Andy Steinberg (1958-2012): A Tribute

Compiled by Naveen C. Rao

The Forum on Air & Space Law presents the following tribute to our friend and colleague, Andy Steinberg, who died earlier this year. Among his many accomplishments, Andy was a member of the Forum’s Governing Committee. The Forum is immensely grateful for the enormous energy, enthusiasm, ideas, and integrity that Andy contributed to our organization. As we mourn Andy’s passing, we also celebrate his life and his great qualities and achievements as a lawyer and a person. Naveen Rao, who was Andy’s close friend and colleague at the Federal Aviation Administration, the Department of Transportation, and subsequently in private practice at Jones Day, has compiled the following tribute based on reminiscences from some of Andy’s many friends and colleagues in the legal and aviation communities. If you have a memory of Andy that you would like to share, please visit the Forum’s Facebook page or send an email to ncrao@jonesday.com.

On May 20, 2012, our community lost one of its finest leaders and dearest friends. The passing of Andy Steinberg was as sudden and unexpected as it was premature and heartbreaking. Over his distinguished career and exemplary life, Andy earned the respect, admiration, and affection of numerous friends, colleagues, and peers in the private sector and the Government, in many parts of our world, and from all facets of his life. Andy’s generosity of spirit, decency, sparkling intellect, creativity, and humility endeared him to anyone who knew him.

I had the privilege to work with and learn from Andy for over six years. While we reflect on his passing, we can best remember Andy by celebrating his life rather than focusing on his loss and our loss of him. In that spirit, it is an honor to assemble this tribute to Andy Steinberg. It is comprised of the memories of his friends from different stages of his life and career. While many of us knew him because of his work in the Washington D.C. aviation world, Andy was also an accomplished antitrust litigator, in-house lawyer, and corporate executive. He made lasting impressions on those whose paths were intertwined with and paralleled his own journey through life.

Our first contributor, David M. Leahy, was Andy’s classmate at Harvard Law School and is a Partner at Sullivan & Worcester LP in Washington, D.C.:

I first encountered the wonderful Andy Steinberg in the Fall of 1981 in a small Contract Law Class at Harvard Law School. From that moment on, my life was immeasurably enriched by such a friend. Andy’s professional accomplishments are well known so I would like to speak to our time together at Harvard Law School and about the young, scholarly, funny and often irreverent fellow I first called “friend” 31 years ago. Andy and I lived a floor apart in graduate student housing at Peabody Terrace in Cambridge. We often walked to the Law School together.
We were often in the same study groups and were both founding members of a tight-knit group of friends – the Wednesday Night Supper Club – that made sometimes dreary law school life immensely fun. Andy was always intellectually alive and engaged. Not in a grim, grind-it-out sort of way so often prevalent in law school, but in an honest, authentic way. In a sea of very smart and accomplished Harvard Law School people, Andy always stood out for me with his quiet and powerful intellect. Never boastful, Always modest and Always kind. Always compassionate. Always available to his friends—of which there were many.

Andy’s wry sense of humor, his quiet laugh and the way his shoulders shook up and down as he laughed, are all indelibly imprinted upon me. As we transitioned to work in the real world as summer associates in New York City, Andy and I lived in the same suite of rooms at an NYU Dormitory in New York. We often commuted together up to mid-town Manhattan that summer of 1983, to our work as summer associates. I know Andy shined very brightly that summer at Coudert Brothers. He shined brightly to me as we walked and talked – about everything – during those hot, sometimes interminable subway commutes to mid-town Manhattan. Always fresh, always kind, always interested, always interesting and always fun. That was Andy to me.

On June 7, 1984, Andy and I walked side by side in to the Harvard Commencement Exercises. We sat next to each other. I see him clearly in photographs of that happy day, smiling, talking, relaxed, happy. I remember him vividly this way too in my mind’s eye. This past May, Andy kept walking in his corporeal form to another place. I have faith that he is still that happy, kind, compassionate, smiling friend I was blessed with knowing these 31 years. I know that his kind spirit still moves among us. Well done, dear friend. Well done.

