

Author's Note



This story spans twenty years. It begins in 1991, the year I had a heart transplant. The surgery was done without scalpel or hospitalization. The physician was not a doctor but a lawyer.

I was fresh out of law school and moved across the country from Iowa to Wilkes-Barre, Pennsylvania, to clerk for Judge Max Rosenn of the United States Court of Appeals for the Third Circuit. I went to learn the law. His lessons transformed my life.

Clerking for Judge gave me admission into a privileged group of young lawyers who served him for the three decades he was on the bench. It was part of our shared destiny to be called to study by the side of a master. I write this story of our teacher with great love and respect for each of you.

All conversations and events are true. They come from Judge,

his two sons and their families, my co-clerks, and dear mutual friends. I am eternally grateful to all of you for the role you played in this story and in my life.

Few people get to experience a mentor of the judge's caliber. He was a man whose actions truly reflected what gave the greatest meaning to his life. And the thing Max Rosenn found most meaningful was service to others.

Have you ever had a teacher who taught that it is your service to humanity that defines the quality of your life? If so, count yourself fortunate. If not, I would be honored to share the lessons of one such man with you.

Thank you for joining me on this walk with justice.

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Humility and Honor



Daniel took his seat as his brother, Keith, a professor of law at the University of Miami, stood and walked to the front of the synagogue. Just as his younger brother had done, Keith began by thanking his father's community for their support and attendance. He gave a special thank-you to the doctors who had supported his dad through his final illness.

"Dad was fortunate to have been so often eulogized during his lifetime. A few months ago, I, like many in this synagogue, sat in Wilkes University and watched a marvelous film celebrating my father's life. Tributes to him appear in the pages of the Federal Reporter, in newspapers and magazines. A more concrete memorial sits around the corner as the Max Rosenn Federal Courthouse."

Long after my clerkship ended, friends in Wilkes-Barre sent me press clippings so I could keep up with the local news. One of my favorite headlines arrived when the federal government renamed the building where Judge went to work each day in his honor. On the day this news broke, it read, “Rosenn Name Perfectly Suits Courthouse: It Reflects Justice and Service.”

As his clerk, I regularly attended award ceremonies recognizing my mentor’s contributions. It was as if he had a rare opportunity to hear, in advance, what would be said at his funeral. Just as eulogies tend to focus on how the deceased treated others rather than what they achieved, these celebrations went beyond some poor soul attempting an abbreviated litany of Judge’s years of public service in all branches of state and federal government.

I saw my mentor toasted by colleagues, former clerks, attorneys, and politicians as a man who earned admiration, respect, and trust. They explored his immense understanding of humanity that sprang from a life of community involvement. They marveled at his consuming interest in the world around him.

When the local bar association renamed its library the Max Rosenn Memorial Library, the speaker, Attorney Joseph Cos-grove, used the opportunity to celebrate a patriot. “When his country was in peril and at war and he was asked to serve, he said yes. When his commonwealth needed his services as a lawyer to help bring relief to those most afflicted, he was asked to serve, and he said yes. And when the president of the United States and the Senate asked him to serve as a judge, he said yes.

“Each time, he responded as a servant, and a profound servant he always was, because he had one love among many that guided his life, and that was love of the law and a friendship with the Constitution. In preserving that Constitution,

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expanding its protections and its liberties, he is among the most celebrated of patriots.”

Attorney Cosgrove explained why naming the library after Judge was such a befitting honor. “Every day there’s something new in that library. There’s a new case, a statute, an article, a discussion, a criticism, an argument. There’s life in that library. And so, what began in the Anglo-American system eight hundred years ago as a conversation about how civilized people were to live with one another continues. And in our midst there has never been a more important, a more humble, a more respected voice than that of Judge Rosenn. His voice will continue to resound in these halls and in that library as lawyers of the future, who did not have the opportunity to know him, enter this structure in his honor. They will engage in that same conversation. Hopefully, they will hear an echo or they will see that sometimes wry little smile, and they will be as inspired as we have been by having been touched by so great a person.”

As eloquent as each living eulogy was, it was the experience of watching Judge respond to them that is deeply seared into my being. The achievements for which my mentor was recognized put him in an elite category of statesmanship. Yet, it seemed the more he was honored, the more his servant’s heart shone through.

He turned his attention fully to those who gathered to honor him. He spoke like a poet, without a note, sharing stunning impromptu verses of grace and heartfelt gratitude. One by one, he edified each person who spoke in his tribute, telling stories of their shared pasts and bringing the audience to laughter. He thanked by name those who he knew had a hand in organizing the event as well as those invisible persons who assisted.

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He acknowledged that we're all influenced and shaped by circumstances and people who affect our destiny. He paid tribute to his family and all of those who contributed to his accomplishments. He generously shared credit with his law clerks and secretary. He noted how much he cherished his friendship with his past clerks and expressed pride that many had gone on to distinguished service in the legal, educational, and public service fields.

It struck me that he never said he was *humbled*. He often said he was honored.

Judge taught me that humility does not mean thinking less of yourself in any way; it means not thinking about yourself at all. It flows not from your ego but from your heartfelt gratitude for the gifts you've been given and the opportunity to use them in the service of others. True humility is not about bringing yourself down. It is about reflecting back to others how they have enlarged you.

Many of the specific words spoken have evaporated over time, yet the emotions wrapped around his message, delivered from his heart to each person in the audience, I carry with me to this day. His elegance and wisdom stirred my soul. His humorous quips delighted it. His humility inspired it.

A humble spirit stands as a mirror, reflecting the brilliance shining from within others and magnifying all gifts back to the giver.

