



## Hon. John O'Sullivan

### U.S. Magistrate Judge, Southern District of Florida

*"Magistrate Judge O'Sullivan is one of the most brilliant people you may ever meet. He is also one of the most genuine and down to earth."*

*Hon. Kathleen M. Williams,  
U.S. District Judge for the Southern District of Florida*

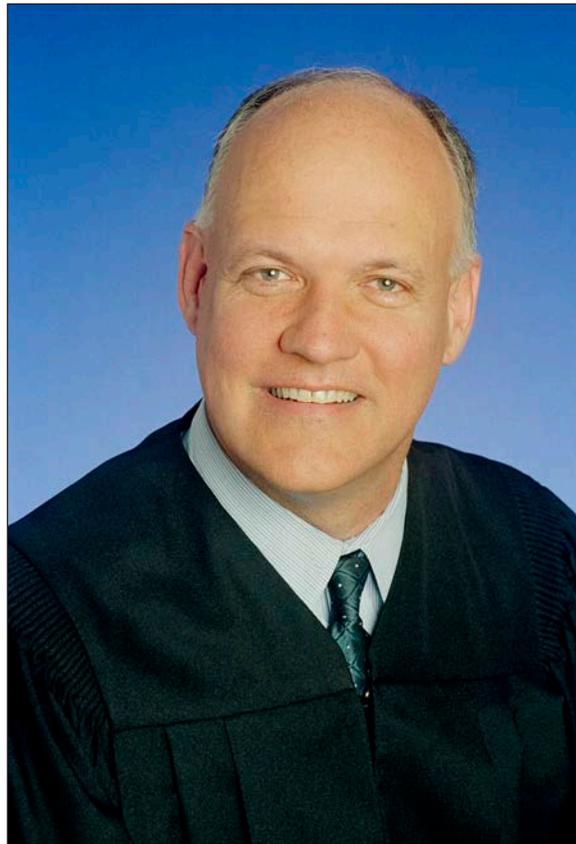
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Judge Williams' quote suits Judge John O'Sullivan to a tee.

A New York transplant typical of the population of South Florida, Judge O'Sullivan was born in the Bronx. He and his family lived there until he was about five years old. The family eventually landed in Suffern, N.Y. A tall lad, Judge O'Sullivan played basketball in high school. He had no specific career ambitions at the time—he just knew that he wanted to go to college.

Due to his late December birthday, Judge O'Sullivan was the youngest child in his class. He was also one of the smartest. His grades qualified him to participate in a special program allowing high school students to attend the local community college during their senior year. As a result, he began his college education at the age of 16. He attended Rockland Community College for two years and then moved on to the State University of New York (SUNY) at Albany. As Judge O'Sullivan recalls, his father told him to major in accounting because "you could always get a job as an accountant." While majoring in accounting undoubtedly came in handy over the course of the judge's career, he never worked as an accountant. Instead, he took a much more interesting career path.

Upon graduating from SUNY Albany, Judge O'Sullivan



moved to New York City and took a job with the Federal Deposit Insurance Corporation (FDIC) as a bank examiner. While working there, he sat for the Treasury Enforcement Examination. Treasury law enforcement agencies, such as the Internal Revenue Service (IRS), used the test to recruit and select agents. He was offered a position with the

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IRS in its intelligence division (now known as its criminal investigation division or the CID).

The IRS then had openings in three cities: Miami, Fla.; Detroit, Mich.; and Lexington, Ky. When Judge O'Sullivan chose Miami, his friends teased him. They called Miami "the land of the newlywed and the nearly dead." His original plan was to work in Miami for a couple of years and then transfer back to New York, but that didn't happen. He never left. The warm weather, the cheaper cost of living, and the cultural diversity appealed to him. Plus, the work was exciting. It was the late 1970s when drug kingpins ran rampant in Miami. The IRS conducted a lot of money laundering and drug investigations during that time. As far as Judge O'Sullivan was concerned, a federal law enforcement officer couldn't find better work anywhere else in the country.

The IRS also turned out to be a great agency to work for. According to Judge O'Sullivan, with the exception of crimes of passion, almost every crime is committed for economic gain. Mobsters, drug dealers, and other criminals all try to get money for nothing—and all of that money is taxable. That gives IRS special agents a great deal of latitude in

terms of the types of matters they can investigate. A special agent independent enough to go out and find cases could theoretically investigate anything he or she wanted to—gamblers, drug dealers, organized crime, money laundering, etc. Most of the work that Judge O'Sullivan did as a special agent involved organized crime.