Following his graduation from Harvard, Andy clerked for the Honorable Richard A. Gabois Jr., in the U.S. District Court, Central District of California. Andy’s friend Tom Christopher of the New York office of Kirkland & Ellis shared his fond memories of clerking with Andy:

Andy and I were co-clerks for Judge Richard Gadbois of the United States District Court for the Central District of California from June 1984 until June 1985. This was one of the best years of my life and I got to know Andy extremely well as we shared an office, spend most of our lunchtimes together and became close friends outside the judge’s chambers. Judge Gadbois was a wonderful judge to clerk for. More importantly though, Andy was a wonderful person begin my legal career sitting next to – he was whip-smart, modest, kind, thoughtful, diligent and had judgment beyond his years. But Andy was also very, very funny. I thought one of the funniest aspects of his sense of humor was his great impersonations. After a day in the courtroom observing various characters (and I mean real characters!) who came before the judge, whether they were serious felons, petty criminals, overly-stern prosecutors or ridiculously flamboyant defense counsel, Andy would regale the judge and I and have us in stitches with his dead-on impersonations of these various individuals. He got the accents and cadence of their speech just right, but much more humorously he would remember or conjure up outrageous things they actually said – or that Andy imagined they should have said! I will always cherish my year with Andy. Always.

Following his clerkship, Andy joined the Los Angeles office of Gibson Dunn & Crutcher. He represented numerous companies, including American Airlines, in antitrust litigation. This
matter marked his entry into aviation. The young associate made quite an impression on executives there. Former American Airlines executive Bruce Chemel shares his recollection of his first meeting Andy.

I met Andy Steinberg in 1986 or 1987 when the Gibson Dunn/American Airlines "team" met to work on an antitrust suit brought against Sabre by many airlines alleging various antitrust violations, including conspiracy to set prices (between American and United). Andy, a new associate, had been given the task of "proving" that American and United had conspired to set prices. Andy gave a thorough, chilling and dispassionate account of how we did so, using our documents...even though nothing could have been further from the truth. We challenged him and he answered every question seriously and with conviction. He was unflappable and American's General Counsel was visibly disturbed at hearing the "evidence" against us, as were the other American lawyers, executives and the lawyers from Gibson Dunn. We all asked....who was this kid, not more than 27 or 28 years old and how did he know more than the rest of us? And how did he figure all this out without talking to a single person at American? And we also realized what a good lawyer on the other side could piece together. I think we all broke into a cold sweat. Several years later, American won a motion for summary judgment, dismissing the conspiracy claim, a major victory for us. The motion was of course written by Andy. And that is my first recollection of Andy, speaking in a monotone, calmly, without being judgmental, yet utterly believable. And scaring the s!*t out of us.

We became good friends, working on the lawsuit together and then doing some traveling after Andy came to American. I met Roxann, was present at their wedding, saw Maddy hours after she was born and stayed in close touch through the intervening years after he left AMR. I saw the kids grow up, the joy Andy and Roxann had in being parents and saw the same Andy, regardless of his career trajectory, humble and self-effacing. I was so proud when he became Chief Counsel at the FAA and then Assistant Secretary of Transportation.

The young Andy Steinberg so impressed his client American Airlines that they recruited him to the company, where he continued to flourish as an attorney and where his humane character became apparent. Anne McNamara served as General Counsel of American at that time:

Andy and I first met when he was a junior associate at Gibson Dunn and I was a brand new general counsel facing an enormous antitrust case about to be tried before a Central Los Angeles jury. In addition to winning the case (thanks in large part to Andy), we managed to win Andy. He joined the American Airlines legal department with responsibility for antitrust matters. And of course he did a fine job. His combination of raw intelligence, judgment, antitrust expertise and communication and advocacy skills made him perfect for the job. Because he never lost his sense of fundamental fairness, he could see both sides of any issue, making him a particularly compelling advocate for a company often perceived as too aggressive and overly competitive.

