrary to the provisions of said act, and in violation thereof, and contrary to the provisions of the Constitution of the United States, and without the advice and consent of the Senate of the United States, the said Senate then and there being in session, to remove said E. M. Stanton from the office of Secretary for the Department of War, whereby said Andrew Johnson, President of the United States, did then and there commit, and was guilty of a high misdemeanor in office.

*ARTICLE 2.* That on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled “An act regulating the tenure of certain civil office,” passed March 2, 1867, without the advice and consent of the Senate, then and there being in session, and without authority of law, did appoint one L. Thomas to be Secretary of War *ad interim*, by issuing to said Lorenzo Thomas a letter of authority, in substance as follows, that is to say:

*Executive Mansion, Washington, D.C., Feb. 21, 1868.*

*Sir: The Hon. Edwin M. Stanton having been this day removed from office as Secretary of the Department of War, you are hereby authorized and empowered to act as Secretary of War ad interim, and will immediately enter upon the discharge of the duties pertaining to that office. Mr. Stanton has been instructed to transfer to you all the records, books, papers and other public property now in his custody and charge. Respectfully yours,*

*Andrew Johnson.*

*To Brevet Major-General Lorenzo Thomas, Adjutant-General United States Army,  
Washington, D.C.*

Whereby said Andrew Johnson, President of the United States, did then and there commit, and was guilty of a high misdemeanor in office.

*ARTICLE 3.* That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington in the District of Columbia, did commit, and was guilty of a high misdemeanor in office, in this: That without authority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War, *ad interim*, without the advice and consent of the Senate, and in violation of the Constitution of the United States, no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate, and no vacancy existing in said office at the time, and which said appointment so made by Andrew Johnson of said Lorenzo Thomas is in substance as follows, that is to say:

*Executive Mansion, Washington, D.C., Feb. 21, 1868.*

*Sir: The Hon. E. M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War ad interim, and will immediately enter upon the discharge of the duties pertaining to that office. Mr. Stanton has been instructed to transfer to you all the records, books, papers and other public property now in his custody and charge. Respectfully yours,*

*Andrew Johnson*

*To Brevet Major-General L. Thomas, Adjutant-General United States Army,  
Washington, D.C.*

*ARTICLE 4.* That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and of his oath of office, in violation of the Constitution and laws of the United States, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons to the House of Representatives unknown, with intent, by intimidation and threats, to hinder and prevent Edwin M. Stanton, then and there, the Secretary for the Department of War, duly appointed under the laws of the United States, from holding said office of Secretary for the Department of War, contrary to and in violation of the Constitution of the United States, and of the provisions of an act entitled "An act to define and punish certain conspiracies," approved July 31, 1861, whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of high crime in office.

*ARTICLE 5.* That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, on the 21st of February, in the year of our Lord one thousand eight hundred and sixty-eight, and on divers other days and time in said year before the 28th day of said February, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, and with other persons in the House of Representatives unknown, by force to prevent and hinder the execution of an act entitled "An act regulating the tenure of certain civil office," passed March 2, 1867, and in pursuance of said conspiracy, did attempt to prevent E. M. Stanton, then and there being Secretary for

the Department of War, duly appointed and commissioned under the laws of the United States, from holding said office, whereby the said Andrew Johnson, President of the United States, did then and there commit and was guilty of high misdemeanor in office.

*ARTICLE 6.* That Andrew Johnson, President of the United States, unmindful of the duties of his high office and of his oath of office, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, by force to seize, take and possess the property of the United States at the War Department, contrary to the provisions of an act entitled “An act to define and punish certain conspiracies,” approved July 31, 1861, and with intent to violate and disregard an act entitled “An act regulating the tenure of certain civil offices,” passed March 2, 1867, whereby said Andrew Johnson, President of the United States, did then and there commit a high crime in office.

*ARTICLE 7.* That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and of his oath of office, on the 21st day of February, in the year of our Lord 1868, and on divers other days in said year, before the 28th day of said February, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas to prevent and hinder the execution of an act of the United States, entitled “An act regulating the tenure of certain civil office,” passed March 2, 1867, and in pursuance of said conspiracy, did unlawfully attempt to prevent Edwin M. Stanton, then and there being Secretary for the Department of War, under the laws of the United States, from holding said office to which he had been duly appointed and commissioned, whereby said Andrew Johnson, President of the United States, did there and then commit and was guilty of a high misdemeanor in office.

