

Remarks of Andrew G. Celli, Jr.

Fund for Modern Courts

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Thank you, Chief Judge Wilson, for that extremely generous introduction. Thank you for all that you do to make our courts -- and our law -- stronger, better and more equitable for all.

And congratulations to Matthew Diller and Faith Gay – two outstanding lawyers -- and thank you to the Fund for Modern Courts for this lovely recognition.

Robert Kaufman was the ultimate “citizen-lawyer” – an attorney who dedicated his legal career as much to public service, as to private clients – and sometimes to both at the same time. Having my name mentioned in the same *sentence* as Robert Kaufman is a huge honor; I am grateful for it.

Citizen-Lawyer. It’s not a term I ever heard growing up. But it’s certainly something I witnessed first-hand. My Dad was a citizen-lawyer. A solo practitioner and trial lawyer, he was a man *of* his community: a man who people came to for advice and help – or when a wayward nephew needed to find work. A City Council member, and a state court judge for twenty years.

In 1974, he declared the Rockefeller drug laws unconstitutional because he saw them as too harsh. That’s the kind of guy he was.

From my father, I learned to view the law in practical terms – as a way to right wrongs, and to make change in the lives of everyday people. And in his courtroom, I got to see and appreciate the majesty of the trial process itself – a public proceeding where lawyers advocate and people tell their stories.

For plaintiffs’ civil rights lawyers like me, sometimes storytelling is all you have, and all you can hope for.

I remember my very first civil rights case. I was Richard Emery's spanking-new associate, all of 9 months in the field. Our client, a magnificent Black woman in her late forties, had been falsely arrested by a young white police officer. We sued the officer for damages. After a five-day trial, the jury spoke: it was a defense verdict.

I was incredulous and devastated. Standing outside the courtroom, Richard and I explained to the client: this is the end of the road; we've lost; there is no appeal – and we apologized. Her response stays with me to this day: "I'm not sure why you're apologizing," she said. "I got what I wanted: I told my story." And then she *thanked* us.

It was the damnedest thing.

We bring cases to *win* them, *of course*. But we also bring them to shine a light, to make a point, to tell important stories. As lawyers – especially citizen-lawyers – our job is to lift up our clients' stories, to use our training and our skills to ensure that they are heard in their fullness and vitality, and to press the law to reflect modern values and address modern concerns, rather than being stuck in the past. *All* of these are ways to make change – win, lose, or draw in the courtroom.

Which brings me back to this concept of the citizen-lawyer.

We citizen-lawyers – my beloved partners and colleagues at Emery Celli Brinckerhoff Abady Ward & Maazel; the amazing people I served with at the Office of New York State Attorney General Eliot Spitzer – we are not a tiny clique. Every lawyer in this room is a citizen-lawyer: you wouldn't be here, supporting the Fund for Modern Courts, if you weren't. Like me, you believe in the power of storytelling; in open and fair processes; in electing and appointing great judges; in building a court system that is efficient and accessible; and in nurturing an evolving common law that bends towards justice. These are not merely the professional concerns of an elite corps of people who happened to have passed the bar exam and are allowed to paste the letters "ESQ" after their names. They are the stuff of democracy. They are the concerns of citizens. Our lawyering is an expression of that.

But today, we see in our profession people who use their degrees, their skills, and their special privileges not to expand and enliven the law, but to undermine it, and to exclude people from our democracy. They deploy arguments without reference to precedent, logic, law, or justice. What is to be done about this? How do we counter it? One way to counter it is by doubling down on our role as citizen-lawyers. By amping up our storytelling. By being fearless in the cases we are willing to bring, and the cases that we are willing to risk losing. We *will* lose cases – there is no doubt about that. But, when we lose, we should lose loudly, defiantly. And we will *win* cases too; we already have.

But, win *or* lose, we will shine a light. We will make our points. And we will tell our stories. And we will put down a marker that lawyering is not, as many have come to believe, a mercenary task. It is, as my Dad used to say, a noble thing. It is, and it should be, a form of citizenship.