

THE SECRET OF HIS GREATNESS

The Honorable William J. Holloway, Jr., was one of the greatest jurists that I have ever met.

Judge Holloway approached his judicial work just as he approached life: with grace, dedication, and humility. When sworn in as a judge in September 1968, the Judge recited his favorite biblical passage, *Micah* 6:8: “And what does the LORD require of you? To act justly and to love mercy and to walk humbly with your God.” For the next 45+ years, the Judge did exactly what *Micah* 6:8 had prescribed.

The Judge not only believed in justice, but also worked tirelessly for it. Routinely working on Saturdays and during his rare vacations, the Judge remained eternally mindful of the immense responsibility given to him.

And, he acted on that responsibility. The Judge never retreated from voicing his opinions, though he did so with characteristic humility and a willingness to listen and consider contrary viewpoints by his colleagues and law clerks.

The Judge’s sense of justice provided inspiration throughout his record-breaking tenure on the Court of Appeals. He was remarkably well-read and had strong opinions on politics and other issues of the day. But, he never let these opinions intrude on the responsibility that he had undertaken as a judge.

Generation after generation of law clerks heard Judge Holloway’s mantra: “Decide the case.” A mighty task, but a simple one. The Judge appreciated the limitations of his authority. Legislatures wrote the laws, and the founders of our country wrote the Constitution: Judge Holloway’s job was to interpret what others had written.

The Judge’s humility marked every aspect of his public service. Though witty and a practical jokester with his law clerks, the Judge never made a joke in any of his hundreds of opinions. As he told generations of law clerks, the Judge recognized that most litigants are in court because they regard their dispute with utmost seriousness and

humor is often misunderstood. He never wanted a litigant to mistake his humor for lack of seriousness or concern for their legal dispute.

Judge Holloway was tireless in his preparation for oral argument, as he was in all of his judicial tasks. Yet Judge Holloway rarely interrupted attorneys in oral argument. He was mindful of the attorneys' brief time to present their arguments. Typically with only fifteen minutes to give their presentations and field questions from others, the attorneys' time was at a premium. Judge Holloway appreciated the difficulty of navigating the time constraints and tried to ask questions only when necessary to a proper disposition of the appeal.

As an arbiter of appellate disputes, the Judge rarely saw the parties themselves. And, when he did, they were typically seated as spectators, without an active role in the proceedings. But, the Judge always recognized that his job was to resolve the dispute for the parties.

I learned that almost 30 years ago as his law clerk. While discussing something I had written, he asked me how a particular passage would make me feel if I were one of the parties. I was struck by the question because I knew that the Judge would never have had an occasion to even see any of the parties. It was obvious to me why the Judge cared: he cared about the parties because he cared about every person he had ever met.

Maybe that's the secret of his greatness as a judge. Maybe it was easy for him to be kind because he genuinely cared about people. Maybe it was easy for him to achieve greatness as a judge because he cared so deeply about the people bringing their legal disputes to him.

We'll never know. We'll just know that we will all sorely miss him and the just, merciful, humble way that he went about doing his job as a judge for over 45 years.

The Honorable Robert E. Bacharach
Tenth Circuit Court of Appeals
Law Clerk for the Honorable William J. Holloway, Jr., 1985–1987