

**“THREE BANK TELLERS IS ENOUGH”  
PERSONAL REMINISCENCES OF LEGAL PRACTICE  
BY MEMBERS OF THE BENCH AND BAR**

SUZANNE M. BUCHKO\*

INTRODUCTION

War stories of lawyers and judges are legion, and any gathering of members of the bench and bar generate more than a few tales of courtroom exploits and battles nearly won or almost lost. Thus, on October 17, 2003, as part of the Courthouse Centennial Celebration and History Symposium, the Historical Society of the United States District Court for the Southern District of Indiana invited a panel of lawyers and a judge to tell stories about the district court judges before whom they practiced between 1950 and 1995—a time when the number of judges in our district grew from one to five. Attorney James Strain, Chair of the Court Historical Society, moderated the panel discussion entitled *Reflections and Reminiscences on the Practice of Law in the Southern District*, and introduced the event this way:

Today we have gathered folks who ought to be able to provide some oral history with respect to the judges who sat in the Southern District of Indiana as a group immediately preceding the current crop [of judges]. Starting historically with Judge Steckler, who was appointed by Truman; Judge Holder, appointed by Eisenhower; Judge Dillin[,] appointed by Kennedy; Judge Noland, appointed by LBJ; and then Gene Brooks, . . . appointed by Jimmy Carter.<sup>1</sup>

Participants on the panel included Charles Goodloe, who as an Assistant United States Attorney first appeared before the Southern District Court in 1971; the Honorable Sarah Evans Barker, who, beginning in 1972, appeared before the federal court as an Assistant and as the United States Attorney before assuming the federal bench in 1984; James H. Voyles, who has represented criminal defendants in this district since 1968; John Kautzman, who since the late 1980s has represented both criminal and civil litigants in federal court and is president-elect of the Indianapolis Bar Association for the term beginning in 2005; and William Marsh, who has headed up the Indiana Federal Community Defenders office since 1994 and is an adjunct professor at Indiana University School of Law—Indianapolis. Other judges and attorneys provided additional vignettes through letters.

The transcripts of judicial memorial services and recognition ceremonies found in the Federal Supplement provided background information and

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\* Suzanne Buchko is a staff attorney with the U.S. District Court for the Southern District of Indiana. The author wishes to thank the Honorable Sarah Evans Barker, Perry Secrest, and David Schanker for their wisdom and editorial comments.

1. James Strain, Court History Symposium, Luncheon & Panel Discussion: Reflections and Reminiscences on the Practice of Law in the Southern District 3 (Oct. 17, 2003) (transcript on file with author) [hereinafter Symposium Transcript].

additional comments by legal practitioners and colleagues on the bench.

### I. THE HONORABLE WILLIAM E. STECKLER

“If a judge can become an institution, Judge Steckler was surely one.”<sup>2</sup>

William “Bill” Elwood Steckler was born on October 18, 1913 in Mount Vernon, Indiana, and spent his childhood in the predominately German community of Posey County.<sup>3</sup> His father worked as a machinist and farm implement dealer; neither of his parents were active in politics. Bill Steckler had an uncle, however, who held county office, and young Bill’s visits to the county court house, as well as his early acquaintance with a local judge, may have provided inspiration to this bright young man.<sup>4</sup>

Bill Steckler finished high school during the Depression, and although he was offered a scholarship to DePauw University, there was no money to pay his living expenses, and he was forced to pass up the offer.<sup>5</sup> He worked for a year in Mount Vernon, Indiana, and then set out for Benjamin Harrison Law School in Indianapolis, where he could work at Methodist Hospital during the day and attend school at night.<sup>6</sup> Steckler graduated from Benjamin Harrison Law School in 1936 with a Doctorate of Law and in 1937, he earned a Doctor of Jurisprudence from the Indiana Law School in Indianapolis.<sup>7</sup> From 1938 until 1950, he practiced law in Indianapolis at Key & Steckler, with time away to serve in the Navy during World War II.<sup>8</sup>

As an attorney, Bill Steckler organized associations of nursing homes for the purpose of standardizing and monitoring their operations in Indiana and nationwide. He was very active in the Democratic party, serving as chair of the Young Democrats, and he was appointed to the Marion County Election Committee and the State Election Board.<sup>9</sup>

President Harry S. Truman appointed Bill Steckler to the federal bench on April 15, 1950,<sup>10</sup> when he was only thirty-six years old. At the time, Judge Steckler was the youngest person serving on the federal bench. Until 1954, he served as the sole judge in the Southern District of Indiana and was the last judge to do so. Judge Steckler then served as chief judge from 1954 to 1982 and took senior status in 1986, managing an active, if somewhat smaller docket. Judge

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2. Former United States Magistrate Judge John P. Endsley, Comments: Honorable William E. Steckler 1-2 (Fall 2003) (on file with author) [hereinafter Comments: Steckler].

3. Memorial Ceremony for the Honorable William E. Steckler, 917 F. Supp. LXXV, LXVI, LXXIII (July 21, 1995) [hereinafter Steckler Memorial].

4. *Id.* at LXXIII.

5. *Id.*

6. *Id.* at LXXIV.

7. *Id.* at LXVI, XCIII.

8. *Id.* at LXVI.

9. *Id.*

10. *Id.*

Steckler died March 8, 1995 following an extended battle with cancer.

At his memorial service, Judge Barker described Judge Steckler as the quintessential judge, noting his capacity for hard work and focus, his sense of fairness, and his clarity of thought.<sup>11</sup> She remembered "his sweetness, his precise style of speaking, his dapper attire, his elegant, wavy black hair, his twinkling eyes and easy smile, and soft words of reply, 'Oh, God love it,' usually said in response to something nice someone had said to him or done for him."<sup>12</sup>

Attorney John F. Kautzman remarked, "[w]hen I think of Judge Steckler I do think about civility and professionalism and the sense of history that he [brought] to the bench and his manner and his demeanor."<sup>13</sup> Former Magistrate Judge J. Patrick Endsley recalled that

I first met Judge Steckler on the day that he admitted about fifty of us to the bar of the [c]ourt on June 6, 1956. He was a man of quiet competence who was always willing to let an attorney have his say. I appeared before him on a number of occasions representing pauper criminal defendants. He was courteous to all litigants and was a true gentleman.<sup>14</sup>

Magistrate Judge Endsley also remembered a special kindness shown by Judge Steckler after Judge Endsley became a federal magistrate:

On one occasion I had a jury trial scheduled on a case involving the firing of a number of political appointees after a change of administrations. I [had] been a fan of his courtroom and I told the Judge of my desire to try the case in his courtroom. He graciously consented and made every effort to see that I had one of the finest weeks of my nineteen year judicial career.<sup>15</sup>

Attorney William Marsh recalled that "Judge Steckler was as gentlemanly to [us] radical young lawyers as he was to anybody else."<sup>16</sup> Furthermore, Jim Voyles recalled, "Judge Steckler had a long and distinguished career and always presented himself as a gentleman and someone who was extremely concerned about how lawyers acted in front of him and how they treated their opponents."<sup>17</sup>

Such accolades correspond to Robert Hagemier's eulogy for Judge Steckler at his memorial service:

Judge Steckler loved lawyers. He loved our work, our lives, our causes

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11. *Id.* at LXXIV.

12. *Id.*

13. Symposium Transcript, *supra* note 1, at 26-27.

14. Comments: Steckler, *supra* note 2, at 1-2.

15. *Id.*

16. Symposium Transcript, *supra* note 1, at 30.

17. Letter from James H. Voyles, Attorney, Voyles, Zahn, Paul, Hogan & Merriman, to A. Scott Chinn, Office of Corporation Counsel, City of Indianapolis 1 (Sept. 29, 2003) (on file with author) [hereinafter Voyles Letter].

and the pain or elation of “championing them.” Many of us must remember our first appearance before him as an advocate. Do you remember how he made you feel? Your case was just, probably more so than even you believed, but so was your opponent’s. Venom or mischief, if you harbored it, was best left at that door. All of us were offered a smile, reassurance, the most gentlemanly of manners and customs. If you did not believe in the wisdom and fairness of this court when you entered, you left here with new learning. And if you watched Judge Steckler and remembered his vigilance for the welfare of all who were touched by justice, you left more a lawyer than when you entered.<sup>18</sup>

In addition to his love of the work, Judge Steckler cared deeply for the people who came before him. Judge Endsley remembered: “After my appointment as a [m]agistrate [j]udge he called me one day to tell me that a person that I had represented before him some fifteen years previously had just been killed in an armed robbery. His memory of past cases was phenomenal.”<sup>19</sup>

In a recent letter, attorney William F. Welch recounted the Judge’s early days on the bench:

I recall being very favorably impressed with his handling of [his first jury] trial in light of his limited judicial experience at that time. Throughout Judge Steckler’s tenure, he developed a reputation among those who practiced in his Court of being considerate of counsel and their clients—sometimes almost to a fault; and of giving each issue presented to him a thorough consideration—again, in the minds of some, almost to a fault. Bill Steckler grew tremendously during his long tenure and developed into, in my judgment, an exceptionally capable and well-qualified jurist. If he struggled with any challenges of his office, that struggle probably related primarily to his perception of the demands and challenges he encountered as the sole [d]istrict [j]udge in the Southern District at the time of his appointment, in comparison to what he considered to be his limited practical experience prior to his appointment to the bench. I always felt he was more concerned with this notion than he needed to be.<sup>20</sup>

Many who remembered the Judge commented on his seemingly endless patience in the courtroom. Attorney William A. Kerr illustrated this quality by remembering the jury trial of *United States v. Aldridge*:<sup>21</sup>

This was a real estate investment securities fraud case which involved six co-defendants. . . . I prosecuted the case with the assistance of an

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18. Steckler Memorial, *supra* note 3, at LXXXV-VI.