We had several happy victories with Andy in the job. I can still see him and Roxann and their baby daughter Madeline at the victory party in Galveston after the jury came back (after deliberating for about an hour) in the $1 billion predation case filed by Continental and Northwest against American, a case in which Andy was responsible for managing (herding?) the five often-obstreperous law firms and countless experts retained by American.
Eventually, though, Andy wanted broader responsibilities. So he began exploring other opportunities at American. Coincidentally, we were interviewing candidates to head up our Employment Law group, and Andy agreed to do it provided we threw in Intellectual Property and Environmental Law, a basket of disparate practices if ever there was one. And he was great at all three.

American’s Employment Law practice brought out an entirely new side to Andy. His modesty and “normality,” which had always made him something of an anomaly in the rarified world of antitrust, served him well, letting him relate to and communicate with people far less gifted than he without a trace of condescension or impatience. He never talked down; he was kind; he was understanding. And I think he enjoyed getting to know the rank-and-file at American, most of whom had backgrounds and lives far different from his and often presented far more intriguing fact patterns than your typical Section 1 case. And he did another fine job. It is hard to believe he is gone.

Andy was an enthusiastic believer in the power of technology and innovation. This enthusiasm was rooted in a true appreciation of how these forces could improve the world around us. This trait of Andy’s could be seen not only in his excitement about his iPad but also the attention he devoted to helping advance the Next Generation Air Transportation System at the FAA. Thus, it is unsurprising in many ways that Andy was a core part of the team that created Travelocity when purchasing goods and services from the Internet was still a relatively novel idea. Michael Durham, Andy’s former colleague from Sabre Holdings, which owns Travelocity, recalls:

Andy supported me during some of the most difficult times of my career. He was a guy you could depend on absolutely. He was usually the smartest guy in the room, but he didn’t feel he had to prove it. His advice to me was always well thought out, firm and generally right on target. He also had a non-threatening personality which made him exceptionally effective in negotiations . . . He was an exceptional lawyer, friend and human being. We will all miss him.

Andy had long-held aspirations to be a public servant. Even as a college student in the late 1970s, Andy expressed his wish to be government lawyer someday. As with other endeavors he pursued, Andy fulfilled his aspiration in spades when President George W. Bush appointed him as the Chief Counsel of the FAA in 2003. At the FAA, he served with former Administrator Marion Blakey who, in addition to being his boss, was a neighbor and close friend of Andy and the Steinberg family. At his Memorial Service, she paid the following tribute:

Andy was one of those unexpected gifts to public service that came out of the terrible tragedy of 9/11. He came to the FAA not out of a bad case of Potomac fever, casting about at the end of a campaign or fueled by personal ambition, but out of a deep-seated desire to serve his country at one of our most difficult times.

It was an extraordinary time and it allowed us to put together what he called the “dream team” of appointees working with a group of very talented career civil servants that made some impressive achievements possible.
But I won’t try to chronicle Andy’s work on those achievements, whether it be his insight and creativity in helping develop NextGen, tackling tough regulatory issues, handling union negotiations, or opening exciting international routes to China when he was Assistant Secretary at DOT. No, I’d prefer to describe him as his colleagues saw him: an outstanding leader, a true friend and mentor and the embodiment of a wonderful public servant.

Andy started his tenure at FAA with what I thought was a very smart move—calling all the previous FAA Chief Counsels he could find and asking them to join him and Roxann for dinner. An unusual outreach over time and Administrations, and I’m told it resulted not only in excellent conversation and some wicked tales but a lot of insight that Andy carried into his new job.

