

MY TRIBUTE TO JUDGE HOLLOWAY

The word that first comes to mind when I think of Judge Holloway is “kindness.” He was the personification of kindness. He always showed such personal concern for each of us on the court—his was a real, human concern that was not superficial, but was truly genuine. Somehow he even knew when family members were ill, and he made the effort to call and check in. A couple of years ago, when my husband was ill and my mother had a lengthy hospital stay, he would call and jokingly ask, “How is Florence Nightingale today?” The calls were not extended conversations, but his concern helped me through a very difficult time, and I will always fondly remember him for these acts of kindness.

His method of responding to a circulating opinion was also unique to him and again set the bar for how it should be done. And I guess one could say it was another example of his kindness. If he was on the panel and disagreed with what you had said or how you had said it, he would write you a letter—not an e-mail, but a real letter! His letters began with praise for your handling of the difficult issues presented and specifically noting the parts of the opinion that he thought were “exceptional.” Then came the *real purpose* of the letter—buried somewhere on page two or three were the suggestions he had to clarify, improve, or even surgically remove entire parts of the proposed opinion. *And*, by the time one got to that part of the letter, you felt so good about all he had said on the preceding pages that it took little convincing to simply make the revisions he suggested! Yes, this approach takes longer than the cryptic e-mails most of us exchange when we propose corrections or amendments to an opinion, but I would argue at the end of the day his approach netted better results and certainly left no hard feelings.

He will also be remembered for his tireless dedication to the court. This dedication is evidenced by his tenure of more than 45 years on the court, including a stint as Chief Judge. He kept reading, writing and deciding cases even after travel to court was physically very difficult. He was clear in his writing and he was tenacious in his views, whether writing for the majority or in dissent. One of the last opinions he wrote

was a dissent to one of my opinions and, as with all of his writing, if he differed with your views it always gave you pause and caused you to thoroughly review and revisit the basis for your conclusions.

We have all benefited from our association with this great man. He has taught us how we should approach our cases, always reminding us to think beyond the legal issues raised and to also remember the people whose lives and livelihood will be affected by our rulings. But more than that, he taught us kindness. He taught us to be kind in our dealings with each other, even if we were in disagreement. Following his long tenure and his many contributions, both professional and personal, he has left us a stronger court. I will greatly miss him and I feel fortunate to have known him as a colleague and friend.

The Honorable Mary Beck Briscoe
Chief Judge, Tenth Circuit Court of Appeals