

COMMENT

Lessons from Judge Pauline Newman

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Although American Chemical Society archives indicate that the society has had a committee on patents almost continuously since 1899, it was not until 1966 that the Committee on Patent Matters and Related Legislation was formally created under the leadership of Pauline Newman. Over time, the committee's focus expanded to all areas of intellectual property law—patents, copyrights, trademarks, and trade secrets—and its name changed to the Committee on Patents and Related Matters (CPRM).

At the committee's inception, Newman was already a well-regarded chemist, having earned her PhD in chemistry from Yale in 1952 and having worked as a research scientist at American Cyanamid. Later, at FMC, she worked as a patent agent and, after attending law school at New York University, as a patent attorney. She was also extremely active in the ACS, becoming an ACS councilor and serving on the board of directors from 1973 to 1981 where she “discovered the satisfactions of public service.” Her career took a major turn in 1984 when President Ronald Reagan appointed her as a judge at the newly formed US Court of Appeals for the Federal Circuit, which had been created to hear appeals from the country's numerous district courts in all patent disputes.

Judge Newman's greatest contributions to the law, particularly patent law, stem from her refusal to simply go along with consensus views—her “judicial independence.” Her dissents are famous for their intellectual clarity and meticulous reasoning. Again and again, the Supreme Court has adopted her once-minority views, including as recently as 2024. In this way, she has shaped the very foundation of innovation law. It is not surprising to hear that Judge Newman has been referred to as the “heroine of the patent system.”

Judge Newman's scientific training shaped the analytical rigor and independence that have defined her 40-year judi-

cial career. For chemists, her story is especially meaningful, and her example feels familiar and deeply relevant. Like judicial progress, scientific progress depends not only on following evidence but also on the courage to question prevailing theories. Just as a judge must interpret the law based on reason and principle rather than popularity or politics, a scientist must interpret data with integrity, even when conclusions challenge

the broader threat such decisions pose to independent thought in any field.

For chemists, this controversy should be more than a legal footnote. It reminds us of the need to champion the wisdom that comes with experience—that expertise should be judged by performance, not age or politics. Newman's life offers an enduring lesson: whether in the lab or the courtroom, objectivity, rigorous analysis, and the courage to challenge accepted views



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accepted norms. Newman's insistence on judicial independence parallels the scientific method's emphasis on objectivity. She has long maintained that judges must be free from external pressures—political, institutional, or personal—to uphold the rule of law. Scientists, too, must resist biases, funding pressures, and professional inertia to pursue truth wherever it leads. In both domains, real advancement comes not from conformity but from courageous, well-supported dissent.

In recent years, Judge Newman's independence has been tested in deeply personal ways. In 2023, when she was 96, the court on which she serves suspended her from hearing new cases. The suspension came amid initial allegations of cognitive decline (later withdrawn) and for her later refusal to agree to a battery of health evaluations (she provided three separate examination reports that she passed “with flying colors”). Newman denied the initial allegation, arguing that her suspension, which remains ongoing, is not only unjust but also unconstitutional in view of her lifelong appointment—an act of age discrimination and an affront to judicial autonomy. She filed suit to contest the action, highlighting

are the bedrock of progress. Her legacy as the “great dissenter” calls us to stand firm in our convictions, even when the pressure to conform is strong—and reminds us that the pursuit of truth, in law or science, demands both intellect and integrity.

While preparing this Comment, I had the privilege of interviewing Judge Newman. She was generous with her time, and our conversation spanned a wide range of topics including her youth (as a licensed pilot at 16, she volunteered to fly GIs across the English Channel, only to be laughed out of the room by skeptical sergeants), her years as a scientist (she obtained US Patent 2,790,737 in 1957 on soil-retardant fabrics), and her tenure on the Federal Circuit. Over the course of our nearly 4 h discussion, I observed no sign whatsoever of mental decline. Newman was sharp, engaging, and full of energy, effortlessly shifting between legal and personal subjects. I thoroughly enjoyed my time spent with her.

For those interested in learning more about Newman and her legacy, please visit our website at acs-cip.org.

Views expressed are those of the author and not necessarily those of C&EN or ACS.