*ARTICLE 8.* That said Andrew Johnson, President of the United States, unmindful of the high duties of his office, and of his oath of office, on the 21st day of February, in the year of our Lord, 1868, at Washington, in the District of Columbia, did unlawfully conspire with one Lorenzo Thomas, to seize, take and possess the property of the United States in the War Department, with intent to violate and disregard the act entitled “An act regulating the tenure of certain civil office,” passed March 2, 1867, whereby said Andrew Johnson, President of the United States, did then and there commit a high misdemeanor in office.

*ARTICLE 9.* That said Andrew Johnson, President of the United States, on the 22nd day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, in disregard of the Constitution and the law of Congress duly enacted, as Commander-in-Chief, did bring before himself, then and there, William H. Emory, a Major-General by brevet in the Army of the United States, actually in command of the Department of Washington, and the military forces therefor, and did and there, as Commander-in-Chief, declare to, and instruct said Emory, that part of the law of the United States, passed March 2, 1867, entitled “an act for making appropriations for the support of the army for the year ending June 30, 1868, and for other purposes,” especially the second section thereof, which provides, among other things, that all orders and instructions relating to military operations issued by the President and Secretary of War, shall be issued through the General of the Army, and in case of his inability, through the next in rank was unconstitutional, and in contravention of the commission of Emory, and therefore not binding on him, as an officer in the Army of the United States, which said provisions of law had been therefore duly and legally promulgated by General Order for the government and direction of the Army of the United States, as the said Andrew Johnson then and there well knew, with intent thereby to induce said Emory, in his official capacity as Commander of the Department of Washington, to violate the provisions of said act, and to take and receive, act upon and obey such orders as he, the said Andrew Johnson, might make and give, and which should not be issued through the General of the Army of the United States, according to the provisions of said act, whereby said Andrew Johnson, President of the United States, did then and there commit, and was guilty of a high misdemeanor in office; and the House of Representatives, by protestation, saving to themselves the liberty of exhibition, at any time hereafter, any further articles of their accusation or impeachment against the said Andrew Johnson, President of the United States, and also or replying to

his answers, which will make up the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation or impeachment which shall be exhibited by them as the case shall require, do demand that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such proceedings, examinations, trials and judgments may be thereupon had and given had and given as may be agreeable to law and justice.

*ARTICLE 10.* That said Andrew Johnson, President of the United States, unmindful of the high duties of his high office and the dignity and proprieties thereof, and of the harmony and courtesies which ought to exist and be maintained between the executive and legislative branches of the Government of the United States, designing and intending to set aside the rightful authorities and powers of Congress, did attempt to bring into disgrace, ridicule, hatred, contempt and reproach, the Congress of the United States, and the several branches thereof, to impair and destroy the regard and respect of all the good people of the United States for the Congress and the legislative power thereof, which all officers of the government ought inviolably to preserve and maintain, and to excite the odium and resentment of all good people of the United States against Congress and the laws by it duly and constitutionally enacted; and in pursuance of his said design and intent, openly and publicly and before divers assemblages of citizens of the United States, convened in divers parts thereof, to meet and receive said Andrew Johnson as the Chief Magistrate of the United States, did, on the eighteenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and on divers other days and times, as well before as afterwards, make and declare, with a loud voice, certain intemperate, inflammatory and scandalous harangues, and therein utter loud threats and bitter menaces, as well against Congress as the laws of the United States duly enacted thereby, amid the cries, jeers and laughter of the multitudes then assembled in hearing, which are set forth in the several specifications hereinafter written, in substance and effect, that it to say:

"Specification First. In this, that at Washington, in the District of Columbia, In the Executive Mansion, to a committee of citizens who called upon the President of the United States, speaking of and concerning the Congress of the United States, heretofore, to wit: On the 18th day of August, in the year of our Lord, 1866, in a loud voice, declare in substance and effect, among other things, that is to say:

