

## **Almanac of the Federal Judiciary - Second Circuit - New York, Robert W. Sweet, Senior Judge; New York, Southern**

*Litigation > Judicial Research > Almanac of the Federal Judiciary > Federal District Courts > Second Circuit > New York > Southern District Court > Robert W. Sweet, Senior Judge; New York, Southern*



Senior Judge; New York, Southern  
1920 United States Courthouse  
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(212) 805-0254  
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Office Staff  
Judicial Secretary:  
Margaret Acquista (212) 805-0254

### **Biographical Information**

Spouse: Adele Hall  
Children: Robert, Jr., Deborah, Ames, Eliza  
Born 1922; appointed in 1978 by President Carter  
**Education** Yale Univ., B.A., 1944, LL.B., 1948  
**Military Service** Lt.(j.g.), United States Naval Reserve, 1943-45

**Private Practice** Simpson, Thacher & Bartlett, 1948-53; Partner, Casey, Lane & Mittendorf, 1955-65; Partner, Skadden, Arps, Slate, Meagher & Flom, 1970-77

**Government Positions** Assistant United States Attorney, ██████████, 1953-55; Deputy Mayor under Mayor John V. Lindsay, ██████████, City, 1966-69

**Professional Associations** Assn. of the Bar of the City of New York

**Pro Bono Activities** New School for Social Research

**Noteworthy Rulings** 1980: Sweet temporarily barred the Lorillard tobacco company from using certain comparative ad claims for Triumph cigarettes. The suit was brought by Philip Morris, Inc., which asserted that the claims were false and hurt Philip Morris's sales. *Philip Morris, Inc. v. Loew's Theaters, Inc.*, 511 F. Supp. 855 (██████████, 1980).

1981: Sweet issued a temporary restraining order barring a statewide lockup of 23,000 inmates. A state official had ordered that the inmates in 33 state prisons be locked in their cells so that guards could attend the funeral of a strangled guard.

1982: Sweet dismissed a class-action suit that sought to close a shelter for homeless men on Ward's Island. *Seide v. Prevost*, 536 F. Supp. 1121 (██████████, 1982).

1982: Sweet ruled that two FBI agents who infiltrated organized crime could not conceal their names when they testified in a federal racketeering trial. *United States v. Napolitano*, 552 F. Supp. 465 (██████████, 1982).

1984: Sweet ruled that the FBI could keep secret evidence about the slayings of four American churchwomen in El Salvador (which evidence was sought by their families under the Freedom of Information Act) because the information might be needed for a trial in El Salvador. *Donovan v. FBI*, 579 F. Supp. 1111 (██████████, 1984), *appeal dismissed as moot*, Nos. 84-6102, 84-6114 (2d Cir. 1984).

1985: Sweet ordered Universal City Studios, Inc., to pay \$1.6 million to Nintendo Co. Ltd. for alleging that the Donkey Kong video game had infringed upon Universal's trademark. Sweet ruled Universal had sued in bad faith because it had no trademark rights. At one point during the trial, Sweet said, "This is a terrific case. I love this case. Marvelous lawyers, fascinating issues. Everything would be perfect if it didn't have to be decided." *Universal City Studios, Inc. v. Nintendo Co., Ltd.*, 615 F. Supp. 838 (██████████, 1985), ██████████, 797 F.2d 70 (2d Cir. 1986), *cert. denied*, 479 U.S. 987 (1986).

1987: Sweet sentenced lawyer Ilan Reich to a prison term for securities fraud, against the urging of 32 of Reich's friends, clients and former partners who wrote letters on Reich's behalf. Sweet cautioned: "A breach of trust at this level...requires a jail term as a deterrent, as a statement by our society that its rules must be obeyed and that personal integrity remains a paramount requirement for our society, particularly for those who are responsible for the enforcement and interpretation of our laws. You have, it is very sad to say, become a symbol of the sickness of our society and of that loss of integrity which cannot be condoned, whatever the cost." AMERICAN LAW., Mar. 1987.

