

**PRESENTATION OF JUSTIN SIMON AWARD TO  
HON. SYLVIA BACON, ASSOCIATE JUDGE,  
(RET)  
SUPERIOR COURT FOR THE DISTRICT OF  
COLUMBIA**

Faculty, participants and good friends of the NITA Building Trial Skills Program, now, astoundingly, in its 41<sup>st</sup> consecutive year, and, obviously, still going strong.

It was my honor to have been one of the founders of this program and a Team Leader during its first 25 years. This year, I am also pleased to be a part of this year's stellar faculty.

When we started this Program in 1978, little did we realize that this program would be going strong more than four decades later. This is no accident. It is the result of the fact that this Program has been blessed and continues to be blessed with Directors and Team Leaders, including the current Director, Jeff Senger and Team Leader, Sharon Goodie, aided by peerless

faculty of matchless skill, who are all dedicated to the teaching of trial advocacy.

Leaders of these past and the present Programs have, been able to enlist the “best of the best” of the trial bar to give of their precious time to join the faculty, year after year. We now honor a woman who devoted many years to the Program as a Team Leader and who, at long last, is being justly recognized for her enormous contributions to the continued success of this Program.

The good news is I am announcing our awardee of the 2019 Justin Simon Award, to my good friend, Hon. Sylvia Bacon, retired Associate Judge of Superior Court of the District of Columbia. The bad news, is that Sylvia, is unable to be present here to accept the award. We were able to meet with Sylvia this weekend at her apartment and present her with her Award.

For those of you who don't know, Justine Simon was a long-time faculty member, who was an excellent teacher, a wonderful and extremely talented lawyer and a friend to many who, sadly, left this life far too early.

I first met Sylvia Bacon in 1969, when she held an important leadership position as Executive Assistant U.S. Attorney in Washington's U.S. Attorney's Office, under the then recently appointed U.S. Attorney, Thomas A. Flannery. Judge Flannery, now deceased, later to become a long-serving and highly respected U.S. District Court Judge.

Sylvia was a breath of fresh air in what was at that time a largely male bastion. In fact, Sylvia told me that when she first became an Assistant, she was only one of two AUSAs.

This was not the first time Sylvia had pioneered the way for women in the legal profession. For most of her life, she's been breaking through the proverbial "glass ceilings."

In 1953, after graduating from Vassar in three years, she entered Harvard Law School as one of only five women in her class, graduating in 1956. In fact, Harvard had only begun to admit women in 1950, a mere three years before Sylvia entered Harvard! My how times have changed---for the better!

Later, in 1959, Sylvia earned yet another degree, an LLM from Georgetown Law Center.

It was a judicial clerkship, in 1956, however, that first brought Sylvia to Washington, where she worked in the chambers of another pioneering woman, U.S. District Court Judge Burnita Shelton Matthews. Judge Matthews, appointed by President Harry S. Truman in 1949 to our District Court, was the first woman to serve on *any* U.S. District Court.

After her two-year clerkship, with Judge Matthews, Sylvia then entered what I have indicated was the virtually all-male bastion that was the U.S. Attorney's Office in D.C. at that time, joining the late Ellen Lee Park in the Civil Division as one of only two women in the entire office.

In fact, the Office was so provincial at that time, that women were not permitted to try criminal cases, since leadership thought it was unseemly for women to handle them. For those who knew Sylvia, they knew she was made of sterner stuff and, ever enterprising, she often volunteered on

weekends to assist in “papering” cases, that is, creating charging documents for those arrested over the weekends. Sylvia then would appropriate those cases she papered to herself and then tried them in the then Court of General Sessions, the predecessor to the D.C. Superior Court, obtaining, I am sure many a conviction! “Where there is a will, there is a way,” and Sylvia found it. I like to think that her efforts dispelled the notion that women were, somehow, too “delicate” to try criminal cases. Sylvia, while always a lady, was not delicate

In 1970, Sylvia was one of the inaugural judges appointed to the newly created Superior Court of the District in 1970. During her twenty-one years of distinguished service on the bench, I can tell you she played no favorites, calling them as she saw them. In fact, I was only successful 50% of the time in her tightly run, efficient courtroom. In hindsight, I can say the results were always fair.

If you were practicing law in the Superior Court in the 1970s, you will remember that Sylvia’s reputation was such that she was on two

President's short lists and was a serious candidate to be named as the first woman to be appointed to the U.S. Supreme Court. Alas, it was not to be. The fact is that she'd have made a great Justice: smart, hardworking, thoughtful, wise and fair.

When the Judge retired from the Superior Court in 1991, much to our delight, Sylvia- looking for new challenges and not one to rest on her laurels-agreed to join this NITA Program as a Team Leader.

On Judge Bacon's arrival, the trains started to run on time, morning faculty meetings were well-attended, and everyone knew what the goals of the day were. Moreover, her classroom sessions ran like well-oiled clocks.

Sylvia brought to the job of Team Leader all her considerable organizational skills she showed in her illustrious career. Sylvia did not stand on ceremony, expecting neither faculty nor participants to show deference to her simply because she was a retired judge. Rather, her interaction with the participants was warm and

supportive, but also instructive and helpful. It is not surprising that she received rave reviews from our participants.

Importantly, she was a sterling role model to the increasing number of women enrolled in the Program whom she encouraged. A typical example would be Judge Heidi Pasichow, a long time former AUSA, Associate Judge of the Superior Court, an early law clerk of Sylvia's and later a graduate of this very NITA program, who has recently become my successor as Co-Director of the DC NITA Advanced program, when I stepped down in 2017.

On this very happy occasion, it has been my distinct pleasure to add Sylvia's name to the illustrious list of former Justin Simon Award Recipients, as the 2019 NITA Trial Advocacy Program at Georgetown's Justin Simon Award.