From the first day I met him, Judge subtly communicated the promise he saw shining from within me. Despite my inexperience, he made me feel good about myself as a lawyer and as a person. He rewarded my efforts with kind words. When I tripped and wanted to look at my failure, he uplifted me with encouragement and reconnected me to the greatness he knew I carried within. He set a strong expectation that as I learned a better way, I would do better. This

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constant reflection of his belief in my personal excellence inspired me to become more for myself, for my community, and for mankind.

Judge was a mirror. And nowhere was this more obvious than when people gathered, oftentimes standing room only, to honor him.

Let others see their own greatness
when looking in your eyes.

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Wearing Humanity Lightly



Friends and strangers, judges and lawyers, religious leaders and politicians, community members and those who traveled miles joined together with the sole purpose of honoring the man they loved so well.

Light streaming through the stained-glass windows reflected off the golden walls of the synagogue, illuminating the prayer hall. The casket was decorated with a folded flag in recognition of Judge's service in World War II.

It was an appropriate place to say a final farewell. Judge was at the groundbreaking for the synagogue. He and his beloved Tillie were one of the first couples married in it.

Rabbi Meir Rosenberg observed: "Our service is rather austere in nature. I think it reflects the personality of Judge Rosenn." He

Opened with chanting a psalm in Hebrew, his halting tones rising and falling around the silent congregation.

The rabbi followed with an English reading: “Praiseworthy is the man that walked not in the counsel of the wicked . . . He shall be like a tree deeply rooted alongside brooks of water that yields its fruit in due season, and whose leaf never withers, and everything he does will succeed.”

When Judge was a young man living in Pennsylvania, his grandmother and other members of his family from Hungary were killed in the Holocaust.

In his outer office hung a frame with the Olympic medals from a cousin who lost his life at the hand of the Nazis. His cousin’s wife survived, thanks to a Christian coworker using an “Out of Order” sign to conceal her at the library where they worked. For over a year, the Jewish woman read during the day and came out for food at night. The librarian never disclosed to her husband, a general in the Hungarian army, that she was sheltering a Jew for fear that he would turn her over. She ultimately escaped to England, carrying the medals with her, and made arrangements to give them to her husband’s family.

On my welcome tour of the chambers as a new clerk, Judge stopped in front of the medals. With a profound look of sadness, he observed: “These are a tangible reminder of the loss of life of a very able, innocent person. He was killed for no reason other than being a Jew. It is difficult to believe that humans could be so cruel and vicious. Taking the lives of 6 million innocent men, women, and children for no good reason whatsoever—but for the sake of power. Exercising power for such evil purposes is unbelievable.”

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As we continued the tour, he shook his head and quietly remarked, “The Holocaust was barbaric.”

Years after my clerkship, I learned that many Jewish prisoners recited a prayer as they were led to their death in the Nazi concentration camps. Naked and without a single material possession, stripped of their status, dearest relationships, and any semblance of a life they once knew, they embraced possessions that no man could take away: faith, free will, and the ability to choose their attitude.

With their final breath, untold numbers of Jewish prisoners chose to speak the Shema, giving praise to their God with these words:

*Hear, O Israel, the Lord is our God The Lord is One.
You shall love the Lord, your
God, with all your heart, and with all your
Soul, and with all your strength.*

*Take to heart these words, which I enjoin on
you today. Drill them into your children. Speak
of them at home and abroad, whether you are busy
or at rest. Bind them at your wrist as a sign and let
them be as a pendant on your forehead.*

*Write them on the doorposts of your houses
and upon your gates.*

Reading this prayer shed light on the faith that my mentor wore as a second skin. In his legal career, he saw cases that highlighted the worst of mankind. He had a front-row seat from

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which to see the depravity of murderers, rapists, drug dealers, and mafia bosses. Yet, he did not let these experiences cause him to become jaded or cynical. He stood against injustice while carrying his faith in the goodness of man like a torch. He kept hope alive, believing that change was always possible. He created a clean slate with each new case, choosing time and time again to dispense the greatest level of fairness given the law and the situation.

In his personal life, he gently yielded to what life brought him without seeing himself as a victim or complaining about misfortunes. He didn't fall into the trap that many of us do, complaining that life is unfair while failing to complain that this inequality is often in our favor. I never saw Judge entertain that proverbial question of angst that has destroyed hope throughout the ages: "Why me?"

One day he came into my office. "I have some sad news. Mrs. Rosenn has received a diagnosis of pancreatic cancer. It's inoperable. The doctors say she has little time to live. Our concern is to make her as comfortable as possible for the time she has left."

As a newlywed, I couldn't imagine how it would feel to receive such news. Watching Judge support his wife through her illness and prepare for her passage was an incredible journey to learn from. He accepted his lot without any sign of bitterness. He did not spend energy fighting reality but on embracing the whole of his experience as it was.

Watching him continue on without his wife brought additional lessons. While staying connected to the love he shared with Tillie, he set out to discover new layers of love with others. He openly received the support of family and friends. He stayed

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active, not in an attempt to push away his emotions, but as a way of embracing each day of life that he was being gifted. To his final days, his appreciation for his wife's intelligence, strength of spirit, and character shone brightly.

Through Tillie's illness and death, Judge continued to put out high-quality work and make sure my clerkship was as challenging and enriching as it had been for all of my predecessors. Perhaps I was additionally blessed. For watching him taught me that through the most devastating loss we can choose to focus on and show gratitude for the continued blessings of work, family, health, love, and life. We are free to smile in the midst of trials and laugh in the midst of pain.

His loss reminded me that all things I cherish will fall away. He showed me that we gain strength by letting them go in a spirit of gratitude for having experienced and enjoyed them for the time they were shared.

My mentor experienced enough loss in his life to know that it would not kill him. He experienced enough success to know it would not insulate him from the woes of our human condition. He wore his humanity lightly.

There is no adversity that
cannot bear a gift, and no gift that
cannot bring adversity.

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