*"So far as the Executive Department of the government is concerned, the effort has been made to restore the Union, to heal the breach, to pour oil into the wounds which were consequent upon the struggle, and, to speak in a common phrase, to prepare, as the learned and wise physician would, a plaster healing in character and co-extensive with the wound. We thought and we think that we had partially succeeded, but as the work progresses, as reconstruction seemed to be taking place, and the country was becoming reunited, we found a disturbing and moving element opposing it. In alluding to that element it shall go no further than your Convention, and the distinguished gentleman who has delivered the report of the proceedings, I shall make no reference that I do not believe, and the time and the occasion justify. We have witnessed in one department of the government every endeavor to prevent the restoration of peace, harmony and union. We have seen hanging upon the verge of the government, as it were, a body called or which assumes to be the Congress of the United States, while in fact it is a Congress of only part of the States. We have seen this Congress pretend to be for the Union, when its every step and act tended to perpetuate disunion and make a disruption of States inevitable. We have seen Congress gradually encroach, step by step, upon constitutional rights, and violate day after day, and month after month, fundamental principles of the government. We have seen a Congress that seemed to forget that there was a limit to the sphere and scope of legislation. We have seen a Congress in a minority assume to exercise power which, if allowed to be consummated, would result in despotism or monarchy itself."*

"Specification Second. In this, that at Cleveland, in the State of Ohio, heretofore to wit: On the third day of September, in the year of our Lord, 1866, before a public assemblage of citizens and others,

said Andrew Johnson, President of the United States, speaking of and concerning the Congress of the United States, did, in a loud voice, declare in substance and effect, among other things, that is to say:

*"I will tell you what I did do? I called upon your Congress that is trying to break up the government. In conclusion, beside that Congress had taken much pains to poison the constituents against him, what has Congress done? Have they done anything to restore the union of the States? No. On the contrary, they had done everything to prevent it: and because he stood now where he did when the Rebellion commenced, he had been denounced as a traitor, Who had run greater risks or made greater sacrifices than himself? But Congress, factions and domineering, had undertaken to poison the minds of the American people."*

"Specification Third. In this case, that at St. Louis, in the State of Missouri, heretofore to wit: On the 8th day of September, in the year of our Lord 1866, before a public assemblage of citizens and others, said Andrew Johnson, President of the United States, speaking of acts concerning the Congress of the United States, did, in a loud voice, declare in substance and effect, among other things, that is to say:

*"Go on; perhaps if you had a word or two on the subject of New Orleans you might understand more about it than you do, and if you will go back and ascertain the cause of the riot at New Orleans, perhaps you will not be so prompt in calling out "New Orleans." If you will take up the riot of New Orleans and trace it back to its source and its immediate cause, you will find out who was responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the Radical Congress, you will find that the riot at New Orleans was substantially planned. If you will take up the proceedings in their caucuses you will understand that they knew that a convention was to be called which was extinct by its powers having expired; that it was said that the intention was that a new government was to be organized, and on the organization of that government the intention was to enfranchise one portion of the population, called the colored population, and who had been emancipated, and at the same time disfranchise white men. When you design to talk about New Orleans you ought to understand what you are talking about. When you read the speeches that were made, and take up the facts on the Friday and Saturday before that convention sat, you will find that speeches were made incendiary in their character, exciting that portion of the population, the black population, to arm themselves and prepare for the shedding of blood. You will also find that convention did assemble in violation of law, and the intention of that convention was to supersede the organized authorities in the State of Louisiana, which had been organized by the government of the United States, and every man engaged in that rebellion, in the convention, with the intention of superseding and overturning the civil government which had been recognized by the Government of the United States, I say that he was a traitor to the Constitution of the United States, and hence you find that another rebellion was commenced, having its origin in the Radical Congress. So much for the New Orleans riot. And there was the cause and the origin of the blood that was shed, and every drop of blood that was shed is upon their skirts and they are responsible. I could test this thing a little closer, but will not do it here to-night. But when you talk about the causes and consequences that resulted from proceedings of that kind, perhaps, as I have been introduced here and you have provoked questions of this kind, though it does not provoke me, I will tell you a few wholesome things that have been done by this Radical Congress in connection with New Orleans and the extension of the elective franchise. I know that I have been traduced and abused. I know it has come in advance of me here, as elsewhere, that I have attempted to exercise an arbitrary power in resisting laws that were intended to be forced upon the government; that I had exercised that power; that I had abandoned the party that elected me, and that I was a traitor, because I exercised the veto power in attempting, and did arrest for a time, that which was called a "Freedmen's Bureau" bill. Yes, that I was a traitor. And I have been traduced; I have been slandered; I have been maligned; I have been called Judas Iscariot, and all that. Now, my countrymen, here to-night, it is very easy to indulge in epithets; it is easy to call a*

