

In the United States District Court for the
Western District of Oklahoma

Presentation of the Portrait
of the
HONORABLE WILLIAM J. HOLLOWAY

Chief Judge
United States Court of Appeals
for the Tenth Circuit

September 5, 1991
12:00 Noon

Before:

THE HONORABLE RALPH G. THOMPSON,
Chief Judge, Presiding

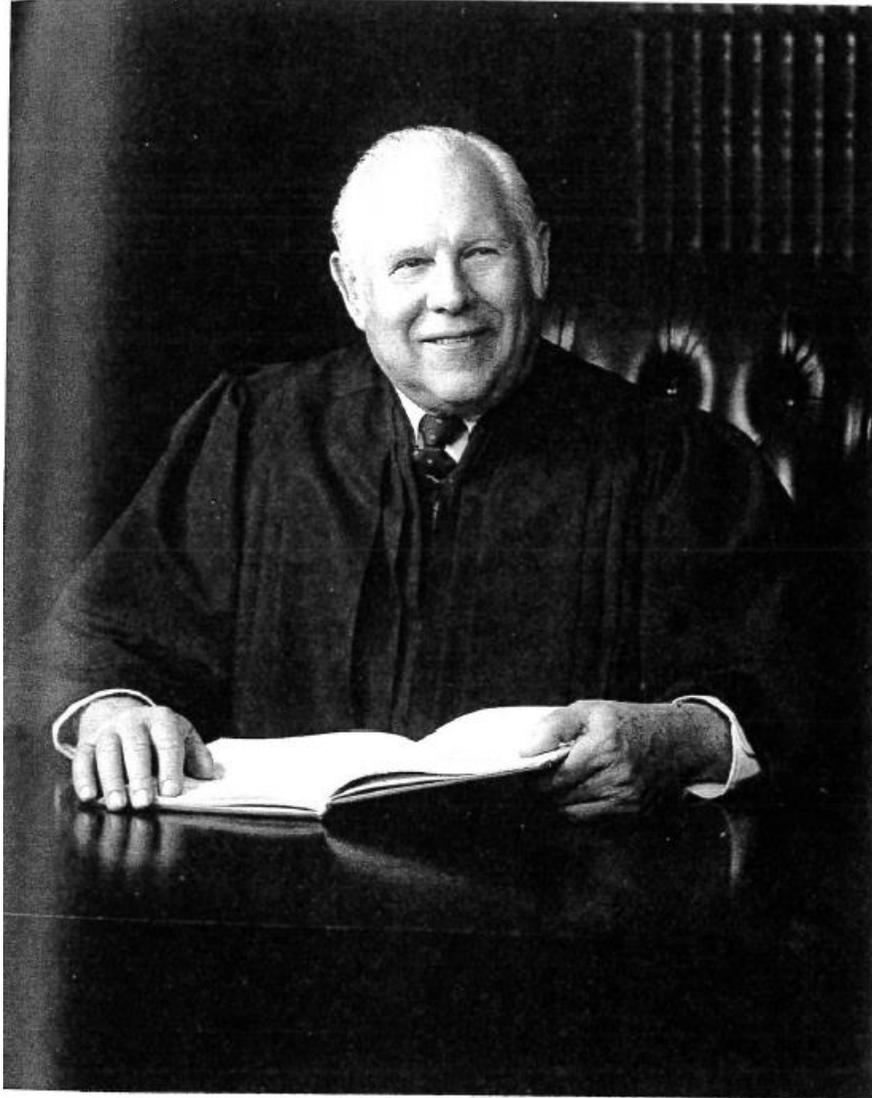
THE HONORABLE LUTHER L. BOHANON,
Senior Judge

THE HONORABLE DAVID L. RUSSELL,
Judge

THE HONORABLE WAYNE E. ALLEY,
Judge

THE HONORABLE ROBIN J. CAUTHRON
Judge

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HONORABLE WILLIAM J. HOLLOWAY

Proceedings

JUDGE THOMPSON: Good afternoon everyone, and welcome to court this afternoon where we are assembled in ceremonial session for the happy and important purpose of recognizing one of our favorite colleagues and people.

We honor today Chief Judge William J. Holloway, Jr., for his distinguished service as Chief Judge of the United States Court of Appeals for the Tenth Circuit. He is ending his seven-year term in that position this month. He is not taking senior status or retiring otherwise. He will continue as an active circuit judge. He is simply concluding the term of his office. We welcome you to this opportunity to honor him.

