



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

STATEMENT ON THE PASSING OF STEPHEN F. WILLIAMS

August 11, 2020

The Administrative Conference of the United States joins the judges of the United States Court of Appeals for the D.C. Circuit in mourning the passing of Judge Stephen F. Williams.

He was a distinguished and devoted member of ACUS for many years. At the time of his death, Judge Williams was one of a dozen federal judges serving as an ACUS senior fellow. “Despite his full-time judicial duties, Judge Williams contributed immeasurably to nearly every one of our plenary sessions,” said Matthew Lee Wiener, ACUS’s Acting Chair. “He contributed not only his formidable intellect and knowledge of administrative law, but also, through his example, valued lessons in civility and respect for the perspectives of others.”

ACUS is pleased to share below statements from members and staff who worked closely with Judge Williams at ACUS and links to two tributes to him written by ACUS members.

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Statements by ACUS Members and Staff on the Passing of Judge Stephen F. Williams

From Ronald A. Cass, Member of ACUS Council

Steve Williams was not merely an accomplished jurist and scholar. He was a wonderful person—thoughtful, kind, interesting, and intelligent. He had a deep commitment to administrative law, extraordinary insight into the most important issues, and a love of engagement with others—whether in agreement or at odds with his own views—on an unparalleled array of topics. His contributions to the Administrative Conference, to academic discourse, and to judicial decisions were too numerous to list and too important to ignore. Steve was a friend for 40 years, someone I never failed to profit from talking with, and a colleague whose wit, wisdom, and insight will be deeply missed.

From Theodore B. Olson, Member of ACUS Council

Judge Stephen Williams was the quintessential federal appellate judge, particularly for the D.C. Circuit. He was extraordinarily well-read, thoughtful, scholarly and meticulous. A very gentle man, who never lost sight not only of the case before him but the long-term implications of his decisions. He never missed a key point, but was unfailingly gracious and

kind, on the bench, with the lawyers who appeared before him and in every aspect of his life. Brilliant, insightful, scholarly and extraordinarily knowledgeable about administrative law and the workings of government; as well or better than anyone who ever served on his court. Our profession, and our country, his colleagues, and his family have lost a treasure.

From Paul R. Verkuil, Former ACUS Chairman

Judge Williams and I were friends in the academic administrative law world even before he went on the bench and we shared an admiration for each other's work that grew over the years. He was devoted to ACUS and served in many capacities; he was really a sage of administrative law. Steve was kind, courteous, thoughtful, challenging and creative. He will be greatly missed.

From John F. Duffy, ACUS Public Member

I had the great pleasure of serving both as a law clerk to Judge Williams and, for the past two years, as a colleague of his at the Administrative Conference of the United States. From the moment I met him, I was struck not only by his great intellectual curiosity but by his kindness. Though he was interviewing me, it wasn't at all like any interview I had previously or since. He asked me questions about a little writing sample I had submitted, but the discussion wasn't a quiz or a set of clever questions to stump me. The judge was curious; he wanted to understand what I was trying to say; and he wanted to help me think through it more thoroughly and say it better. I left thinking that it wasn't an interview at all, but the best academic tutorial I'd ever had, delivered by an immensely talented and generous professor. I wondered what it would be like to work for him—really, to study under him—for a year.

I ended up having the chance to be his clerk, and it was very much a year-long tutorial in the law. He had not merely immense knowledge about the law, but also a deep optimism about the ability of our legal institutions, and the law's limits on those institutions, to make the world a little bit better place. He also wrote with flair and panache. Even into the most technical administrative law decisions, he could find a place to slip in a fun word or phrase—"lollygagging" was my favorite—to make his opinions fun to read. He loved the craft of the law, and he was exceptionally good at it.

As a public member of ACUS, I once again had the opportunity to work with Judge Williams after so many years, and that opportunity was—I have to confess—the very best aspect of my appointment to the agency. So many years after clerking with him, I once again got to be in the same room with this masterful, professorial judge while he was at work. At ACUS meetings, he was the same as he had been in his judicial chambers years ago. He worked hard, paid attention to the details, and tried to use his intellect to make the law a little bit better than he found it. Most of all, however, he was again unflinchingly kind. He was never upset by disagreement. He always viewed controversy as a discussion—one to be conducted not only with curiosity about the other side but also with generosity and politeness.

It was that incredible and deep kindness, which was so evident to anyone who knew him, that to me was his most admirable quality. As accomplished as he was as a professor, a judge, a scholar and an expert on administrative law, he is most memorable to me as a fundamentally good person

From Steven P. Croley, ACUS Senior Fellow and Former ACUS Vice Chairman

The legal profession has lost a great role model. Judge Williams embodied the qualities of a wise judge, and those of a lifelong student of the law, all wrapped into one. We will miss him very much.