*man a Judas, and cry out traitor, but when he is called upon to give arguments and facts he is very often found wanting. Judas Iscariot? Judas! There was a Judas, and he was one of the twelve Apostles. O, yes, the twelve Apostles had a Christ, and he never could have had a Judas unless he had twelve Apostles. If I have played the Judas who has been my Christ that I have played the Judas with? Was it Thad. Stevens? Was it Wendell Phillips? Was it Charles Sumner? They are the men that stop and compare themselves with the Savior, and everybody that differs with them in opinion, and tries to stay and arrest their diabolical and nefarious policy is to be denounced as a Judas. Well, let me say to you, if you will stand by me in this action, if you will stand by me in trying to give the people a fair chance, soldiers and citizens, to participate in these office, God be willing, I will kick them out. I will kick them out just as fast as I can. Let me say to you, in concluding, that what I have said is what I intended to say; I was not provoked into this, and care not for their menaces, the taunts and the jeers. I care not for threats, I do not intend to be bullied by enemies, nor overawed by my friends. But, God willing, with your help, I will veto their measures whenever any of them come to me."*

"Which said utterances, declarations, threats and harangues, highly censurable in any, are peculiarly indecent and unbecoming in the Chief Magistrate of the United States, by means whereof the said Andrew Johnson has brought the high office of the President of the United States into contempt, ridicule and disgrace, to the great scandal of all good citizens, whereby said Andrew Johnson, President of the United States, did commit, and was then and there guilty of a high misdemeanor in office.

*ARTICLE 11.* That the said Andrew Johnson, President of the United States, unmindful of the high duties of his office and his oath of office, and in disregard of the Constitution and laws of the United States, did, heretofore, to wit: On the 18th day of August, 1866, at the city of Washington, and in the District of Columbia, by public speech, declare and affirm in substance, that the Thirty-ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same, but on the contrary, was a Congress of only part of the States, thereby denying and intending to deny, that the legislation of said Congress was valid or obligatory upon him, the said Andrew Johnson, except in so far as he saw fit to approve the same, and also thereby denying the power of the said Thirty-ninth Congress to propose amendments to the Constitution of the United States. And in pursuance of said declaration, the said Andrew Johnson, President of the United States, afterwards, to wit: On the 21st day of February 1868, at the city of Washington, D.C., did, unlawfully and in disregard of the requirements of the Constitution that he should take care that the laws be faithfully executed, attempt to prevent the execution of an act entitled "An act regulating the tenure of certain civil office," passed March 2, 1867, by unlawfully devising and contriving and attempting to devise and contrive means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War, notwithstanding the refusal of the Senate to concur in the suspension theretofore made by the said Andrew Johnson of said Edwin M. Stanton from said office of Secretary for the Department of War; and also by further unlawfully devising and contriving, and attempting to devise and contrive means then and there to prevent the execution of an act entitled "An act making appropriations for the support of the army for the fiscal year ending June 30, 1868, and for other purposes," approved March 20, 1867. And also to prevent the execution of an act entitled "An act to provide for the more efficient government of the Rebel States," passed March 2, 1867. Whereby the said Andrew Johnson, President of the United States, did then, to wit, on the 21st day of February, 1868, at the city of Washington, commit and was guilty of a high misdemeanor in office.

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## CAST BIOGRAPHIES

**P. Dawn Baker-Miller** is a judicial hearing officer at the New York City Office of Administrative Trials and Hearings. She formerly was Senior Counsel at the New York City Office of the Corporation Counsel, where she served in the General Litigation Division, the Labor and Employment Division, and the Special Litigation Unit. Prior to that, she was an associate in private practice. Her background includes general pretrial litigation experience as well as trial and appellate experience in both federal and state courts. Ms. Miller is a member of the Federal Bar Council and the New York City Bar Association, where she served on the Litigation Committee from 2000 through 2009. She is admitted to practice in the Southern and Eastern Districts, the Second Circuit, and the Supreme Court of the United States. Ms. Miller is a graduate of the University of South Carolina School of Law, where she was Associate Editor-in-Chief of the *Law Review*.