This is a court proceeding, but it is very much a bar activity, as well, because while we hold Chief Judge Holloway in the highest esteem, we know he is also held in the highest esteem by the bar. So, we consider this a joint affair, and we are going to demonstrate that in one form in a moment by introducing to you some of the state's most distinguished bar leaders who have joined us for this purpose.

It hardly needs to be said, I'm sure, but, just for the fun of it, let me remind you about our honoree.

Judge Holloway was born in Hugo, Oklahoma, in 1923, the son of the late former Governor and Mrs. William J. Holloway.

I take some personal pride in acknowledging that he graduated from Classen High School of Oklahoma City and the University of Oklahoma, and then graduated from Harvard Law School in 1950.

He practiced law with his father and his uncle in Oklahoma City for a time, and then became an attorney with the United States Department of Justice in Washington in 1951 and 1952, during which time he made a special friend from whom you'll hear in a moment.

After 1952, he returned to practice in Oklahoma City, where he was in private practice until he was appointed by President Johnson as a circuit judge in 1968. He became Chief Judge of the Tenth Circuit in 1984.

He's been honored in many ways, all of them richly deserved. He's been honored very recently in some very notable ways which I'd like to share with you.

In 1988, he received the Oklahoma Bar Association's President's Award for his 20 years of judicial service, and in 1991, he was given the Humanitarian Award by the Oklahoma City Chapter of the National

Conference of Christians and Jews. Only last weekend, Saturday morning, he received the Honorary Doctor of Laws Degree from Oklahoma City University, at which occasion Justice Byron White was the featured speaker.

Without a doubt, the best thing in Judge Holloway's distinguished career was his marriage to Helen, of Enid. She has been the first lady of our circuit, and she has graced every occasion that she has served in that capacity. We love Helen, everyone does, and we honor her today as we honor Bill Holloway.

I certainly can't call him "Bill" on an occasion like this. Bill Holloway, ladies and gentlemen. Chief Judge Holloway.

Judge Holloway has many more distinctions and honors than that, but in the interest of time, let me leave it at that. You all know him, you honor him, and that's why you're here.

I would like to introduce special guests starting with his family.

His wife Helen, at counsel table here. Helen.

His aunt, Mrs. Stephen D. Holloway, Virginia Holloway.

His cousin, Mr. Arnold L. Moseley.

Another cousin, Bill and Margaret Wells.

And Mr. and Mrs. W.T. Wilbanks.

I might add at this time that Judge and Mrs. Holloway have two children, William J. Holloway III, "Bill," and Gentry Holloway. They could not be with us. They are students of some real distinction, and they are in school elsewhere.

I want to say now to the video camera recording these events that we're thinking of you, Bill and Gentry.

Bill is a recipient of a degree from Bucknell and has just completed the master's program in physics from the University of Texas, which says something about Bill Holloway's scholastic achievements.

Gentry graduated from Colorado College and is pursuing graduate studies at the University of Minnesota in Minneapolis and St. Paul.

So Bill and Gentry, on tape, we wish you were here, but you are in this form, and we welcome you as best we can under the circumstances. I know that when you see this, you'll share the pride that your other family and all of us share in this moment.

We are very honored that we have other judges from the Court of Appeals and from the United States District Courts from within the Tenth Circuit. I'm very pleased to introduce them to you now.

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The Honorable Monroe G. McKay, United States Circuit Judge who will succeed Judge Holloway as Chief Judge of the Tenth Circuit. Judge McKay is from Salt Lake City and will be our speaker at a later moment.

United States Circuit Judge Stephanie K. Seymour of Tulsa. We're so happy to have you.

United States Circuit Judge Bobby R. Baldock of Roswell, New Mexico.

Judge Frank D. Theis, United States District Judge of Kansas. Judge Theis.

Chief Judge Frank H. Seay of the Eastern District of Oklahoma.

Judge James O. Ellison of Tulsa.

And Judge Thomas R. Brett from Tulsa.

We are very grateful for all of you coming to this occasion.

Now to underscore the bar involvement and participation in this ceremony, I'd like to introduce some of Oklahoma's most distinguished bar leaders.

We are very pleased that the former President of the American Bar Association, as well as a former President of the Oklahoma Bar Association, James D. Fellers, is with us. Jimmy Fellers. We're so happy to have you.