19. Comments: Steckler, *supra* note 2, at 1-2.

20. Letter from William F. Welch, Attorney, Bingham McHale LLP, to A. Scott Chinn, Office of Corporation Council, City of Indianapolis 1-2 (Oct. 2, 2003) (on file with author) [hereinafter Welch Letter].

21. 484 F.2d 655 (7th Cir. 1973).

attorney from the Securities and Exchange Commission office in Chicago. Seven attorneys appeared for the six co-defendants. The trial began on August 31, 1970, and the verdicts were returned on Sunday, November 22, 1970. This was said to be one of the longest trials, if not the longest trial, in the history of the Southern District of Indiana. I still remember the dignity and patience with which Judge Steckler presided over this trial despite the adverse effect that the trial was having on his otherwise busy schedule of court proceedings and administrative duties.<sup>22</sup>

Jim Voyles recalled the same trial: “It started in August of 1970 . . . [and] I was in that trial until November. . . . [M]y remembrance of Judge Steckler was that . . . his countenance and his patience [were] the same in August as . . . in November. He treated us every day the same.”<sup>23</sup> In a similar vein, District Judge John Daniel Tinder, who appeared in federal court as an Assistant United States Attorney from 1974 until 1977, and as the United States Attorney for the Southern District of Indiana from 1984 until 1987 before assuming the federal bench in 1987, remarked at the Judge’s memorial that

Judge Steckler patiently approached each case as though it was the first of that type that he had ever heard . . . . He allowed each side of the case to present their evidence and make arguments. He listened carefully and ruled deliberately. With great patience he tolerated us and the turmoil that we created and the conflict that we presented in each case, and despite the congestion of a busy docket, he approached each case with great care. . . . We always felt that we’d have a chance to make our points and we were certain that they would be addressed. We didn’t always win but we knew we’d be heard. His great patience made this courtroom a welcome place to be.<sup>24</sup>

Recently, Judge Barker told those attending the History Symposium:

I learned from Judge Steckler’s patience. Those of you who think it is in short supply, don’t blame Judge Steckler for that. He set a high standard. But he was a very patient, kind man who let the process unfold basically at a pace that the lawyers either chose or the proceedings themselves yielded. And I think about his longevity, just his ability to hang in there for so long. And hanging in there for so long [included] a 24-hour period of hanging in there, as well as the . . . duration of his career.<sup>25</sup>

Assistant United States Attorney Goodloe echoed Judge Barker’s words, adding

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22. Letter from William A. Kerr, Attorney, to A. Scott Chinn, Office of Corporation Council, City of Indianapolis 2 (Oct. 3, 2003) (on file with author) [hereinafter Kerr Letter].

23. Symposium Transcript, *supra* note 1, at 18.

24. Steckler Memorial, *supra* note 3, at LXXVII.

25. Symposium Transcript, *supra* note 1, at 7.

that “Judge Steckler [was] . . . very patient. And sometimes, in fact, patient well beyond what the lawyers might think would be required for the particular problem that was before him. But he would hear argument right on up until there wasn’t any further argument on even sometimes the most minute issue.”<sup>26</sup> Marianne McKinney Tobias, a friend of the Judge during the final years of his life, recalled him speaking about patience during one of their conversations, and when she spoke at the Judge’s memorial service, she quoted him: “‘My clerks get mad at me sometimes, but I really don’t care,’ he said. ‘They get mad at me because I am so slow. But in the end I will make them take time. What they don’t know yet is how important it is to doubt.’”<sup>27</sup>

Judge Steckler believed that decorum and civility should be practiced in the courtroom. Attorney Robert Geddes remembered Judge Steckler as

an exceptional jurist with a kind heart who loved being a federal judge. Court room decorum was extremely important. I remember a local attorney approaching the bench to argue a case with his suit coat unbuttoned. He stated, “Your Honor, I am not sure where to start.” Judge Steckler quickly responded, “Young man, you can start by buttoning your coat.” At times he was a perfectionist to a fault. There were many times when numerous hours were spent revising instructions for the jury. What a great person.<sup>28</sup>

Attorney Jim Voyles said:

I learned decorum, I learned professionalism . . . I watched one day, we were standing there, and somebody had walked into the well of the courtroom, and [Judge Steckler] asked them to be removed because they weren’t a lawyer. They didn’t have permission to be in there because only lawyers could be in there. So you learned things that you carry through the rest of your life these little contacts with these people that became important to you.<sup>29</sup>

At Judge Steckler’s memorial, Judge Dillin, having tried a few cases in front of him, remembered that he “was not particularly fond of our southwestern Indiana method of trying cases, which involved a few elbows here and there.”<sup>30</sup> Attorney John Kautzman said:

I remember that afternoon when we had done the final arguments. . . . Jack Ruckelshaus had the nightstick that had been used and wanted to impart to the jury that this was a pretty formidable object, and if the guy

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26. *Id.* at 12.

27. Steckler Memorial, *supra* note 3, at XC.

28. Letter from Robert W. Geddes, Attorney, Hume Smith Geddes Green & Simmons, LLP, to A. Scott Chinn, Office of Corporation Council, City of Indianapolis 1 (Sept. 30, 2003) (on file with author) [hereinafter Geddes Letter].

29. Symposium Transcript, *supra* note 1, at 20.

30. Steckler Memorial, *supra* note 3, at LXXV.

had been struck the way he said he had been struck he would have been a lot worse hurt. And so at one point Jack purposely dropped—I think it was purposely, I can’t say—but he dropped the nightstick on like the evidence table to make enough of a noise to show the mass and the weight of that nightstick. . . . Steckler looked at him like don’t you ever do that again.<sup>31</sup>

The Judge took his work very seriously, working long hours and expecting dedication and an excellent work product from all who labored with him. Magistrate Judge Endsley recalled that “[h]e insisted on impeccable legal research, correct sentence structure and accuracy in the work assigned to us as Magistrate Judges. Working with him was always a pleasant experience.”<sup>32</sup> Jim Voyles recalled:

Some of my most interesting instructional conferences I ever had in my life were in that courtroom. We went back in the back and we had this long table and we all sat there and we worked on instructions for maybe two days. And the way it worked, Judge Steckler sat at the end of the table and all the lawyers sat around, and we passed these instructions and we changed words and sentences. And then he would call Miss Murphy, his long time assistant, in, and he would say, “Miss Murphy, would you take care of this?” And the door would seem to close and Miss Murphy would walk back in and hand the instructions to us. They worked like a team. They were very efficient.<sup>33</sup>

Judge Steckler’s capacity and love of the work were awe-inspiring. Judge Endsley summed up these qualities when he wrote:

The spirit of Bill Steckler still reigns in the Southern District of Indiana. His moral integrity, compassion, intelligence, industriousness, and legal knowledge set the highest possible standards for the [c]ourt. He spent more than forty of the hundred years in the Federal Court House and his high standards are reflected in the Judges who reside therein today.<sup>34</sup>

## II. THE HONORABLE CALE J. HOLDER

Cale James Holder was born on April 5, 1912, in Lawrenceville, Illinois,<sup>35</sup> and lived most of his life in Indianapolis, Indiana, attending Shortridge High School,<sup>36</sup> Benjamin Harrison Law School, and Indiana University School of Law. He was admitted to the Bar on July 27, 1934, and practiced law in Indianapolis

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31. Symposium Transcript, *supra* note 1, at 27-28.