**Steven Cummings** is a regulatory attorney with the New York State Department of Financial Services, where he serves as team lead for the Department's "BitLicense" applications team. He is also certified in U.S. and European privacy law, and he focuses primarily on virtual currency, cybersecurity, and data privacy regulation. Mr. Cummings graduated Magna Cum Laude from Albany Law School in 2017. This is his first year with the Historical Trial Team.

**Evan S. Fensterstock** is the Founder of the litigation boutique, Fensterstock, P.C. He focuses his practice on all aspects of complex business and commercial litigation and arbitration in state, federal, and bankruptcy courts. Evan has represented companies and individuals on both the plaintiff and the defense side in a wide range of industries including insurance, employment, recruiting, financial services, banking, pharmaceutical, advertising, entertainment, media, hospitality, and gaming. He has also conducted internal investigations of individuals and companies and prepared presentations to the Securities and Exchange Commission.

Prior to founding Fensterstock, P.C. in 2018, Mr. Fensterstock was a Partner at Fensterstock & Partners LLP from 2015-2017. From 2009-2015, he was an Associate at Kasowitz, Benson, Torres & Friedman LLP. Following in the footsteps of his father, Blair C. Fensterstock, and grandfather, Hon. Nathaniel Fensterstock, Evan is highly dedicated to pro bono work. In 2013, he received the Legal Aid Society Pro Bono Publico Award for his service to Hurricane Sandy victims. He spearheaded the Holocaust Survivor Representation Pro-Bono Project while at Kasowitz, which helps Holocaust survivors recoup pensions and payments from the German government for work performed in ghettos during World War II. Evan served as Executive Literary Editor of the *New England Law Review* at New England Law|Boston, where he graduated from law school *cum laude* and received the Cali Excellence for the Future Award in Civil Procedure. While in attendance, Evan interned for the Honorable Raya S. Dreben in the Massachusetts Appeals Court, the Honorable Charles T. Spurlock in Suffolk Superior Court, and the Legal Division of the Massachusetts Department of Correction in Boston, Massachusetts. In 2007, he was elected Vice Magister of the Bradlee Inn Chapter of the International Legal Honor Society Phi Delta Phi, and in 2008 he received the Phi Delta Phi Balfour Scholarship for outstanding service to Bradlee Inn. Evan holds a Bachelor of Arts degree from Bowdoin College where he double-majored in Government and Spanish, played varsity golf and squash, and served

as Class President. From 2015-2019, Evan has been named a New York Metro Area *Super Lawyers* Rising Star in Business Litigation.

**Honorable Helen E. Freedman (Ret.)** is currently a neutral with JAMS. She was an Associate Justice of the Appellate Division of the New York State Supreme Court, First Department, from 2008 to 2014 and served as a Justice of the Supreme Court from 1984 to 2008. She served on the Appellate Term of the Supreme Court from 1995-99 and in the Commercial Division of the New York County Supreme Court, for eight years.

Justice Freedman was the Presiding Judge of the Litigation Coordinating Panel for multi-district litigation in New York State from 2002 until 2014. She has been a member of the Pattern Jury Instructions Committee of the Association of Justices of the Supreme Court of the State of New York since 1994 and is a member of the Advisory Council of the New York State and Federal Judicial Council. She is also a Trustee of the Historical Society of New York Courts. She is the author of *New York Objections*, a book on trial practice and the making of objections, and of a chapter in the treatise *Commercial Litigation in New York State Courts*. She is a graduate of Smith College and of the New York University School of Law.

**Henry A. Freedman** retired in 2014 after serving as Executive Director of the National Center for Law and Economic Justice since 1971. Before becoming Executive Director, he had been in private practice in New York City and taught at Catholic University Law School in Washington, DC. He has also taught at Columbia and New York University Law Schools, and Columbia and Fordham Schools of Social Work. He has chaired the Committee on Legal Assistance of the Association of the Bar of the City of New York, and was the only "welfare recipient advocate" on HEW Secretary Califano's 32-member group formed to study welfare reform alternatives in 1977. He successfully argued *Califano v. Westcott* before the United States Supreme Court in 1979. Mr. Freedman has received the National Legal Aid and Defender Association's Reginald Heber Smith Award for Dedicated Service (1981), the New York State Bar Association's Public Interest Law Award (1998), the William Nelson Cromwell Medal of the New York County Lawyers' Association (2001), and an honorary Doctor of Laws degree from Amherst College in 2008. He is a graduate of Amherst College and Yale Law School.