The present President of the Oklahoma Bar Association, Mr. Forney Sandlin.

The President-Elect of the Oklahoma Bar Association, Andrew M. "Andy" Coats.

Former President of the Oklahoma Bar Association, Burck Bailey.

Former President of the Oklahoma Bar Association and notable American Bar leader, William G. Paul.

A former president of the Oklahoma Bar Association, a gentleman with whom I have some considerable acquaintance, Lee B. Thompson.

And the President of the Oklahoma County Bar Association, Stephen Friot.

I also would like to acknowledge and express appreciation to Judge Holloway's secretaries, law clerks and staff. He wanted me to do this, and that is entirely characteristic of him. He made a point of it. I would have done it, but he made a point of making sure that I did it. Would you stand, please.

There are any number of federal judicial officers and other judges and distinguished guests in the audience. I hope you'll forgive me if we proceed without any further introductions.

It has been our custom at ceremonies of this kind to hear remarks from the members of this Court, and I'm pleased to call on, at this time, the Honorable Luther L. Bohanon, Senior United States District Judge.

JUDGE BOHANON: Thank you, Judge Thompson.

This is, indeed, a proud day for me to acknowledge—I like to call him Bill Holloway—Chief Judge William Holloway. He has been so nice to me. He's been so nice to all the judges who have worked with him for the seven years that he's been our Chief Judge of the Tenth Circuit Court of Appeals. We all work with him and are happy to work with him.

I've been informed and told that it's expected that the memorial today, the picture, will be placed on the fifth floor and next to or beside my old law partner, A.P. Murrah, who was Chief Judge of the Tenth Circuit Court of Appeals for many years. The fifth floor courtroom is the old circuit courtroom. It was first designed for that.

We're awfully grateful and proud, Chief Judge Holloway, for your work on your court. I know of no one, in all the history of my working on the bench, who worked so hard, so long, so many hours, day after day, and on Saturdays, sometimes perhaps on Sundays. You have done a great service to the Tenth Circuit Court of Appeals. You are an outstanding, in my judgment, circuit judge of this circuit and of all other circuits in the United States from the standpoint of writing and recording judgments that are sound and that are leading our country as it should be led in the way of a democracy.

And personally, I knew your father so well, and I am glad for you to take a little rest and let Monroe do some of your work.

Thank you.

JUDGE THOMPSON: Thank you, sir.

Judge Daugherty is in Canada and, therefore, cannot be here.

Our colleague, Judge West, is out of state, but he asked me to read this, Judge Holloway, to you.

It is no secret that it is a very risky business, both to listen to Judge West and to read his comments, especially when I'm the one reading them and he's not here to be responsible for them, but I assure you these are his words. To some extent, they are uncharacteristically discreet and refined, but in other respects, they are "vintage West." So these are the written words of Judge Lee R. West.

"Judge Holloway:

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“Needless to say, I regret being unable to be in attendance on this occasion.

“I defer to no one in the respect and admiration that I hold for Bill Holloway. Of the numerous judges I hold in high regard, no one is more conscientious or able than Judge Holloway. His work ethic is, of course, a bit of a mystery to me. I would much prefer an appellate judge a little less dedicated to the search for error among trial records.

“Judge Holloway’s consideration and compassion is well documented. Yet when he volunteered to join my surgical team on my recent visit to surgery, I declined. I was constrained to point out that he had done quite enough carving on me during the twelve years he had reviewed my cases on appeal.

“I know that both he and Helen appreciate the deep, deep affection that I hold for both of them, and hope they both know how much I would rather be there than here.”

So these are the words of our good friends and colleague, Judge West.

Next, my colleague, Judge David Russell.

JUDGE RUSSELL: Thank you, Judge Thompson.

Judge Holloway, Helen, I look, as does everyone here, I’m sure, with real mixed emotions about this event. There’s both good and there’s bad. There’s good in that you’re being replaced or succeeded by an outstanding judge, Judge McKay, but also there’s good in that, I think, hopefully, I’ll come down here sometime on a Saturday or Sunday and your car will not be down in the parking lot. I don’t think I have ever been down here—Of course, Judge Thompson says I’ve only been down here once on Saturday, but you were there.

JUDGE THOMPSON: He’s bragging and he’s exaggerating.