32. Comments: Steckler, *supra* note 2, at 1-2.

33. Symposium Transcript, *supra* note 1, at 18-19.

34. Comments: Steckler, *supra* note 2, at 1-2.

35. Memorial Service for The Honorable Cale James Holder, 579 F. Supp. LXVIII, LXXI (Oct. 7, 1983) [hereinafter Holder Memorial].

36. *Id.* at LXXXII-LXXXIII.

for twelve years.<sup>37</sup> He served in the Navy during World War II, and afterwards was instrumental in forming the Marion County Republican Veterans of World War II.<sup>38</sup> His political activity after the war catapulted him into leadership positions in his party, and in 1952, Cale Holder chaired the Indiana delegation to the Republican National Convention.<sup>39</sup>

President Dwight D. Eisenhower appointed Cale Holder to the federal bench in 1954, making him the second serving District Judge in the Southern District of Indiana. During his nearly thirty years on the bench, he was the only Republican-appointee on the court.<sup>40</sup> Judge Holder was staunchly conservative and "believed in the tradition that the government should stay off the people's backs as much as possible."<sup>41</sup> He was a strict constructionist of statutes and the Constitution, caring deeply for the legal rights of persons who appeared before him. In the late 1960s, Judge Holder toured Kokomo schools to determine whether the school system practiced segregation and denied African-American students educational opportunities. Finding a pattern of separate and unequal facilities, he ordered the schools be closed, effecting a redistricting plan for the system. In 1975, Judge Holder ordered a "fair" representation of African-Americans on the Indiana State Police force.<sup>42</sup>

After twenty-nine years as a federal district judge, Cale Holder died while still in active service on August 23, 1983, at the age of seventy-one, three days after suffering a stroke.<sup>43</sup> His memorial service was presided over by Chief Judge Dillin with participation by his colleagues, Judges Steckler, Noland, and Brooks.

Reflecting on his experiences practicing before Judge Holder, attorney William F. Welch commented that "Judge Holder's and Judge Steckler's personalities were quite different. . . ."<sup>44</sup> Judge Holder "was older at the time of his appointment to the bench . . . and had practiced law for a number of years, as well as having been active in the Indiana political scene."<sup>45</sup> Generally, Judge Holder was "a 'take charge' jurist, but [he] had a sense of humor and a basic concern, or sympathy, for the practicing bar, which kept the atmosphere in his courtroom on a pleasant and congenial level in most instances."<sup>46</sup> However, not all legal practitioners were so at ease in Judge Holder's courtroom. Magistrate Judge Endsley commented that "Judge Holder always scared the hell out of me. He seemed unnecessarily gruff and short in dealing with those of us who

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37. *Id.* at LXXI.

38. *Id.* at LXXXII.

39. *Id.* at LXXI.

40. *Id.* at CVIII (quoting Diane Frederick, *Colleagues Recall Holder as "Hardworking," "Fair,"* INDIANAPOLIS NEWS, Aug. 24, 1983).

41. *Id.* at CVI.

42. *Id.* (quoting INDIANAPOLIS STAR).

43. *Id.* at LXXI.

44. Welch Letter, *supra* note 20, at 2.

45. *Id.*

46. *Id.*



represented pauper criminal defendants."<sup>47</sup> However, Judge Barker recalled:

Judge Holder was a very tough, demanding judge, but sort of courtly in his own way. He was always kind to me. I suppose if I expected any gender discrimination it might have been from Judge Holder because he was so conservative and so old guard, you know, but I never got any of that. I got one patronizing sort of remark one time I remember. The Assistant U.S. Attorney Scott Miller, who had been the liaison to the Drug Task Force, had gone out on a search warrant and made himself into a witness foolishly. And so I was a brand new Assistant U.S. Attorney and I picked up the case on the motion to suppress, and I went down there and Scott Miller who is a fine person . . . and a terrific lawyer, . . . was one bad witness. And so we managed through the process and we . . . fended off the suppression efforts, but Judge Holder finished it up by saying, "Mrs. Barker, let this be a lesson to you. Don't ever put on a sidearm and go out there and root and shoot and [execute] search warrant[s] [at] these places with the agents. You stay at the office." It was gratuitous advice. I didn't have any instincts otherwise, but it was very much like Holder.<sup>48</sup>

At Judge Holder's memorial, attorney Carl Chaney of Evansville, Indiana, said of Judge Holder that he "had an extraordinarily deep understanding of his role in the structural scheme of our nation's government. He understood in the broadest and finest senses the role of the judiciary in counterbalance of the two other branches of Government."<sup>49</sup> The Memorial Resolution of the Indianapolis Chapter of the Federal Bar Association noted that he was "not a judicial activist, but an active jurist."<sup>50</sup> Members of the federal bar remembered how "[a]s a trial judge he struck terror in the heart of the unprepared and many a young lawyer shook with fright at the thought of his first encounter. He was firm, fair, and unafraid of facing the tough decisions."<sup>51</sup>

Judge Holder taught a generation of lawyers the legal technicalities of trying a case. Jim Voyles commented that

[m]y classification of Judge Holder would be a little more earthy than Judge Steckler, and someone who . . . taught you about the technical aspects of being a lawyer. I mean, you could learn the courtesies and professionalism from Judge Steckler, but the technical part of being a lawyer came from Judge Holder for me.<sup>52</sup>

Mr. Voyles recalled that "[i]t was always said about Judge Holder that he taught

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47. Former United States Magistrate Judge John P. Endsley, Comments: Honorable Cale J. Holder 1 (Fall 2003) (on file with author) [hereinafter Comments: Holder].

48. Symposium Transcript, *supra* note 1, at 10.

49. Holder Memorial, *supra* note 35, at LXXXI.

50. *Id.* at C (Memorial Resolution, Indianapolis Chapter, Federal Bar Association).

51. *Id.*

52. Symposium Transcript, *supra* note 1, at 20.

a lawyer to be a lawyer. He did not tolerate mistakes by lawyers. He did not tolerate improper statements by lawyers on his record, and would have no hesitation to publicly remind you."<sup>53</sup> Assistant United States Attorney Goodloe remembered that

he was very mechanical and very precise. . . . If a lawyer stood up in front of Judge Holder and said, for example, that he was moving the admission of an exhibit, the old judge might lean forward a little bit with a twinkle in his eye and say, "Counsel, are you offering this?" And if the lawyer was really tracking with the judge he would say, "Yes, Judge, I stand corrected. I'm offering exhibit such and such." But if that lawyer wasn't [tracking] and said, "Yes, judge, I move the admissions of—" he would lean back and he might say, "Mr. Oestereich [the court reporter], read to me my question and the lawyer's answer." You see, it is building. And then, if a day or so later that lawyer stood up again and said, "I'm moving the admission of," you might get even more of a response than you want. But one of the things I learned from Judge Holder in doing that was this: [i]f you really were tracking with him and you picked up on that first advisory he gave you, he might go ahead and educate you a little bit by saying, "You understand, counsel, that if I have got a motion in front of me I have got to rule on it. And if it is an offer of an exhibit, that is quite another matter. I don't want the record to show that a motion came before the judge and the judge didn't rule on the motion. I have got to keep my eye on that court of appeals up there." So he was constantly concerned with the record that was being made, and mechanically, to him, it was vastly different to have someone say they were making a motion regarding something than to just simply offer . . . an exhibit in evidence, and he treated them differently.<sup>54</sup>

Mr. Voyles added that

[b]ut he would also say to us . . . "Now, Mr. Voyles, . . . [y]ou are making tracks on my record. You don't want to . . . or double dribbl[e] on my record." Or he would say to a client on a [security] bond issue, he said, "Now I don't want you to get rabbit fever. . . ." Then he would explain he didn't want this guy to be out running and taking off while he was gone.<sup>55</sup>

Attorney Jim Strain remembered that Judge Holder had specific ideas about what was "good law" in the Southern District of Indiana:

I was in a case in which a very well-known lawyer in Indianapolis . . . saw fit to put in an affidavit in support of a preliminary injunction, so we saw fit to put him on the stand. And Judge Holder, of course, following

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53. Voyles Letter, *supra* note 17, at 2.