**Peter Guirguis** is a partner at Mintz & Gold LLP, where he advises clients in a wide range of disputes and investigations involving commercial contracts, complex financial instruments, mergers and acquisitions, financial reporting, corporate control and governance, data use and privacy, executive compensation and employment, bankruptcy, real estate construction and financing. He also advises individuals and entities in a wide variety of investigatory, regulatory and enforcement matters. He represents diverse clients, from individuals to major financial institutions, insurers, manufacturers and retailers, and numerous software and technology companies. Before joining Mintz & Gold, Peter practiced at large firms including Norton Rose Fulbright, Akin Gump Strauss Hauer & Feld, and Dechert. He also clerked for the Honorable Judge Kevin T. Duffy in the United States District Court for the Southern District of New York. He has been a member of the Inn since its founding year, and a member of the historical team since the musical team finally accepted that he cannot sing.

**Bruce N. Lederman** has more than 39 years of complex commercial, real estate, and intellectual property litigation experience. He presently practices as a solo practitioner, and is also Counsel to London House Chambers, a Guyana-based law firm. An AV preeminent rated attorney by both the Judiciary and his peers, Bruce was a founding partner of Fischbein Badillo Wagner Harding. For more than 15 years, Bruce headed that firm's litigation department. He has tried numerous civil matters in both bench and jury trials, and has handled appeals in the State and Federal Courts. He has appeared as trial counsel to other attorneys, and has often worked with local counsel throughout the United States. He is currently a member of the JHO Selection Advisory Panel for the First Judicial Department, the Panel of Referees for the First Judicial Department Attorney Grievance Committee, and the New York County Commercial Division ADR Panel. Bruce earned his BA from Colgate University in 1975 and his JD from the Benjamin N. Cardozo School of Law in 1979.

**Morgan Manley** is an associate at Smith, Gambrell & Russell, LLP. Her practice focuses on commercial litigation in both New York and New Jersey state and federal courts. Prior to joining the firm, Morgan was a Commercial Division Law Clerk to the Honorable Marcy S. Friedman in the Supreme Court of the state of New York, NY County, Commercial Division. She earned her J.D. from Fordham University School of Law in 2016, where she helped revive and raise funds for the Art Law program. In her personal time, Morgan is an avid horseback rider/pacer and is fond of cooking.

**Ira Brad Matetsky** is a partner at Ganfer Shore Leeds & Zauderer LLP in Manhattan, where he concentrates his practice in litigation and arbitration matters, including corporate, commercial, securities, and trust-and-estates litigation and appeals. Mr. Matetsky is a 1984 graduate of Princeton University and a 1987 graduate of the Fordham University School of Law, where he received awards in Contracts and Constitutional Law and served on the Fordham Law Review. Prior to joining Ganfer & Shore, Mr. Matetsky served as a litigation attorney at Skadden, Arps, Slate, Meagher & Flom LLP as well as five years as in-house counsel at Goya Foods, Inc. He has authored several published articles in legal periodicals on historical and other topics, including "Clerking for 'God's Grandfather': Chauncey Belknap's Year with Oliver Wendell Holmes," a 2018 *Journal of Supreme Court History* article which he co-authored and co-edited. He also was co-editor of *The Green Bag Almanac and Reader* (an annual collection of the year's best legal writing) for 2012, 2015, and 2016, and is editor-in-chief of *The Journal of In-Chambers Practice* (formerly the annual supplements to *In Chambers Opinions by the Justices of the Supreme Court of the United States*). He has authored several published articles on legal history as well as his other hobby, detective fiction. He is also a New York Super Lawyer and a past recipient of the President's Pro Bono Service Award from the New York State Bar Association.