1988: Sweet settled the antitrust suit brought by New York Citizens for Cable TV against Manhattan Cable TV, the principle cable television system in Manhattan, for monopolizing pay-movie programming and failing to live up to franchise agreements. Time Inc., owner of Manhattan Cable, which had previously refused to carry pay-movie network competitors, agreed to add two nonaffiliated pay TV services. The settlement was considered a major victory for Manhattan cable viewers, because it provided for the addition of new pay-movie programming. The case also set a precedent that allows cable subscribers to sue to enforce their rights in franchise agreements, and independent programmers to sue for access to cable networks. According to some, the case demonstrates how cable companies can abuse their power. Noting that the Supreme Court had ruled that the first amendment recognizes that the rights of viewers to diverse programming are superior to those of broadcasters, Sweet extended that principle to cable operators. He concluded that both those who subscribe to cable TV and those who program it have open access to cable networks. NEW YORK TIMES, Mar. 18, 1988.





didn't get involved in my experience." "He would do it himself to a large extent. He asks you about it, then sets a trial date." "He pushes a little. He doesn't bang you over the head but he wants to know where you are and he occasionally sends it to a magistrate." "He hasn't tried to do anything."

Civil lawyers said Sweet is middle of the road. "He has no bias that affects his decisions." "I didn't see any bias." "He has no bias that's been evident." "I don't think he has a bias." "It's hard to tell with him. I don't think he's a biased guy. He's well versed in the law."

Criminal defense lawyers said Sweet is evenhanded and fair. "He had no bias that I saw." "He's generally liked by the defense bar." "He's evenhanded." "He has no bias that affects his decisions." "He has no bias, he's seen it all."

Criminal defense lawyers said Sweet is a good sentencer for the defense. "He'll depart downward." "He's very fair, some would even say he's good." "I can't believe he wouldn't be a pleasure to appear before. He gives appropriate sentences."

Lawyers advised that Sweet is a good draw. "You're lucky to have him if you get him." "He's well respected. You want him in a criminal case." "Read his sentencing opinions, they can give you insight." "He'll be prepared and you would certainly suffer if you're a fool." "Speak up." "You've got to have a case with merits for him to side with you." "Exhale when you get your case assigned to him. He's good." "He's a great jurist." "He understands and will have read everything. He has questions and will bring you into a conference. He is an active jurist." "He's very entertaining. It's a pleasant experience."

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## II. CIVIL AND CRIMINAL PRACTICES AND PROCEDURES

### A. Commencement of Action and General Procedures

#### 1. Initial Status Conference

Specific information not provided.

#### 2. Initial Scheduling Order

Specific information not provided.

#### 3. Policy Concerning Contacts with Judge and Clerks

Does not allow for ex parte contact. Any necessary communication, except emergency matters, must be made by letter.

#### 4. Motions and Briefs

Requires that a courtesy copy of all motion papers be delivered to chambers.

#### 5. Electronic Case Filing

Specific information not provided.

### B. Pretrial Procedures—Civil

#### 1. Motion Practice

Hears oral argument of all motions except in pro se matters, motions for reargument, applications for attorneys' fees, and motions for reduction of sentences.

## **2. Settlement**

Specific information not provided.

## **3. Discovery Motions**

Specific information not provided.

## **4. Pretrial Conference/Pretrial Orders**

Pretrial conferences, discovery disputes, and any other matters relating to calendar status may be raised at the call of the pretrial calendar on Wednesdays at 4:30 [REDACTED].

Conducts a pretrial conference to discuss settlement, to explore contemplated motions, to arrange a discovery plan and schedule, for stipulating facts, and to set a time for trial.

Utilizes his own standard pretrial order form which requires a statement of the case, disputed factual issues, witness lists, stipulations, exhibit lists, depositions, a statement of damages, proposed voir dire questions, and proposed jury instructions.

## **C. Pretrial Procedures—Criminal**

### **1. Bail Procedures**

Specific information not provided.

### **2. Discovery Procedures**

Specific information not provided.

### **3. Pleas**

Specific information not provided.

## **D. Trial**

### **1. Trial Date**

Specific information not provided.

### **2. Trial Briefs**

Specific information not provided.

### **3. Voir Dire**

The court conducts voir dire. Requests for voir dire questions must be submitted to the court in advance and in writing.

### **4. Decorum**

Specific information not provided.

## **5. Opening Statement**

Specific information not provided.

## **6. Stipulations**

Specific information not provided.

## **7. Marking Exhibits**

Requires that all exhibits are pre-marked with tags supplied by the courtroom deputy and exchanged one week before the plaintiff's submission of the pretrial order.

## **8. Depositions**

Specific information not provided.

## **9. Use of Experts**

Specific information not provided.

## **10. Courtroom Technology**

Specific information not provided.

## **11. Objections**

Specific information not provided.

## **12. Daily Transcripts**

Specific information not provided.

## **13. Closing Arguments**

Specific information not provided.

## **14. Jury Procedures**

Specific information not provided.

## **15. Sentencing Practices**

Specific information not provided.

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