54. Symposium Transcript, *supra* note 1, at 14-15.

55. *Id.* at 22.

the law, kept him on the stand and said, "You have a choice. You can either withdraw your affidavit or you can leave your affidavit in and go on the stand and be cross-examined." The response to which was, "Well, in New York they do it this way all the time." What do you think Judge Holder's response was to that?<sup>56</sup>

Judge Barker added that she remembered "one time he told me never to cite D.C. Circuit or Ninth Circuit cases in his court, it was not the law."<sup>57</sup>

Attorney Robert W. Geddes remembered Judge Holder as a "stickler for courtroom decorum."<sup>58</sup>

Any lawyer making a comment in Judge Holder's court better be standing. He also disliked any lawyer using the terms "I think" or "I believe." He had a booming voice. I can remember making my first objection in my first trial in Judge Holder's court. He quickly responded and said, "Sit down." I can still feel my bottom hitting the chair. If you were not prepared in Judge Holder's court, you were in deep trouble. At the same time, he had a soft spot in his heart for certain individuals such as disabled veterans. Like all the federal judges in this district, he was an extremely hard worker and a dedicated federal judge. Some of his greatest skills consisted of conducting tough pre-trial and settlement conferences.<sup>59</sup>

Judge Holder also expected that the lessons he taught be remembered. Again, Mr. Voyles commented:

The next time you are in Judge Holder's court, you remembered what he told you the first time, because if you didn't remember, you wouldn't be in there very often because it would be very unpleasant. . . . I was co-counsel with a lawyer, and there was a very prominent lawyer . . . on the other side of that case. . . . I remember that he walked up toward the bench, . . . and as he was there talking to the court and us about this exhibit[,] he put his arm on the bench and was kind of leaning on the bench. And I remember Judge Holder looking at him and in a high voice reminded him to take his arm off the bench immediately. Never [during] the rest of the trial did this lawyer get within twenty feet of the bench.<sup>60</sup>

Judge Barker recounted:

When I was nine months pregnant I had the temerity, after about five hours of a hearing in his court, to lean against the front of the jury box because we had to be standing, but I thought that it would be okay if I leaned against it. He called me out the same way. "On your feet, Mrs.

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56. *Id.* at 11.

57. *Id.*

58. Geddes Letter, *supra* note 28, at 2.

59. *Id.*

60. Symposium Transcript, *supra* note 1, at 20-23.

Barker," he said.<sup>61</sup>

Sometimes Judge Holder's demands for decorum rattled the advocates. Former Judge Endsley recalled:

I defended an inmate at the [United States Penitentiary], Terre Haute, charged with striking a fellow inmate with a twenty-seven pound wrench. After the [district attorney] had exhibited the instrument to the jury the clerk started to lay the wrench on the exhibit table which had a glass top. The judge jumped up and in a loud voice told his clerk to be careful or he would break the glass. I saw my case going down the drain. The jury was out for four hours after lunch and the Judge was mad because he wanted to return to Indianapolis. I could have pleaded the man guilty and got a four year sentence but he wanted a trial. The judge gave him six years.<sup>62</sup>

Some advocates commented on Judge Holder's fondness for certain litigants. Jim Voyles observed:

He absolutely revered people who had served in the United States military and had defended their country. . . . And so I can guarantee you any time we had a defendant in front of the court who had a distinguished military career, that information was provided to the court at the first part of the sentencing hearing because he would—the one I remember the most is the Government counsel . . . had presented a memorandum of about a hundred pages about why this person ought to go to jail, and for what reason they had been against the Government, they had done these terrible things, and this fellow had carried his buddies across the beaches at Anzio and had been shot and had Purple Hearts. Well, those are the first five documents that we supplied in our sentencing memorandum. So the Government got done and Judge Holder had him in front of the bench, and he said, "Now, Mr. So-and-so," he said, "I notice you have a remarkably distinguished military career." And my partner, Dennis Zahn [and I], looked at each other and thought things [were] looking up here.<sup>63</sup>

There was general agreement among everyone who shared their insights and stories that Judge Holder was a hard-working judge, some observing that he was as much a "workaholic" as Judge Steckler.<sup>64</sup> When Judge Holder visited the outer division of the Southern District, there were "all-day and far-into-the-night court sessions" conducted by the Judge in order to get through his docket.<sup>65</sup> The Judge was also concerned that his decisions and rulings were sound and not

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61. *Id.* at 21.

62. Comments: Holder, *supra* note 47, at 1.

63. Symposium Transcript, *supra* note 1, at 21-22.

64. Welch Letter, *supra* note 20, at 2.

65. Holder Memorial, *supra* note 35, at LXXXI.

subject to being overturned on appellate review. Jim Strain commented that

[t]he one thing I learned from Judge Holder was that he worked as hard as any person I have ever seen at trying to get an order out that could not be reversed by the Seventh Circuit. Now, how, you might ask, did he do that? . . . [We] would do kitchen sink orders. Everything conceivable that could be put into the order was put in . . . , so that on some ground—all it takes is one—the order might be affirmed. . . . So when we practiced in front of Judge Holder we put everything we could conceivably put into the order form that we submitted to him in the fond hopes that he would both . . . sign the order and . . . not get reversed.<sup>66</sup>

Judge Holder was attentive to detail and to efficiency.<sup>67</sup>

As the dockets in his and Judge Steckler's courts grew . . . , Judge Holder devoted considerable effort to managing his docket; and as part of that effort, he developed a reputation for strong encouragement of, if not outright insistence upon, settlement. One heard from time to time the comment that lawyers who practiced before Judge Holder yearned for the opportunity to try their cases rather than settle them.<sup>68</sup>

Holder believed, however, that “the best lawyers were . . . those who prevented their cases from coming to court in the first place through negotiation and settlement.”<sup>69</sup> Attorney Earle A. Kightlinger commented at the Judge's memorial service that

[h]e was dedicated to fairness and scrupulous in his efforts to reach proper ends under the law. He saved much time in the courtroom by achieving settlements between the parties and amicably disposing of the cases. When asked why he devoted so much of his energy to achieving such settlements, he said that he had concluded after observing from his vantage point the course of litigation usually took that it was just more humane as a solution for all involved.<sup>70</sup>

Judge Steckler added that Judge Holder “had a way of knocking heads together to get cases worked out.”<sup>71</sup> Judge Endsley commented that Judge Holder “was a tough pretrial advocate and you always left a conference feeling that you had better compromise the case or suffer the consequences.”<sup>72</sup>

Paradoxically, as efficient as he was, Judge Holder did not always appreciate changes within the judiciary that were intended to reduce his burden. Magistrate

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66. Symposium Transcript, *supra* note 1, at 5-6.

67. Holder Memorial, *supra* note 35, at LXXXIII.

68. Welch Letter, *supra* note 20, at 2.

69. Holder Memorial, *supra* note 35, at CIII (quoting *Remembering Cale J. Holder*, INDIANAPOLIS NEWS, Sept. 12, 1983).

70. *Id.* at LXXXIII.

71. *Id.* at CVIII (quoting Frederick, *supra* note 40).

72. Comments: Holder, *supra* note 47, at 1.

Judge Endsley was left with the opinion that Judge Holder did not appreciate the value of the magistrate judge position, saying:

As a Magistrate Judge the Judge tried his best to ignore us. I did his pre-trials in the outer divisions from 1979 until his death. I was required to hold a conference on all cases on the docket regardless of their current status. He never conferred with me on any case regarding any issue and never commented on the reports. I concluded that he just didn't care for the magistrate system and was going to use it as little as possible.<sup>73</sup>

Judge Holder's conservative philosophy was well known, as was his penchant for tough sentences. These predilections occasionally gave rise to the amusing incident. Judge Barker remembered: "One sleepy morning, his sleepy law clerk, who was serving as bailiff, came in and gaveled the Judge in and said: 'The Honorable Cale Jail Holder presiding.' A lot of requests for continuances came next."<sup>74</sup>

Outside of the courtroom, Judge Holder was gregarious and devoted to his family, which included three cherished grandsons.<sup>75</sup> He was an avid sportsman and enjoyed his friends and neighbors. Judge Barker offered a particularly revealing comment when she said that

with each of the Barker babies who were born [while I was an Assistant United States Attorney], . . . in the most discrete, you might almost think conspiratorial way, he had [delivered] to me through intermediaries two nice gift bottles, one for each occasion, of Harvey's Bristol Cream Sherry. And he wouldn't write anything to say that it was from Judge Holder, but he sent word with the go-betweens, ["I think you will be needing this in the middle of the night.[]"]<sup>76</sup>

### III. THE HONORABLE S. HUGH DILLIN

Samuel Hugh Dillin was born in Petersburg, Indiana, on June 9, 1914. His father, Samuel E. Dillin, was a prominent trial attorney in Petersburg, Indiana, and his mother, Maude, was a pianist/organist, music teacher and graduate of the Cincinnati College of Music. Early on, young Hugh was exposed to the legal world when Samuel E. Dillin started taking his ten-year-old son to court trials. Hugh Dillin became acquainted with Pike Circuit Court Judge John F. Dillon, who was his relative, and Indiana Supreme Court Justice Walter E. Treanor, who was later appointed to the Court of Appeals for the Seventh Circuit, and was a frequent dinner guest at the Dillin home.<sup>77</sup>

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73. *Id.*

74. Symposium Transcript, *supra* note 1, at 25 (emphasis added).

75. Welch Letter, *supra* note 20, at 2.

76. Symposium Transcript, *supra* note 1, at 10-11.

77. Recognition Dinner honoring The Honorable S. Hugh Dillin, 606 F. Supp. LXXV, LXXI (Oct. 10, 1984) [hereinafter Dillin Recognition].