His first big case involved organized crime from New York. The ringleader had set up a phony charity in Washington, D.C. Members of the ring created fake documentation connecting the charity to the Catholic Church and then solicited drug donations from pharmaceutical

companies throughout the United States. They claimed they would send the drugs to South America and Africa. As part of the fraudulent scheme, they submitted fake bills of lading and diverted the drugs to a warehouse owned by a pharmaceutical wholesaler in Florida. Members of the ring then sold the drugs throughout the state. The IRS and FBI conducted a joint investigation that led to the indictment and conviction of several of the participants in the scheme.

As an IRS special agent, Judge O'Sullivan worked very closely with assistant U.S. attorneys and criminal defense lawyers, and that inspired him to attend law school. Since he was working full time as an IRS special agent, his best option was to attend law school at night. He wasn't sure how that would work out, so he took an evening review

course for the certified public accountant (CPA) exam as a sort of litmus test—which he passed. Three years later, Judge O'Sullivan received his law degree from the University of Miami, *magna cum laude*. He took the Florida Bar exam and scored one of the highest grades in the state. A representative from the Florida Supreme Court called him and asked him to speak at the swearing-in ceremony for new lawyers.

Judge O'Sullivan started his law career at the Fowler White firm, where he worked in the medical malpractice group. Although he liked the people he worked with and learned a great deal, the type of work he was doing did not inspire him. He had tried to get a job at the U.S. Attorney's Office upon graduating from law school, but the timing wasn't right. Also, the U.S. Attorney's Office rarely, if ever, hired lawyers fresh out of law school. A year later, however, the U.S. Attorney's Office called to ask him if he was still interested in working there. He was.

Not surprisingly, Judge O'Sullivan quickly rose to the top and was selected to serve as chief of the criminal division under two different U.S. attorneys. In that capacity, he supervised all of the criminal prosecutors in Florida, from Fort Pierce to Key West. His exciting career, however, was about to take yet another turn.

In 1995, Ron Brown, the former chair of the Democratic National Committee and secretary of commerce under President Bill Clinton, came under investigation for bribery allegations. Janet Reno, who was serving as the attorney general at the time, recused herself from the case, and a three-judge panel appointed Dan Pearson, a well-known attorney, as independent counsel to lead the investigation.

While working at the U.S. Attorney's Office, Judge O'Sullivan co-founded the Spellman-Hoeveler Chapter of the American Inns of Court, where he met Pearson. Pearson asked Judge O'Sullivan to be his deputy independent counsel in connection with the investigation of Brown. Judge O'Sullivan agreed and headed to Washington.

As deputy independent counsel, Judge O'Sullivan was in charge of running the office. He described his work in the independent counsel's office as being a great experience: it opened his eyes about how much money, time, and effort went into independent counsel investigations. Pearson was vested with all of the authority of an attorney general except that he could not authorize wiretaps.

To separate the independent counsel's office from the U.S. Department of Justice, it used the Administrative Office of the Courts to do everything from buying computers to paying expenses. Eventually, several attorneys, support staff, and FBI, IRS, and FDIC special agents worked out of the office during the investigation. Robin Rosenbaum—then a brilliant young lawyer and now a judge on the Eleventh Circuit Court of Appeals—did the legal writing and research. The team took up an entire floor of the office building in which it was housed.

During the course of the investigation, Brown tragically died in a plane crash in Bosnia. The independent counsel had the option of keeping the investigation open, but decided not to. Judge O'Sullivan then returned to the U.S.

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Attorney's Office in Miami, where he was assigned to the public corruption unit. He was selected to be the lead assistant U.S. attorney on Operation Court Broom, an investigation into allegations of corruption in the Florida state judiciary. Following an extensive investigation, three judges were convicted, as were several attorneys.

While working together in the independent counsel's office, Pearson—who had a healthy respect for Judge O'Sullivan's intellectual capacity—encouraged him to become a judge. In 1999, a magistrate judge vacancy occurred, and Judge O'Sullivan applied even though some believed that, at 42 years old, he was a little young for the post.