**Honorable Karla Moskowitz (Ret.)** was a Justice of the Appellate Division, First Department, where she had served from January 2008 to January 2018. She is now a mediator and arbitrator with NAM and serves as a Special Master on the Appellate Division, First Department pre-argument panel. She received a Bachelor of Arts degree, cum laude, from Alfred University in 1963 and graduated from Columbia Law School in 1966. Justice Moskowitz served as a judge beginning in 1982. During that time, she served as a trial judge in Supreme Court Civil Branch sitting in a Medical Malpractice Part from 1992 until 2001 and in the Commercial Division

from 2001 until her elevation to the Appellate Division. She is a Past President of the New York Women's Bar Association, the New York State Association of Women Judges and National Association of Women Judges. She is also a Founder and Past President of the Judges and Lawyers Breast Cancer Alert. She is a Charter Member of the American College of Business Court Judges and sits on the Executive Committee of the Commercial and Federal Litigation Section of the New York State Bar Association. Among Justice Moskowitz's honors are an Honorary Degree of Doctor of Laws, from Alfred University in 2008 and Induction in Phi Beta Kappa in 2006.

**Mark S. Pincus** is the founder and Managing Member of Pincus Law LLC, where his practice focuses on business litigation, employment litigation, and employment negotiations for growing companies, entrepreneurs, and executives. Active in the legal community, Mark currently serves as Membership Chair of the New York American Inn of Court and previously served as a Vice President. Mark also serves on the Federal Bar Council's Membership, Second Circuit Courts, and Employment Litigation committees, and provides federal procedural advice to *pro se* plaintiffs through the Eastern District of New York's FedPro clinic. A graduate of Cornell University and the Fordham University School of Law, where he served as Notes & Articles Editor of the *Fordham Law Review*, Mark previously practiced at Cahill Gordon & Reindel LLP and Edward V. Sapone, LLC. In each year since 2014, Mr. Pincus has been selected as a Rising Star in the New York Metro Edition of *Super Lawyers* for Business Litigation and Employment Litigation. This is Mark's eleventh year on the historical trial team, and he was part of the 2015 team that won an Outstanding Program award from the National Inns of Court for its presentation on the trial of the Lincoln conspirators.

**Jay G. Safer** is a partner at the law firm of Wollmuth Maher & Deutsch LLP in New York City. Mr. Safer handles complex litigation in the United States and abroad. He represents clients in matters concerning contracts, antitrust, securities, RICO, qui tam, FCPA, international litigation and arbitration, including application of the New York Convention and enforcement of foreign judgments and arbitration awards, banking, financial institutions, corporate governance, technology, privacy, insurance, construction, real estate, labor and employment, product liability, health care, professional ethics, financial, constitutional, and regulatory issues, mediation, class actions, defamation, and media law. Mr. Safer also counsels clients on commercial matters including protection and preventative measures and pre-litigation analysis.

He has represented clients in international litigation, including domestic and foreign clients in courts outside the United States and foreign clients in the U.S. courts. He has represented clients from the United States and around the world in international arbitrations. He is an Adjunct Professor of Law at Columbia and Fordham Law Schools, teaching foreign lawyers and LL.M. candidates about American litigation practice, the management of U.S. litigation, and the role of arbitration and mediation in U.S. proceedings. Jay was appointed to the advisory group to the New York State-Federal Judicial Counsel, consisting of federal and state judges appointed by the Chief Judge of the State of New York, and to the Commercial Division Advisory Council, which advises the Chief Judge and the Judiciary on matters involving the Commercial Division of New York State Supreme Court. He was also appointed by the New York State Chief Administrative Judge to serve on the Advisory Committee on the New York Civil Practice Law and Rules.