Hugh Dillin followed the family tradition by attending Indiana University where he was a member of the debate team and the marching band. He was also president of Delta Tau Delta fraternity, editor of a humor magazine, and an exceptional bridge player. He received his A.B. degree in government in 1936 and his law degree in 1938.<sup>78</sup>

After law school, Hugh Dillin joined his father's law practice, where he remained until 1961 when he was appointed to the federal bench. Although the practice was a general one, he developed expertise in mineral law and litigation.<sup>79</sup>

At the age of twenty-two while still attending I.U., Hugh Dillin was nominated to serve in the Indiana House of Representatives as the representative from Knox and Pike Counties. During his first term, a bill was introduced to abolish the bar examination. The bill had already passed the Senate and was expected to pass in the House. Representative Dillin rose to announce that he would vote against the bill because, given the importance of assuring that qualified lawyers practice law in Indiana, the bill's passage was not in the public's interest. He was twice re-elected, serving in the House until he resigned to volunteer for the Army during World War II.<sup>80</sup>

After serving as a legal officer in the Ordnance Department of the Army, Hugh Dillin returned to civilian life and worked as legislative advisor to Governor Henry F. Schricker. In 1951, Hugh Dillin was re-elected to the House where he became minority leader. In 1956, he launched an unsuccessful bid for the Democratic nomination for Governor, and in 1958 was elected to the State Senate. During the 1961 senate session, Dillin held two influential posts—majority floor leader and President *Pro Tem*. He became well-known as a floor leader who furthered the goals of his party by providing other legislators the opportunity to present and advance legislation while reserving his forensic skills and quick wit for rebuttal arguments.<sup>81</sup>

On October 7, 1961, President John F. Kennedy appointed S. Hugh Dillin to the federal bench.<sup>82</sup> Throughout his judicial career, Judge Dillin distinguished himself as an exceptional trial judge and a wise decision-maker. His tenure was marked by especially difficult and controversial cases, including the desegregation of the Indianapolis schools, the conditions and medical care at the Marion County Jail, the invalidation of the patent on liquid corn oil, and the hundreds of claims that arose out of the 1963 explosion at the State Fairground's Coliseum which injured and killed spectators at a *Holiday on Ice* show.<sup>83</sup>

Judge Dillin became the first president of the District Judges Association of the Seventh Judicial Circuit. The judges within the Circuit elected him to serve as the Circuit's judge representative on the Judicial Conference of the United States, the legislative and policy-making body for the federal judiciary. While

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78. *Id.* at LXXII.

79. *Id.*

80. *Id.* at LXXIII.

81. *Id.* at LXXIV.

82. *Id.* at LXXI.

83. *Id.* at LXXV.

serving on the Judicial Conference, he participated as a member of its Executive Committee and its Court Administration Committee. Sometime later, he was appointed to the Judicial Panel on Multidistrict Litigation.<sup>84</sup> Judge Dillin served as chief judge of the Southern District from July 1, 1982 until June 9, 1984,<sup>85</sup> and he took senior status in 1985.

An *Indianapolis News* article, reporting on Judge Dillin's recognition dinner, a reporter wrote:

During the pendency of the [Marion County school desegregation case], Dillin was often reviled, threatened and criticized. He responded, however, with patience, common sense, humor, and a sympathetic understanding that most of the controversy stemmed from a natural concern on the part of parents for the welfare of their children.<sup>86</sup>

This assessment incorporates many attributes and perceptions that members of the bench and bar have had regarding Judge Dillin's work. During the Symposium, Assistant United States Attorney Charles Goodloe said:

Judge Dillin was . . . a keen wit to me, . . . one who could get to the very core of a matter quickly. And when he had heard enough basically he would tell you he had heard enough, and then he could give you a ruling. And many times that oral ruling would sound like it [was] something that he had been working on for several days, described by one of our colleagues one time as like peeling a banana. He could . . . layer it out for you, what the rationale was for the decision. And that [was] something, if you [were] paying attention to [what was] being done there, you [could] learn from [it].<sup>87</sup>

Judge Barker added:

From Judge Dillin I learned how to get to the heart of the matter. One of his most famous expressions was, "Can't you summarize it?" . . . [W]hatever was said before him, "Mrs. Barker, summarize it." So you had to be able to go quickly to the holding, or the issue, or why you were putting a witness on, that sort of thing.<sup>88</sup>

At times, the Judge's habit of getting to the heart of the matter quickly challenged practicing attorneys. Judge Barker recollected: "Some of you may remember his rule on bank robberies. Three bank tellers are enough. And we used to worry about the empty chair. You know, what is the jury going to say about where were the other two? Three tellers are enough."<sup>89</sup> In a similar vein, Assistant United States Attorney Charles Goodloe interjected:

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84. *Id.*

85. *Id.* at LXXI.

86. *Id.* at CXI-CXII (quoting *Judge S. Hugh Dillin*, INDIANAPOLIS NEWS, Oct. 10, 1984).

87. Symposium Transcript, *supra* note 1, at 12-13.

88. *Id.* at 7-8.

89. *Id.* at 8.



Many years ago I was trying [a bank robber] in front of Judge Dillin and it was going to take about five days and he thought it should take maybe about half that. So he made me line up the witnesses out in the corridor leading into the courtroom so that when one came out that was a signal for the next one to come in, and I did it that way, right on through the end of the trial. . . . [T]hat was one . . . personal attribute that he couldn't really shake. Once he had heard enough of a particular thing he was ready to move on, and you had to pick up on that and be prepared to move on.<sup>90</sup>

Judge Barker also noted Judge Dillin's efficiency during trial:

He could keep his eye on the ball and move [things] through. I had one death case from Terre Haute where a prisoner had killed another one, and I left home telling Ken and the kids, "I'll see you in a week, maybe, a little longer, although I'll be home for the weekend." And I was home by Tuesday night after the case had started on Monday, verdict and all.<sup>91</sup>

And John Kautzman remembered:

I do remember him being somewhat impatient, though, and being very interested in efficiency. And if he didn't like something about the way things were going in the courtroom, it didn't matter if it was the plaintiff's lawyer or the defense lawyer, he would immediately take over the questioning from the bench.<sup>92</sup>

Magistrate Judge Endsley remembered how Judge Dillin could push a lawyer to prepare for trial.

He was known for his off-hand remarks from the bench and often encouraged attorneys to "get on with it." He could be gruff and condescending from the bench. He was efficient and pushed litigants to the limit. He demanded preparation and maximum use of trial rules to expedite the presentation of evidence. He was a natural judge, learned in the law, skilled in his knowledge of people and a master in the courtroom.<sup>93</sup>

Jim Voyles also remembered:

I again had the distinct honor and privilege of trying cases in front of Judge Dillin, who made short work of people who made silly statements and were not prepared to try their cases. . . . He was an extremely bright and talented lawyer and exhibited his talents in the law while serving on

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90. *Id.* at 13-14.

91. *Id.* at 7-8.

92. *Id.* at 29.

93. United States Magistrate Judge John P. Endsley, Comments: Honorable S. Hugh Dillin 1-3 (Fall 2003) (on file with author) [hereinafter Comments: Dillin] (emphasis omitted).

the [D]istrict [C]ourt bench.<sup>94</sup>

Judge Barker reiterated that "he was a very practical, efficient, and very, very smart judge. I hope I learned several things from him."<sup>95</sup>

Of Judge Dillin's life before he took the bench, Magistrate Judge Endsley wrote:

I have known Hugh Dillin since early 1956 when he enlisted a group of young Democratic lawyers to assist him in his campaign for the gubernatorial nomination. Although his efforts were unsuccessful the group formed lifelong friendships with him and our good relationship exists till this day.

