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William Hughes Mulligan at Skadden Arps

Cover Page Footnote

Senior Partner at Skadden, Arps, Slate, Meagher & Flom

WILLIAM HUGHES MULLIGAN AT SKADDEN ARPS

*Barry H. Garfinkel**

When Judge Mulligan arrived at Skadden, Arps, Slate, Meagher & Flom in 1981, he was interviewed by the New York Times inquiring as to the reasons why he left the bench. In an incisive comment—typical of Bill Mulligan—he noted that federal judicial salaries were such that “Perhaps you can live on it, but you can’t afford to die on it.” This commentary by Bill gave significant fuel to the then current campaign to increase federal judicial salaries and survivorship benefits. It was extensively quoted in editorials and Congressional hearings. When Bill joined the firm, he was the first active judge of the Second Circuit to resign prior to retiring. And, in his statement of resignation, he made it clear that his choice was made not due to any dissatisfaction or disaffection with the Court, but solely because of financial concerns.

Bill had an “open-door” approach to all lawyers at the firm and the support staff as well. Indeed, Bill often noted that upon his arrival at the firm, he came to realize that, apart from Bill Meagher and Les Arps, he was significantly older than the vast majority of the partnership at the time.¹ Bill quickly discovered Herb Silverman, an assistant librarian, who was close in age. Bill and Herb had many a long friendly chat in his office. Never one to stand on ceremonies, Bill welcomed all requests for his judgment and guidance.

Illustrative of the manner in which he dealt with the questions of how attorneys should address him—was it to be “Judge,” “Your Honor,” “Mr. Mulligan,” or “Bill.” Bill resolved this sensitive issue by suggesting that “Your Worship” would do just fine. All during his time at the firm anyone calling upon Bill had the option to use any of the above salutations. He responded graciously to all of them, without the formal strictures that some former members of the Bench demand.

Bill’s unique gift of putting everyone at ease with a deft quip or two was employed by him on numerous occasions at partner get-togethers and intense situations with clients and adversaries.

At a firm partners retreat held a few years after Bill’s joining Skadden, he spoke of new experiences:

* Mr. Garfinkel is a senior partner at Skadden, Arps, Slate, Meagher & Flom and a colleague of Judge Mulligan. Timothy Reynolds, a partner at the firm and a former law clerk to the Judge provided some recollections for this piece.

1. Bill often joked about his age by stating that the first item he checked each morning in the New York Times was the obituary page. If his name was not there, he would head off to the firm.

Another new venture for me was the necessity of keeping a diary—I had not kept a diary since I was in grammar school. After a few weeks, a partner came in and closed the door behind him which was an ominous sign in itself. He said ‘Your Worship.’ I said ‘You may approach the bench.’ The firm, he said, is really not interested in your reports on the weather, the antics of your grandchildren or the problems of the New York Giant back field. He said do you know about Billable Hours. I said yes—I think he is running in the fifth at Belmont.

It was in instructing and guiding associates and indeed partners on the strategy of what arguments would be persuasive to the decision maker—be it the trial judge or the appellate tribunal—that Bill left a lasting mark on the firm. Bill’s fabulous ability in “wordsmanship” and his erudition were of enormous value both to clients and attorneys.

We are all in Bill’s debt for having been with us for a decade and we will surely miss him.