**Edward G. Sponzilli**, a member of Norris McLaughlin, P.A., is a New Jersey Supreme Court Certified Civil Trial Attorney with 44 years' experience in complex corporate and commercial litigation and education matters, as well as employment litigation relating to restrictive covenant, wrongful termination, CEPA, employment discrimination and sexual harassment. Mr. Sponzilli is a Fellow of the American Bar Association and is a 2008 recipient of the Professionalism Award. In 1999 he was awarded the New Jersey Supreme Court's Fund for Client Protection's "Client Protection" Award for his outstanding service on behalf of the public and the Bar of New Jersey in his role as Chancery Court-appointed Receiver in the case of *Montano v. Cohen & Cohen*. Ed is a past president of the C. Willard Heckel Inn of Court and the Rutgers—Newark Law School Alumni Association. He is Trustee of the Trial Attorneys of New Jersey. He has been on the faculty of the National Institute for Trial Advocacy for over seventeen years and, for the past nine years, has been one of only two non-government faculty members in the New Jersey Attorney General's Trial Advocacy Institute. Ed is currently also a master of the Lifland (federal practice) American Inn of Court. He has served as a federal arbitrator and state court certified mediator. Ed was a Judicial Law Clerk for the Honorable James A. Coolahan, U.S. District Court for the District of New Jersey (D.N.J.) from 1975-77. During his two-year clerkship, Judge Coolahan held a temporary assignment to the Court of Appeals for the Third Circuit. Ed was a 1971 Phi Beta Kappa, magna cum laude graduate of Rutgers College. He received a master's degree in American History in 1972 from Columbia and his law degree from Rutgers, Newark in 1975. Ed has been selected for inclusion in *The Best Lawyers in America* and *New Jersey Super Lawyers*, as well as Marquis' *Who's Who in American Law* and *Who's Who in America*. He is a member of the New Jersey Supreme Court Committee, Bench, Bar and Media, as well as chair of the New Jersey State Bar Association's Higher Education Section.

**Elena A. Tisnovsky** is the founding member of Tisnovsky Law, LLC, where she created a solo virtual practice focusing exclusively on the areas of family law and matrimonial law, including prenuptial and postnuptial agreements, divorce, distribution of assets and debts, custody, parenting time, child support, negotiation and execution of separation agreements, preparation of complex statements of net worth, and domestic violence litigation. Elena received training as a mediator and collaborative law professional helping her clients to stay out of the court system. She is in the process of becoming a Certified Divorce Financial Analyst.

Prior to her solo endeavor, Elena participated in the Chambers Volunteer Program, through which she clerked for the Hon. Richard B. Liebowitz, the Supreme Court of New York, County of Westchester. Prior to concentrating on family and matrimonial law, Elena represented clients before New York and federal courts, and administrative agencies in civil and commercial, employment, bankruptcy, immigration, and real estate matters. From 2004 to 2007, Elena was a Staff Attorney with the Council of Jewish Organizations of Flatbush, where she built an immigration law practice providing representation in a wide range of immigration issues. Elena provided *pro bono* services for Immigration Equality to persecuted asylum applicants, and My Sisters' Place and Her Justice to victims of domestic violence. Elena obtained a Jurist degree (an equivalent to the Doctor of Jurisprudence degree), with honors, from the Ukrainian National Academy of Law (Kharkiv, Ukraine) and a Master of Laws degree in Corporate Law from New York University School of Law. At NYU she served as Graduate Editor of the *Journal of International Law and Politics*, a student-run online publication founded in 1968 and devoted to commentary on contemporary issues in international and comparative law. Elena is a member of

the New York Women's Bar Association, New York State Bar Association, the Bar Association of the City of New York, New York State Council on Divorce Mediation, and the Family and Divorce Mediation Council of Greater New York. When she is not litigating or mediating, Elena enjoys preparing smoked food and experimenting with her wood fired pizza oven.

**Matthew N. Tobias** is a litigation associate at Ganfer Shore Leeds & Zauderer LLP, where he concentrates his practice on commercial litigation. Mr. Tobias received his B.S. from Cornell University in 1996, with a major in communication. While an undergraduate, he also studied geography and economics at University College London in London, England. Mr. Tobias received his J.D. from Fordham University School of Law in 2000, where he served as a member of the *Fordham Law Review* and was on the Dean's List. Prior to joining his current firm, Mr. Tobias was in private practice in trusts and estates and commercial litigation, including contract, real estate, securities, trademark and general commercial disputes.

**Chryssa V. Valletta** is a counsel at Seyfarth Shaw LLP, where she practices employer-side employment law. She is a graduate of the University of Scranton and Columbia Law School, where she served as the director of the Jerome Michael Jury Trials moot court program. Prior to joining Seyfarth, she was a partner in the New York office of a multi-national law firm. She is the co-chair of the International Arbitration and ADR Committee of the New York State Bar Association's International Section and has been selected as a New York Super Lawyer since 2013.