From Anne Joseph O'Connell, ACUS Senior Fellow

One of the greatest joys of serving on ACUS was interacting with my former boss, Judge Williams, at the plenary sessions. He was an Administrative Law maven, to be sure, but was also deeply curious, funny, and kind.

From Richard J. Pierce, Jr., ACUS Senior Fellow

We have lost a giant. It is impossible to overstate Judge Williams' contributions to our profession and to the world. Judge Williams made enormous contributions to our understanding of constitutional law, government regulation, administrative law, and statutory interpretation. Everyone who knew him will miss him, but the improvements he made to our system of law will serve the nation well forever.

From Judge S. Jay Plager, ACUS Senior Fellow

As so many will attest, the death of Judge Stephen Williams is a great loss to his court, to organizations like ACUS to which he so freely lent his many talents, and indeed to the entire American polity. But to those who have known and worked with him over these many years, his untimely death comes as a blow of unmeasurable dimension. Steve and I shared a background in the academic administrative law world before becoming judges, and a mutual interest in trying to ensure that the rule of law predominated in the regulatory affairs of the federal government. That led us to many years together as members of ACUS in various capacities—as consultants, as public members, and more recently as senior fellows. I benefited, as did our ACUS colleagues, from Steve's firm but thoughtfully-stated support for regularizing the behavior of the ever-growing federal agencies exercising administrative authority over the citizenry of our country. Even now, in our 80's, we continued to meet together and to serve as senior members of ACUS, though perhaps at somewhat lessened levels of effort. At whatever level, Steve's work in the world of federal administrative law will live on, to our benefit, in the on-going improvement of the administrative state.

From Richard E. Wiley, ACUS Senior Fellow

Judge Williams was a jurist among jurists, a scholar among scholars, and truly one of a kind in the law. But, even more, he was a generous, caring, and wonderful individual who will be sorely missed by all who knew him.

From Jeffrey S. Lubbers, Special Counsel to ACUS and Former ACUS Research Director

I had the pleasure of first meeting Stephen Williams in 1976 when he was a law professor at the University of Colorado Law School, and I was a newly hired ACUS staff attorney. I was assigned to work on his project for the ACUS Committee on Judicial Review, which became the basis for ACUS Recommendation 76-3, “Procedures in Addition to Notice and the Opportunity for Comment in Informal Rulemaking.” It was a pleasure to work with then-Professor Williams, and it was the beginning of a lifelong friendship. And since I knew him before he became a judge, he was always “Steve” to me. He was a very distinguished judge, and a great contributor to ACUS, and, to boot, one of the nicest and least pretentious people in “official Washington.”

From Reeve T. Bull, ACUS Research Director

The federal bench has lost one of its finest judges and the administrative law community one of its leading luminaries with the passing of Judge Stephen Williams. Judge Williams was the very embodiment of what a jurist should be. On the one hand, no detail was too small to escape his attention. I remember, in particular, Judge Williams’ detailed questions during ACUS meetings that made it very clear he carefully read every document that crossed his desk word by word. At the same time, Judge Williams had an extraordinary ability to see the big picture; I cannot think of a single issue on which he did not have an extremely well-formed opinion. Today we mourn Judge Williams’ passing but celebrate the extraordinary legacy he leaves and the influence his jurisprudence and scholarship will have for generations to come.

From Shawne C. McGibbon, ACUS General Counsel

I feel a profound sense of loss and sadness in hearing about Judge Williams’ passing. He was gracious, committed, and generous with his time—to those he mentored, to the organizations he supported like ACUS and the Administrative Law and Regulatory Practice Section of the ABA, and to countless others who knew this gifted jurist. Few others have led such an impactful life. I am fortunate to have known and worked with him.

**Published Tributes to Judge Stephen F. Williams
Written by ACUS Members**

[*Judge Stephen F. Williams, 1936-2020*](#) (Aug. 9, 2020)

By Peter Conti-Brown, Kristina Daugirdas, Daniel E. Ho, Anne Joseph O’Connell, and Nicholas R. Parrillo

(Professor O’Connell is an ACUS senior fellow, Professor Ho a consultant to ACUS, and Professor Parrillo an ACUS public member.)

[*The Law Has Lost a Giant: The Legacy of Judge Stephen Williams*](#) (Aug. 8, 2020)

By Aaron L. Nielson

(Professor Nielson is an ACUS public member and the chair of its Committee on Administration and Management.)