FOREWORD

NO LAWYER COMMANDS greater respect than Robert B. Fiske Jr., whose five decades of service to the legal profession stand as a model of unsurpassed excellence. In the engaging pages that follow, Mr. Fiske describes his life in the law as a prosecutor, defender and counselor. The expanse and depth of his career are breathtaking, and to any lawyer, humbling in the range of its accomplishments. Indeed, if he had only been a prosecutor, or only been a defense lawyer, the corpus of Robert Fiske’s professional activity would have been notable in and of itself. To have excelled in every facet of a lawyer’s life only reinforces the magnitude of the Fiske career.

As the U.S. Attorney for the Southern District of New York from 1976-1980, Robert Fiske, among his many successes, personally secured the conviction of drug kingpin Leroy “Nicky” Barnes and the labor racketeering convictions of Anthony Scotto and Albert Anastasio. He served famously as Independent Counsel in the Whitewater Investigation from January to October 1994. As a defense lawyer at Davis Polk & Wardwell, he was the man to see for Clark Clifford and Robert Altman in the BCCI case; he successfully represented David Brown, former chair of the board of General Development Corporation; he prevailed in a multi-billion dollar suit stemming from the Three Mile Island accident; he represented Alfred Taubman and Fred Wilpon in their high profile cases; he was co-counsel in the winning defense of the National Football League in the antitrust suit brought by the U.S. Football League. The list goes on and on. And, apart from his litigation activities, Fiske has contributed to public service in a variety of ways—for instance, as a member of the New York State Judicial Compensation Commission; as Chairman of the Judicial Commission on Drugs and the Courts appointed by New York State Chief Judge Judith S. Kaye; and as a member of the Webster Commission reviewing FBI Security programs.

Because of Robert Fiske’s unquestioned integrity and abilities, not only has the legal system been well-served, but so has the ideal of good government. It was because of Fiske’s qualities that Senator Daniel P. Moynihan could demonstrate his commitment
to the nonpolitical administration of justice by allowing Fiske, a Republican and an appointee of a Republican President, to complete his term as U.S. Attorney. And it was because of Fiske's unquestioned integrity and abilities that Attorney General Janet Reno would call on him to investigate Whitewater.

It is not simply Robert Fiske's professionalism that is widely celebrated. It is his commitment to serving the greater good, to serving as a mentor and role model. As Dean William Treanor, then of Fordham Law School, eloquently said, upon Mr. Fiske's award of the prestigious Stein Prize: "Bob Fiske's is truly an example of a model life in the law—a life marked not just by excellence and success, but by dedication to the public service, to professionalism, to mentoring, and ethics." Fred Hafetz, Fiske's Chief of the Criminal Division recounted: "When Bob Fiske first came in as United States Attorney, a young prosecutor had a large and complex fraud investigation against a high-visibility person. Fiske made the call not to go with the case because he did not think it could be proved. It showed real guts that he had the judgment to say no, particularly because investigations often develop a momentum of their own. And it was a call for which he earned the wide respect of the office." Summing up a widely shared sentiment, Judge Jed S. Rakoff, who served as an Assistant United States Attorney under Robert Fiske, put it this way: "As a lawyer, a public servant, a purveyor of justice and judgment, and a man of heart and dignity, Bob Fiske is the living ideal to which the rest of us can only aspire. I cannot imagine a greater antidote to cynicism, or a greater source of pride, than to have been one of his 'team.'"

In an age too often punctuated by glitz, celebrity, and self-promotion, Robert Fiske's life reminds us of the virtues of character and competence. Prosecutor Defender Counselor is must reading for any lawyer who strives to serve the legal profession and the public.

—Robert A. Katzmann
Chief Judge
United States Court of Appeals for the Second Circuit