JUDGE RUSSELL: But everyone knows it’s legendary the amount of time that you have put in, and I know that that’s exacerbated by or aggravated by the fact of being Chief Judge, and I hope you will allow yourself to slow down just a bit. That’s the good side of it.

The bad is that we’re obviously going to miss you as Chief Judge. You have been a great servant, I think, to the American people, and particularly to the Tenth Circuit in that role.

I have never heard an unkind remark about Judge Holloway. I’ve just never known a person who everyone believes is both such an outstanding

person and a gentleman. We all believe that, and we all know it, and we appreciate it.

Judge West, in his inimitable way, always says, “You’ve met one Chief Judge, you’ve met them all,” and I know he’s said that to you jokingly, and he’s said it to Judge Thompson, but that’s not true in your case.

JUDGE THOMPSON: Judge Russell’s planned remodeling of his chambers will be cancelled.

JUDGE RUSSELL: Judge Holloway, we do appreciate your 23 years on the bench and, most particularly, your last seven years as Chief Judge, and I look forward to many more years, particularly many more years of lunches.

Congratulations.

JUDGE THOMPSON: Judge Alley.

JUDGE ALLEY: Well, Judge Russell did point up the matter of the car of Judge Holloway, the car that was a rebuke, in one sense, to all of us because it was there when we came and it remained there when we left.

Another aspect of the car of Judge Holloway is that for five years I have parked adjacent to him in a spot that I had to back into, and he was always there first. It was left to me to experience the anxiety of a little collision; and it wasn’t because I thought I would get into any trouble, he’s too understanding a man for that, but in the car of the day, I knew that if I hit it, just that much, it would disintegrate.

There is a wonderful old-fashioned phrase that perfectly describes Judge Holloway, in my opinion, and it is that he is “One of nature’s gentlemen.”

He has been a great judge on the purely judicial side of his work, and we know there will be more of that, and a great administrator on that side of his work. But as I asked of myself this morning, the question remains, in view of what we’re going to do today: Is he photogenic? And I’m sure when the unveiling occurs that the answer will be “yes,” that he is.

The reason is another old statement, that “By age 50—” and I think he’s there, anyway “—by age 50, everyone wears the face that he or she deserves.” And I think, on personal observation of Judge Holloway and just looking upon him, one would immediately know that he’s a person of character and of wisdom and of strength, and that the reflection of this in the portrait is something that I think will inspire in all who see it the emulation of those same wonderful thoughts.

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JUDGE THOMPSON: Thank you.

Judge Robin Cauthron.

JUDGE CAUTHRON: Judge Holloway, I can't tell you how pleased I am to be taking part in this and to be able to tell you how much I think of you.

My main concern before coming here today was that I would not get through this ceremony without crying, I feel so strongly about you, but I had forgotten what I was going to be following. I'm glad that I don't have to worry about that.

I can attest to Judge Holloway's hard-working habits and his effectiveness as Chief Judge, but I can also attest as to his personal character, not only to the judges who sit up here and who you might expect him to be nice to, but also to the most lowly law clerk in the federal building, and to magistrate judges, and, in fact, everyone with whom he comes in contact. He is truly a man of compassion and friendliness and kindness and generosity.

I am so pleased that this portrait will be placed in the fifth floor courtroom, because that is my courtroom for the time being, and I trust that you will continue to remind me what kind of a judge I want to be.

I congratulate you.

JUDGE THOMPSON: Thank you, both for your words and for getting through them.

I can't add a thing to that, except to say that Judge Russell said he had never heard an unkind word about Judge Holloway,—neither have I, neither have any of us—but I have never heard an unkind word from him, and perhaps that characterizes him as well as anything could, except for this: he is a scholar and a gentleman in every sense of the word, and it is my honor to participate in anything honoring him.

When Judge Holloway was a young lawyer in the Justice Department in Washington, as I mentioned earlier, he made a very good friend. That friend is now the Chief Justice of the Supreme Court of the United States. He wrote to Judge Holloway for this occasion the following:

“Dear Bill:”

Mind you, this is the Chief Justice speaking now.

“Dear Bill:

“You and I have known each other for a good many years, since we were both bachelors in Washington in the early 50’s. That is why it gives me particularly great pleasure to write to you on the occasion of your retirement as Chief Judge of the Court of Appeals for the Tenth Circuit. Your work on that court covers a period of more than two decades, and it has earned you a well-deserved reputation for competence, diligence and fairness. I congratulate you on your distinguished service to the federal judiciary, and know that the future will bring you better health with which to enjoy your lightened judicial load.