During his senatorial days in the State House (1960) I had the opportunity [to] see him carry the governor's program to major success. . . . We all worked to obtain support for his nomination to the District Court in 1961. He probably didn't need it as he had the late Senator Hartke and Governor Welsh in his corner.<sup>96</sup>

Magistrate Judge Endsley also recalled that Judge Dillin's "sense of humor was legendary and he was often the roaster."<sup>97</sup> Judge Endsley further observed that "Judge Dillin was a brave and conscientious man. During the height of the school desegregation case he never took his name out of the phone directory."<sup>98</sup> According to Endsley:

Hugh Dillin was the best judge that I have ever known. He was intelligent, a good listener, wise in the ways of the world, and did not easily suffer fools. I tried a number of [Criminal Justice Act] cases before him both with and without a jury. Draft evaders (avoiders) were very interesting. All of the Judges were veterans of WWII and had little sympathy for these whose sole reason for avoidance was the immorality of the conflict. However, as the sixties moved into the seventies Judge Dillin also seemed to change.

In the late sixties I represented a young man whose religious convictions would only allow him to sit on a sheepskin. He could not and would not sit on a chair unless his skin was under his butt. The U.S. Marshal had seized his skin and when court convened my client remained standing. Judge Dillin inquired in his usual affable manner as to the problem. Upon being informed he recessed the [c]ourt instructing the Marshal to get the man his sheepskin. As he went through the door to his chambers I would swear we heard him laugh. My client spent the

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94. Voyles Letter, *supra* note 17, at 2.

95. Symposium Transcript, *supra* note 1, at 7-8.

96. Comments: Dillin, *supra* note 93, at 1-3.

97. *Id.* at 3.

98. *Id.* at 2.

next two years at Wishard [Hospital].

About three years later I represented a young man who waited out the war in Australia, England and India. He couldn't find God in any of those places so he showed up at the American Embassy in England and got passage home. The Marshal met him in Bangor[,] Maine and escorted him to Indianapolis. He was tried before Judge Dillin. The war had been over for a couple of years. During the trial we established that the local draft board had failed to follow their regulations on calling up persons who were overseas. The Judge acquitted him. He was a man of compassion.<sup>99</sup>

Judge Endsley added: "As to possible predisposition, I believe he tended to support the applicant in Social Security Disability reviews and gave plaintiffs wide latitude in presenting discrimination evidence in civil right cases. However, his rulings in such cases were always supported by the law."<sup>100</sup>

Just being with Judge Dillin could be an awe-inspiring experience. John Kautzman recalled the first time he was invited into Judge Dillin's chambers.

And you are back there and you see pictures of him and President Kennedy on the wall, and it is just an amazing feeling of understanding what a small cog we were in this tremendous wheel of justice going all the way from Indianapolis to Washington, D.C., and it was a tremendous experience.<sup>101</sup>

Magistrate Judge Endsley again captured the significance of Judge Dillin's tenure on the court:

The long-term impact of S. Hugh Dillin has to be reflected in the numerous law clerks, interns and young lawyers who were exposed to one of the most intelligent of judicial officers. He held to the high standards established by Judge Steckler. His contributions to our community are many. I attended a retirement dinner for one of our local civic leaders. Many dignitaries were introduced. When the Judge's turn came he received the loudest applause and a standing ovation and it wasn't his dinner.<sup>102</sup>

Attorney William Welsh summarized his memories of Judge Dillin this way:

Judge Dillin had the benefit of extensive law practice and legislative experience prior to being appointed, and his intellectual capacity served at times to make him appear to be a tough taskmaster in the courtroom. My impression, based upon admittedly limited experience in his court, was that he was basically fair and considerate of all counsel and their

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99. *Id.* at 1-2.

100. *Id.* at 2.

101. Symposium Transcript, *supra* note 1, at 28.

102. Comments: Dillin, *supra* note 93, at 3.

clients appearing before him, but could demonstrate something of a “short fuse” if someone tended to “push the envelope[.]” In other words, in the vernacular, he did not suffer fools gladly. The case most widely associated with Judge Dillin in the public’s mind undoubtedly was the busing case involving the public schools in Indianapolis and Marion County. The issues presented were “hot button” ones, both locally and nationally, at the time; and the media gave the case priority coverage during its lengthy pendency. Few people were neutral regarding mandatory school busing in those days, and Judge Dillin’s decisions directing its adoption and enforcement made him a hero to its adherents and something less than that to its opponents. This was a classic example of the type of case which can test the resiliency and integrity of a judge and give him or her the feeling of being the loneliest person in the world.<sup>103</sup>

#### IV. THE HONORABLE JAMES E. NOLAND

“This Judge . . . truly had a judicial temperament. This is a gift of the almighty, not of mere man.”<sup>104</sup>

James Noland was born into a large Democratic family in LaGrange, Missouri, on April 22, 1920.<sup>105</sup> Politics was a family pursuit, and young James joined the fray when, at age eight, his father brought him to Cape Girardeau, Missouri, to help his uncle campaign for sheriff. Much later, while James Noland was serving in the military, his father ran for Congress against the man whom James Noland would eventually defeat in his own bid for a Congressional seat.<sup>106</sup>

The Noland Family moved from Missouri to Roachdale, Indiana, in 1923 and then to Bloomington during James’s freshman year in high school. After high school, James Noland did undergraduate work at Indiana University and received a master’s degree in business administration from the Harvard Graduate Business School. After serving in the Army Transportation Corps during World War II,<sup>107</sup> he completed a law degree at Indiana University School of Law at Bloomington.<sup>108</sup>

While still in law school, James Noland made a successful bid for the United States House of Representatives and served from 1949 to 1950 as one of the

103. Welch Letter, *supra* note 20, at 2-3.

104. United States Magistrate Judge John P. Endsley, Comments: Honorable James E. Noland 1-3 (Fall 2003) (on file with author) [hereinafter Comments: Noland].

105. Memorial Service for The Honorable James E. Noland, 816 F. Supp. LXI, LXXXIII (Dec. 11, 1992) [hereinafter Noland Memorial]; see Welch Letter, *supra* note 20; see also *id.* at 1-2.

106. Noland Memorial, *supra* note 105, at LXXXIV.

107. Recognition Dinner honoring The Honorable James E. Noland, 678 F. Supp. LXIX, LXXVIII (Mar. 27, 1987) [hereinafter Noland Recognition].

108. *Id.* at LXXV.

youngest members of Congress. When his congressional term ended, Noland moved to Indianapolis to practice law, taking a position as Deputy Attorney General advising the State Board of Tax Commissioners and the Legislative Reference Bureau. A few years later, he became the First Assistant City Attorney and served as counsel for the Board of Public Works and Off-Street Parking Commission. James Noland was also engaged in private practice during this time and appeared often in federal court.<sup>109</sup>

In 1966, following an appointment as Special Master in the Southern District to oversee hearings on land condemnation proceedings involving the federal government's taking of land for the Monroe Reservoir,<sup>110</sup> President Lyndon B. Johnson appointed James Noland to the federal bench to fill a newly-authorized judgeship.<sup>111</sup>

Once settled on the bench, Judge Noland accepted additional responsibilities. From 1972 until 1982, he was a member of a special committee of the Judicial Conferences dealing with the operation of the magistrate judge system. Judge Noland also served as chair of the National Conference of Federal Trial Judges of the American Bar Association, chair of the American Bar Association's Judicial Administration Division, and president of the District Judges Association of the Seventh Federal Circuit.<sup>112</sup> In 1983, Chief Justice Warren E. Burger appointed Judge Noland to a seven-year term on the United States Foreign Intelligence Surveillance Court, which reviewed executive-branch applications for electronic surveillance of foreign powers and their agents. Chief Justice William Rehnquist elevated him to Chief Judge of that court in 1988.<sup>113</sup> Judge Noland served as Chief Judge of the Southern District from 1984 until 1987, at which point he took senior status and continued taking cases on a limited rotation.<sup>114</sup>

Judge Noland served on the district court for twenty-five years, until his death on August 12, 1992, at the age of seventy-two after a brief respiratory illness.<sup>115</sup>

During his tenure, Judge Noland proved himself entirely capable of managing the many "tough cases" which came to his docket. Examples abound, but commentators at his recognition dinner and memorial service highlighted the 1975 criminal trial of twelve Black Muslim inmates at the Federal Penitentiary at Terre Haute who were charged with the brutal knifing murder of an inmate who was the leader of the African Cultural Society,<sup>116</sup> a landmark

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109. *Id.*

110. *Id.*

111. *Id.* at LXXVI.

112. *Id.*

113. *Id.* at LXXVII.

