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United States Courts for the Ninth Circuit

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NEWS RELEASE

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**Judiciary Mourns Passing of William W. Schwarzer,
Distinguished Judge of the Northern District of California**

SAN FRANCISCO – Federal judges here and elsewhere were saddened to hear of the passing of the Honorable William W. Schwarzer, a retired judge of the United States District Court for the Northern District of California. Judge Schwarzer died January 28, 2017, at age 91, after a long battle with Parkinson's Disease. He passed at his home in San Rafael, California, with his wife of nearly 66 years, Anne, at his bedside.

Judge Schwarzer was one of the Ninth Circuit's most distinguished jurists. Nominated by President Ford, he was confirmed by the Senate and received his commission on July 23, 1976. He assumed senior status on April 30, 1991, not long after being selected the director of the Federal Judicial Center. He led the FJC from 1990 to 1995, then returned to the Northern District. He continued to serve his home court until 2009, when he retired.

"The judges of the Northern District of California are deeply saddened by Judge Schwarzer's passing. His distinguished judicial service and scholarship enriched the court immeasurably as an institution," said Chief District Judge Phyllis J. Hamilton.

"He saw the mission of the court as a team effort and was unfailingly generous in offering advice and support to other judges," Judge Hamilton added, recalling that Judge Schwarzer went out of his way to offer encouragement and assistance when she was a new judge. "We will always be grateful to have had Judge Schwarzer as a friend and colleague and we will never forget him."

As a trial judge, Judge Schwarzer presided over numerous complex cases, including some of the first seminal software copyright infringement actions. He also often sat by designation on the Ninth Circuit Court of Appeals. Judge Schwarzer was particularly influential in amendments made to the Federal Rules of Civil Procedure. He was most widely known for advocating more stringent use of Rule 56, governing summary judgment motions, as a mechanism for expediting the disposition of cases. He was a key proponent of the 1983 amendments to the Federal Rules of Civil Procedure and was a tireless advocate for strong federal judicial case management.

"Judge Schwarzer's contributions to the judiciary have been numerous and important. He has had a large and lasting influence on the administration of justice in the federal courts," said Ninth Circuit Chief Judge Sidney R. Thomas.

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Judge Schwarzer is one of only four judges from the Ninth Circuit to be selected for the judiciary's highest honor. He was the 2004 recipient of the American Judicature Society's Edward J. Devitt Distinguished Service to Justice Award. The panel that made the selection, which was chaired by Justice Anthony M. Kennedy, described Judge Schwarzer as a "brilliant, distinguished, compassionate servant of the law."

As FJC director, Judge Schwarzer is credited with creating the Office of Interjudicial Affairs, which provides educational and other assistance to foreign judiciaries. During his tenure, the center issued a number of important publications focusing on complex litigation, scientific evidence and summary judgment. He continues to be remembered at the FJC for "his passion for doing things the right way," said Senior District Judge Jeremy Fogel of the Northern District, the current director of the center.

"Judge Schwarzer played a critical role in preserving the FJC's independence, which has been and continues to be of inestimable value," Judge Fogel added. "He will always be remembered with fondness and respect by the people who had the privilege of working with him at the FJC."

Active in judicial governance, Judge Schwarzer served as the chair of the U.S. Judicial Conference Committee on Federal-State Jurisdiction from 1984 to 1990. He chaired the Ninth Circuit Committee on Jury Instructions and the Northern District of California Rules Committee, and served as a member of the Ninth Circuit Education Committee. He was a judicial representative to Council of the American Bar Association Section of Antitrust Law; a member of the ABA Section of Litigation Committee on Jury Comprehension; and an advisor to the ABA Central and East European Law Initiative. He lectured and participated on panels for judicial training and CLE programs and was a prolific writer with many books and articles to his credit.

Prior to coming onto the federal bench, Judge Schwarzer had been in private practice in San Francisco from 1952 to 1976. In 1975, he was appointed senior counsel to the President's Commission on CIA Activities Within the U.S., established by President Gerald Ford to investigate the activities of the Central Intelligence Agency and other intelligence agencies on U.S. soil. Chaired by Vice President Nelson Rockefeller and sometimes referred to as the Rockefeller Commission, the panel also conducted a very preliminary investigation into the assassination of President Kennedy.

Judge Schwarzer was born in Berlin, Germany. His family emigrated to the U.S. and he became a citizen. In 1943, at age 18, he enlisted in the Army and was assigned to a special military intelligence group made up of German-born soldiers. Discharged in 1947 at the rank of second lieutenant, he enrolled in the University of Southern California, where he received his A.B. in 1948. He went on to attend Harvard Law School, receiving his LL.B. in 1951 and serving as a teaching fellow for two years.

Judge Schwarzer met his future wife while he was a student at Harvard and she at Radcliffe College. They were married in 1951. Other survivors include a son, Andrew Schwarzer, and his wife, Dr. Nancy Elder; a daughter, Jane Fields, and her husband, Stanley; and grandchildren Max and Grace Schwarzer and Paul, Tim and Ben Fields.

A memorial service will be held this Sunday, Feb. 5, from 3 to 5 p.m. at Villa Marin, 100 Thorndale Drive, San Rafael. In lieu of flowers, the family suggests donations be made to:

The Nature Conservancy
Attn: Treasury
4245 N. Fairfax Drive, Suite 100
Arlington, VA 22203, USA
www.nature.org/Donate

or

Southern Poverty Law Center
400 Washington Avenue
Montgomery, AL 36104
<https://donate.splcenter.org/>

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