The rest, as they say, is history. On April 1, 1999, Judge O'Sullivan was appointed as a magistrate judge in the Southern District of Florida, where he has served ever since and is held in the highest regard by district court judges and practitioners alike. In fact, litigants often consent to trial before him due to his well-earned

great reputation as a trial judge.

"Judge O'Sullivan is an ideal trial judge," says Ann St. Peter-Griffith, former assistant U.S. attorney and partner in the Miami office of Kasowitz, Benson, Torres & Friedman. "It is no wonder that attorneys routinely recommend that their clients consent to do trials before him. He moves cases along expeditiously and is extremely well versed on the legal arguments." Gerald J. Houlihan, the founding partner of Houlihan & Partners, P.A. adds: "I think John O'Sullivan is an exceptional magistrate judge. I am hoping that he will become a district court judge. In my personal experience, I have found his legal effort, sound judgment, and judicial temperament to be outstanding."

Judge O'Sullivan serves on the Board of the South Florida Chapter of the Federal Bar Association. Members of the public, the bench, and the bar are fortunate to have such a brilliant, prepared, even-tempered and down-to-earth jurist on the federal bench. ☉

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possible," says Judge Korman, "[as] a way to save on the costs of litigation."

While this ruthless efficiency is important to the court and to the parties, Judge Cogan's most valuable contributions to the bench are his temperament and compassion. His assistant, Peggy Weisberg, who has worked with the judge since he was a second-year associate at Stroock, agrees: "I would not have been with him for 35 years if he was not a kind person." Indeed, the judge's law clerks are often greeted by lawyers on the losing side of contentious trials, approaching them and remarking off the record how even-tempered and fair the judge had been to them.

To the lawyers' delight, the judge is also not shy about sharing his quick wit and sophistication from the bench. He may be relying on his knowledge of Mandarin in one case; suggesting a path out of a complicated procedural web in the next; and, later in the day, facetiously telling lawyers that their action will have to go to trial because his law clerks need more courtroom experience. Clerks enjoy this humor in chambers, too, making the long days—"if you wanted to sleep, you should have chosen a different profession"—seem very long, but enjoyable nonetheless.

It is no surprise that annual law clerk reunions tend to be raucous affairs—as much as parties populated by overworked and guarded lawyers can be described as raucous. Former clerks share in their affection for the judge and in the pride they feel from surviving their year relatively unscathed, at least physically. Some stay at the event long after the judge leaves

(yes, we can confirm that he does sleep, or at least uses "sleep" as an excuse to go home and review ECF notifications), reliving their year in chambers—without exception, the best and most rewarding year of their professional lives. ☉

### Endnotes

<sup>1</sup>Following a 19th century jurist, John Bannister Gibson, we have taken liberty with Henry Wadsworth Longfellow's original quote: "Though the mills of God grind slowly, yet they grind exceeding small; Though with patience He stands waiting, with exactness grinds He all."

<sup>2</sup>See U.S. District Courts—2013 National Judicial Caseload Profile, available at, [www.uscourts.gov/viewer.aspx?doc=/uscourts/Statistics/FederalCourtManagementStatistics/2013/district-fcms-profiles-september-2013.pdf&page=10](http://www.uscourts.gov/viewer.aspx?doc=/uscourts/Statistics/FederalCourtManagementStatistics/2013/district-fcms-profiles-september-2013.pdf&page=10).

<sup>3</sup>Lt. Col. Cogan is a former commander of the 7th Civil Affairs Regiment, 88th Brigade, which comprises lawyers, judges, engineers, doctors, and other professionals who assist members of the New York National Guard and U.S. Military Reserve Units by, among other things, drafting wills, powers of attorney, and other legal documents.

<sup>4</sup>Premotion conferences are common in the district courts of the Second Circuit. Many judges require them before a formal motion can be filed to discuss the substance and merits of the arguments. Judge Cogan's premotion conferences are unique for the detail in which he engages the lawyers about their proposed motions.

<sup>5</sup>The "six-month list" is required by the Civil Justice Reform Act of 1990, is prepared by "[t]he Director of the Administrative Office of the U.S. Courts," and "discloses ... the number of motions that have been pending for more than six months[.]" 28 U.S.C. §476(a)(1).

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