114. Noland Recognition, *supra* note 107, at LXXVI.

115. Noland Memorial, *supra* note 105, at LXIII & C.

116. Noland Recognition, *supra* note 107, at LXXIX.

reapportionment case,<sup>117</sup> the 1985 Ryan White case,<sup>118</sup> the first trial of Speedway bomber Brett Kimberlin<sup>119</sup> and the Cypriot mosaics case in which he ruled that countries have a right to regain their cultural heritage.<sup>120</sup>

Judge Noland's contributions were memorialized in a resolution noting his exemplary character and career: "James E. Noland epitomized the qualities of integrity, dignity, tolerance, and warmth such that he was a living example of the civility that should exist throughout our justice system."<sup>121</sup> The Indianapolis Bar Association resolution stated:

His loyalty and devotion to the cause of justice is legend, as, indeed, was he a legend in his own time in our profession. Our profession had no better jurist. He loved people and was loved and respected by people from all walks of life. There was never anyone too great or too small to receive his attention, time and concern.<sup>122</sup>

Professor William Harvey's eloquence captured the Judge's special qualities, observing that his "combinations of power and grace, of intellectual strength and personal kindness, of firm commitment and wise flexibility, were in harmonious balance."<sup>123</sup>

Attorney Robert Geddes described Judge Noland as

an individual who was very down to earth. He did have an imaginary line in his court room and if you were arguing a case before the jury, you'd better not pass that line. He had candles in his conference room and sometimes I thought I was in a funeral home. He was a wonderful, conscientious judge who did his best to solve all legal disputes in a professional manner. He had excellent skills in resolving cases before mediation came into existence.<sup>124</sup>

In the courtroom, Judge Noland's kindness and caring to lawyers and litigants were legend. Attorney Virginia Dill McCarty said that "no lawyer needed to fear coming to [his] courtroom. It was always a pleasure."<sup>125</sup> Attorney and former law clerk Richard Darko recounted that

He got along with lawyers; he got along with litigants . . . . He went out of his way not to embarrass anyone in the courtroom. He really set the standard for the lawyers in the Southern District of Indiana as to how you should act in the courtroom. He always expected people to be civil,

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117. *Id.* at LXXX.

118. *Id.* at LXXXI.

119. *Id.* at CVII.

120. Noland Memorial, *supra* note 105, at CII.

121. *Id.* at LXXI.

122. *Id.* at LXXII.

123. *Id.* at LXXVI.

124. Geddes Letter, *supra* note 28, at 2.

125. Noland Memorial, *supra* note 105, at LXXX.

to be polite.<sup>126</sup>

Assistant United States Attorney Charles Goodloe agreed, remembering:

I consider[ed] him very, very courtly, very gentlemanly, and the things I learned from him were much like Judge Steckler. He was very patient and generally, I think, the lawyers were basically very comfortable and at ease before him. And even if you made a mistake you wouldn't feel like there was going to be something that would come back to embarrass you in a big way. He was very nice about that. He might suggest a thing, or two. Well, maybe you should do such and such. That was not to say . . . that he didn't also provide some education and advice, much like the others, but he was far less . . . imposing.<sup>127</sup>

Judge Dillin quipped that “[h]e always gave everyone a chance to say their piece,”<sup>128</sup> and Magistrate Judge Endsley recalled that the Judge was

always, calm, cool and collected on and off the bench. He had a fine sense of humor and loved to swap stories. He never had a bad word to say about anyone, a trait he shared with both Bill Steckler and Hugh Dillin.

I represented several indigent criminal defendants in front of Judge Noland and always found him fair and reasonable. I can only recall one occasion when he became upset with a recalcitrant witness and actually raised his voice.<sup>129</sup>

Judge Noland's graciousness enhanced his effectiveness as a judge. At the memorial, attorney Virginia Dill McCarty said that “[d]espite his unfailing courtesy, he did move cases. In fact, I used to describe him as having an iron hand in a velvet glove. Maybe even two velvet gloves for his courtesy.”<sup>130</sup> Indiana's then-Governor Evan Bayh, who began his legal career as a law clerk to Judge Noland, remembered:

I still remember to this day an occurrence that happened in one particularly vexing case that we were trying very hard to settle to do justice, and to move the calendar along. And after several hours of negotiation finally the Judge looked at the plaintiff's counsel after an offer had been made by the defense and he looked him straight in the eye and he said, “Mr. Smith,” he said, “you are aware of the provisions in the Southern District of Indiana for remitter, are you not?” And the plaintiff's lawyer swallowed hard and he said, “Yes, Your Honor, I am.” And the Judge said, “Well, in that spirit I ask you if you wouldn't talk to

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126. *Id.* at CI.

127. Symposium Transcript, *supra* note 1, at 16.

128. Noland Memorial, *supra* note 105, at CI.

129. Comments: Noland, *supra* note 104, at 1.

130. Noland Memorial, *supra* note 105, at LXXX.

your client one more time.” I believe the case was settled within the hour.<sup>131</sup>

Jim Voyles recalled early criminal trials in which he represented defendants before Judge Noland:

He would say, “Now, Mr. Voyles, you know, the train is getting ready to take off from the station. Is your guy going to get on the train?” Took awhile to have him explain that to me. But he wanted to know was if there was going to be a guilty plea. . . . He brought us in chambers and he said, “You know, Mr. Voyles, the train is leaving the station today. Is he going to get on the train?” And I said, “No, Your Honor, unfortunately, he is going to miss the train.” And he said, “All right, . . . I just want you to know that after the train leaves the station it doesn’t return.” And I said, “Judge, I understand.”<sup>132</sup>

Mr. Voyles also recounted details of a particular case and the Judge’s manner:

He had a wonderful reputation of being a great sense of humor and one of my most memorable cases tried in front of him was the case of the “exploding dildo.” A client had been accused of sending the object through the mail where it had exploded and was treated by the postal authorities and the Federal Bureau of Investigation and the United States Attorney’s office as a criminal violation of sending a bomb through the mail. Fortunately, after a considerable length of time the jury found my client not guilty, but I certainly enjoyed the opportunity to have appeared in front of Judge Noland and the wonderful side-bar remarks that he would make about not only the events that were occurring at the trial, but the conduct of the lawyers. Another memorable case that was tried in front of Judge Noland was the case of Porky’s Family Video, which was a video store that had a large pig outside of it, where the owner of the store thought it was easy to sell video tapes because he just taped them at home at night, violating all the copyright laws.<sup>133</sup>

Judge Barker also recalled Judge Noland’s sense of humor:

When something [funny] would happen . . . in court he couldn’t contain himself. And so for those of us who were regular practitioners up there we learned to recognize the signal when he would put his hand over his mouth so people wouldn’t see he was laughing. But he was up there laughing and, of course, his eyes gave it away. He was completely charmed by whatever was happening, or at least caught the humor of it.<sup>134</sup>

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131. *Id.* at LXXIV.

132. Symposium Transcript, *supra* note 1, at 23-24.

133. Voyles Letter, *supra* note 17, at 2.

134. Symposium Transcript, *supra* note 1, at 8.



The Judge’s sense of propriety and court room etiquette influenced his expectations for his law clerks. Judge Barker remembered:

[A]ll of [his law clerks] . . . had to wear white shirts and dark suits to . . . work. So even though blue shirts were coming into vogue—oh no, not in Judge Noland’s chambers. And there was one [young law clerk] who came in with a long pigtail sort of thing, that was apparently okay in law school, but when he showed up with that Judge Noland noticed it right away and sent him that day, that moment, across the street to get a haircut. And no pierced ears, nothing like that with Judge Noland.<sup>135</sup>

Judge Noland’s chambers were decorated in a unique style, one that attorneys and other visitors vividly remember. Professor William Harvey included this memory in his remarks at Judge Noland’s memorial service:

When we enter [the conference room] we feel a presence. Something is here which is more than a room for judicial discussions, decisions, schedules or settlements. The paintings he placed there introduce the sensations which are present. On these walls we see a copy of Washington and his Generals. Another painting is Washington entering New York. In this scene, the crowd shows adoration because they know that whatever life might bring to each person, the Republic is saved. On the opposite wall there are paintings of Lord Nelson’s ship *Victoria*, which he sailed into Trafalgar. The comparison between Lord Nelson’s ship and Washington entering New York forever reminds us of the utter hopelessness of the American cause, then or now, unless it lives with the Spirit of Liberty in dedicated persons. There are scenes of the restoration at Colonial Williamsburg. We observe a soft green table cloth, brass candle sticks and a double-armed candlestand. They compose the motif of colonial Williamsburg and its central theme and meaning.<sup>136</sup>

At the Symposium, Judge Barker recalled:

I do remember a funny little aside. You know, the judges worked together and knew each other for a long time, so they would tease each other and, obviously, behind each other’s backs make little remarks. But I remember one time there was going to be a judges meeting up in Noland’s chambers, and he had this elegant chambers. . . . Judge Noland’s conference room had this long table, with chandeliers and it had on the desk a quill pen and there were candelabra[s]. Tasteful, you know. But I remember . . . talking to Judge Dillin about something and he [said], “Well, I must go now to the Williamsburg suite.” Judge Noland loved to live like it was colonial Williamsburg.<sup>137</sup>

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135. *Id.* at 9.