Andy offered the reverse of a lot of legal counsel I have had in my career. He didn’t see himself as there to describe all the constraints, all the stones in your path and ultimately to default to “no.” He put a brilliant legal mind and truly fine writing skills to work as a problem-solver, a thoughtful counselor and a creative mind that helped to make important things possible. One of my fondest memories of Andy was his coming into my office, often late in the evening with a puckish grin on his face and saying “You know I’ve got a new thought on this”….And I couldn’t wait to hear it! In putting this tribute together I reached out to a number of his colleagues both at DOT and FAA, and I wanted to share with you a few of their thoughts largely in their own words:

“He was a boss that was inclusive, accessible, wonderfully opinionated, and he sought the same from us. He had brown-bag lunches, scheduled or impromptu, and he would show up with his home-made sandwich, and share thoughts, mostly on policy issues but it could be anything. He was fun, he was friendly, fabulously smart and inquisitive. It set a great tone for years of collaboration.”

“He made people feel valued, because he did value them and acted in a way that showed it both professionally and personally…. On a professional level he was interested in your views, loved to explore with you your reasoning, and you always knew that he fully considered those views in coming to his position.”

“Andy could be tough when needed but he was a master of persuasion – he didn’t bluster or keep on talking until he wore you down—he quietly made his case—perfectly tailored to the facts, to the situation, and to the person he was addressing.”

“Things could get a little crazy at times but Andy was always there pitching in, pulling much more than his weight and helping others through his humor and his personal modesty to regain perspective during tough times.”

“Most prominently, we remember Andy as a friend and family man. As many conversations as we had about the job, we had more about life, the importance of family and being a good parent. He was the first to ask people how they were doing, how their children were faring in school and equally thrilled and glowing to tell you about his two wonderful children, Madeline and Malcolm, and his wife, Roxann.”
So I end where I began, Andy was an outstanding leader, a true friend and mentor, and the kind of public servant, the kind of compatriot we would all aspire to be.

The FAA attorneys who reported to Andy held him in high regard. My fellow editor of *The Air & Space Lawyer*, Jeff Klang of the FAA’s Office of the Chief Counsel, offered these words:

The Office of the Chief Counsel at the Federal Aviation Administration has lost a true friend. . . Andy will be remembered for his many accomplishments while working for the government, which included completing the Open Skies agreement with the EU and a similar accord with China, shepherding the ratification and implementation of the Cape Town Treaty through Congress, representing the U.S. on emissions trading at the 36th Assembly of ICAO, spearheading the FAA's legal strategy in protracted labor negotiations with air traffic controllers, discouraging the over-scheduling of Chicago’s O’Hare International Airport, and prevailing against environmental lawsuits intended to enjoin the FAA's approval of the O'Hare airport expansion . . . But what he will be remembered for most is his professionalism, deep intellect, wry humor, and intensity that he dedicated to all the projects that he worked on. Andy inspired the attorneys and staff in the Office of the Chief Counsel to perform at the highest professional level. The American people will be forever indebted to Andy for his contributions to improving aviation safety and the efficiency of the air transportation system. Andy will be sorely missed.

There is much more that could be written about our friend Andy. Personally, I could perhaps write volumes on the wisdom, valuable lessons and insights that Andy imparted to me and also the numerous great memories I have of working with him. If I had to choose a single word to describe the past six years, it would be “fun.” I think Andy would have been gratified by my choice as he also appreciated the blessing of doing work that one truly finds to be enjoyable and fulfilling.

We close with an excerpt from a note of condolence I received from my friend and former boss, Dan Gerrity following Andy’s passing. Dan served as the CEO of Naverus, Inc. and we retained Andy after he joined Jones Day. I chose Dan’s message because I think he astutely, pithily, and precisely captured the essence of Andy Steinberg. Dan’s words will resonate with all of us who knew Andy.

It seemed that Andy was an accomplished mentor to you, and I, along with all the people of Naverus, benefitted because of that. Andy was one of those people who just seemed too good to be true, and yet every time you checked a little deeper, it was clear that he was . . . Though we can't keep Andy, we can keep his encouragement, his impish grin, and his well constructed advice at heart. He was the kind of human who helped you because he could -- no other reason.

No hidden agendas, no politics, just a great man.