136. Noland Memorial, *supra* note 105, at LXXVIII.

137. Symposium Transcript, *supra* note 1, at 9-10.

Jim Voyles shared a similar memory:

Judge Noland [had]. . . a very courtly and interesting chambers where you would go in and kind of enjoy yourself. As I remember it, there was a fireplace. I mean, it was really—and Williamsburgsy is the kind of thing that Judge Dillin would say about him. But he had a sense of humor. I tried a case in that courtroom [concerning an exploding sexual object sent through the mail]. . . . [W]e tried the case with the postal inspectors, and it was a big case because it was a very dangerous situation. But throughout the trial Judge Noland—we would have these periodic little breaks because of the humor that were in the case, and we would see Judge Noland would be covering his mouth, or he would call us to the bench.<sup>138</sup>

Judge Noland's kindness extended in special ways to those of his friends and acquaintances who benefitted from his mentorship. Magistrate Judge Endsley recalled:

In the late seventies, when I was serving as Judge of the Marion Circuit Court, I chanced upon him on the Circle at lunchtime. He advised me that Congress had authorized a third Magistrate Judgeship for the [Southern District] and if I was interested he would present my name to the Judges. As the only Democrat elected to the Circuit Court since 1938 I didn't expect to make a career there; so I said I would consider it.

About two months later he called me and offered me the appointment. After consulting with my wife and other advisors I advised him that I would accept the appointment. As a result I spent nineteen years on the bench instead of six. From my point of view the Judge had outstanding ability to recognize merit when he saw it.<sup>139</sup>

#### V. THE HONORABLE GENE E. BROOKS

Gene Brooks was born in Griffin, Indiana in 1931. He graduated from Griffin High School, Indiana State University, and after serving in the Marine Corps, from Indiana University, Bloomington, where he received his law degree.<sup>140</sup>

He ran for prosecutor in Posey County, Indiana, in 1958, and held that office for ten years. In 1968, Gene Brooks was appointed Bankruptcy Referee for the Southern District of Indiana, which provided him with a later opportunity to become president of the National Conference of Bankruptcy Judges. Judge Brooks' leadership was instrumental in crafting the reforms which culminated in

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138. *Id.* at 23-24.

139. Comments: Noland, *supra* note 104, at 1.

140. Recognition Ceremony honoring Honorable Gene E. Brooks, 732 F. Supp. LXXV (Apr. 22, 1988) [hereinafter Brooks Recognition].

the passage of the Bankruptcy Act of 1978.<sup>141</sup>

In 1979, President Jimmy Carter nominated Judge Brooks to fill the newly authorized fifth District Judgeship in Southern Indiana. His post of duty was in the Evansville Division which made him the first district judge to permanently reside there. Judge Brooks' term spanned seventeen years, from 1979 until 1996, when he retired and returned to private practice. Judge Brooks also served as Chief Judge of the District between 1987 and 1994.<sup>142</sup>

Judge Brooks' service was centered in the Evansville division and because the panel assembled for the Symposium and the letters provided by practitioners represented the legal community practicing primarily in Indianapolis, there were fewer anecdotes relating to him. Also, because Judge Brooks is still living, an extensive written record of his tenure has not yet been compiled.<sup>143</sup>

Magistrate Judge Endsley recalled:

I have known Judge Brooks since the early sixties. At the time I was appointed a Magistrate Judge[,] his Honor was a Bankruptcy Judge. In 1979, both he and I were on the final list forwarded to Senator Birch Bayh of approved candidates for the new fifth judgeship. Most of us knew that Gene or Senator Fair would get the appointment . . . .

For the next several years, I handled pretrials in the Evansville and Terre Haute divisions and saw him on a number of occasions both in the court and socially. He was always friendly, humorous and efficient. I observed him in several trials and felt that he had a good judicial presence and demeanor. He allowed litigants and their attorneys to have their "Day in Court."

The judge was always appreciative of . . . [the Magistrates'] efforts in his behalf. I have attributed this to the fact that he had served for over a decade as a Bankruptcy Judge and knew and understood the problems of a second banana.<sup>144</sup>

At Judge Brooks' recognition ceremony in 1988, attorney Theodore Lockyear of Evansville noted:

What makes Judge Brooks a good judge? I have always thought it's because he has a wide range of interests; not only his sports, . . . [h]e is a prolific reader. He is a traveler, loves to tell a story, loves to be around people, a great heart[s] player. . . . [H]e is [also] a teacher. And I think I

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141. *Id.*

142. Federal Judicial Center, History of the Federal Judiciary, Judges of the United States Courts, Brooks, Gene Edward, at [http://www.fjc.gov/newweb/jnetweb.nsf/fjc\\_history?OpenFrameSet](http://www.fjc.gov/newweb/jnetweb.nsf/fjc_history?OpenFrameSet); see also *supra* note 140, at LXXV.

143. See Welch Letter, *supra* note 20.

144. Former United States Magistrate Judge John P. Endsley, Comments: Honorable Gene E. Brooks 1 (Fall 2003) (on file with author).

have always thought if he had not been a judge, he would have been a teacher or great coach. He loves to pass on those things that he has learned through the toil of the courtroom as a trial lawyer, as a prosecutor, as a bankruptcy judge, and now as a district court judge. . . . When you walk into his courtroom, there is a certain magnetism there. The jurors are happy. They like him because he treats them fairly. He relaxes them. He has concern for their interests and their well-being. . . . But he won't allow bitter, personal attacks between counsel to take place. He keeps a firm control of the situation. He tries and works hard at keeping the lawyers directed toward the facts within the law as he lays it down.<sup>145</sup>

Another speaker at Judge Brooks' recognition ceremony, attorney Sydney Berger, added the following note about Judge Brooks' practice of allowing each litigant his/her time in court:

[Judge Brooks] is the only district judge that I know of—and I did some research—in the entire country who has held hearings in social security cases, for only 10 or 15 minutes. But he did that because he believed that people ought to be able to see the person who will make the decision. The law didn't require that. It's an appeal on the record.<sup>146</sup>

Attorney Jim Voyles recalled that Judge Brooks was

a judge who I appeared in front of while he was sitting in Evansville, Indiana. The best part of the trips to Evansville were the opportunity to go into chambers and hear Judge Brooks' wonderful stories in reminiscing about his life on the bench and the practice of law.<sup>147</sup>

Assistant United States Attorney Goodloe remembered that:

In the District Court he was philosophical, witty, and liked to tell humorous stories. But sometimes when he was doing that he could mislead you. You might be sitting there laughing and lose track of what is going on, and that could be a mistake because he was usually keeping track of the process.<sup>148</sup>

Judge Brooks' story-telling skills were commented upon by almost everyone who has appeared before him. Again, Jim Voyles commented:

[H]e enjoyed telling stories and being with the bar probably as much as any lawyer or judge I have ever known, and that was all part of it. So you know if you go to Evansville you are going to spend the first half of the day listening to stories and having a good time in chambers, and then

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145. Brooks Recognition, *supra* note 140, at LXXXVII-LXXXVIII.

146. *Id.* at XC.

147. Voyles Letter, *supra* note 17, at 2.

148. Symposium Transcript, *supra* note 1, at 16-17.

when you came out the business was serious.<sup>149</sup>

#### CONCLUSION

Attorney William Welsh, a lawyer whose own distinguished career has been co-extensive with all the judges whose tenures have been highlighted in this article, provided this retrospective assessment while writing about all the judges of the United States District Court for the Southern District of Indiana:

I think the practice of law in the Southern District of Indiana was genuinely advantaged and enhanced by the service of all of the District Judges referred to above. Each of them brought to the bench a good mind and a strong will to conduct the business of the Southern District fairly and efficiently. They were different personalities and went about their duties in different manners, but during their terms we had . . . a functioning court which has served the public very well and upheld the principles of our legal system in admirable fashion.<sup>150</sup>

The following observations made by Mr. Welsh on Judges Steckler and Holder readily applies to all five of the judges remembered here. "They were human and had somewhat different political philosophies, but in their courts, in my experience and judgment, they called their shots squarely."<sup>151</sup>

Summing up the feelings of many practitioners, Jim Voyles commented at the conclusion of the Symposium panel discussion: "I think everybody up here would have to say that all of the federal judges that we began our practice in front of made us better lawyers."<sup>152</sup>

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149. *Id.* at 25.

150. Welch Letter, *supra* note 20, at 3.

151. *Id.* at 2.

152. Symposium Transcript, *supra* note 1, at 17.