“Sincerely, Bill Rehnquist.”

Representing the United States Court of Appeals for the Tenth Circuit in his remarks is the Honorable Monroe G. McKay of Salt Lake City.

Judge McKay.

JUDGE MCKAY: Chief Judge Thompson; members of the en banc court; our distinguished honoree, Judge Holloway; Mrs. Holloway; all other judges and distinguished guests and family members.

I am delighted that you invited me to participate. I wouldn’t have missed this opportunity to join in recording for posterity the admiration of Bill’s immediate colleagues on to the Court of Appeals on this important occasion here in his hometown honoring him with the portrait presentation.

The thing I should like to add, for the benefit not only of the general public who are here but for the district judges, whose natural hostility toward the circuit has immunized them from understanding how heavy the workload is, something about the components that go into providing leadership for a court which has gone through what the Tenth Circuit has gone through under Bill Holloway’s tenure.

Obviously, these achievements are not his personal achievements, but, as you will see from the very brief comments I’m going to make about what has happened in the circuit in the seven years he has presided, it is an immense task to maintain harmony in a court with such strong and diverse opinions, with such incredible workloads and, sometimes, exhaustion levels which all parents know eventually lead us children to become grumpy, and Bill has maintained, through his leadership, not only the advancements and changes which times and workload have dictated, but the most civil circuit court extant in the United States, both

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by its own judgment and the judgment of those who visit with us from other circuits.

When Bill became Chief Judge, the filings in the circuit were slightly over 1500 cases a year divided among the then authorized eight judges. We promptly developed a number of vacancies, and at one time there were only six active judges carrying the—with the immense help, obviously, of our senior judges and our visiting district judges who honored Bill's request to come and assist us in our work, we fell to that level.

Then in a matter of about three years, six new judges, representing selection from the different political spectrum, newly acquired, descended on the court, and that large an infusion represents an immense challenge in a court where you have to have at least one more vote to get anything done. All you district judges get is reversed; at least you get to make your decisions without consulting.

We went from 1500 cases to something over 2400 cases in that period of time; from eight authorized judges, actually six authorized judges participating for a while, to a total of twelve authorized judges, not all of the slots being presently filled.

At one time, the time from filing to decision of our civil cases was over 22 months, our prisoner cases 13 months, and our criminal cases 13 months. At the end of June of this year, the civil cases were down from 22 to 14.6 months, notwithstanding the immense growth in our filings; our prisoner cases down to just under seven months; and our criminal cases just under 12 months. The average for all cases, is 11.3, down from 18.7 months.

Now that, as well as all of the administrative duties in the district, bankruptcy and other courts, that fall on the chief, in addition there evolved upon him a new responsibility to handle complaints against judges filed by the public, a thing that never was a responsibility of judges and a most delicate and difficult responsibility, which Chief Judge Holloway has handled with great care.

In addition, we have added a settlement conference program, we're in the business of reclaiming our old courthouse in Denver and remodeling and rebuilding that, there are a host of other things that have been accomplished in his leadership.

I point out the things which you all know:

One. His diligence in work, day after day; I don't aspire to it. I admire it, but I don't aspire to it.

His incredible attention to detail, which its absence will soon be noted;

His kindness to the last;

And that he is a gentleman without peer among gentlemen in our society.

Bill, your colleagues are delighted that the district court invited us to be here to honor you. I join with them, a distinguished scholar, a distinguished gentleman, and a splendid Chief Judge.

Congratulations, Bill.

JUDGE THOMPSON: Thank you very much, Judge McKay.

Speaking for the bar is William G. Paul. Bill Paul, for many years, was a partner of Judge Holloway's in the firm of Crowe & Dunlevy. Mr. Paul was a senior and most distinguished litigator in that firm; a widely acknowledged, proven leader of our profession; as I mentioned earlier, the President of the Oklahoma Bar Association;—he has had so many distinctions that I couldn't begin to list them all—an acknowledged national bar leader; and a most distinguished practitioner in this court and elsewhere.

It seemed fitting that a former partner, close personal friend, and leader of the bar almost without equal, should be the person to speak on behalf of the bar, and it's my pleasure to call on our good friend, William G. Paul, for that purpose.

MR. PAUL: Thank you, Chief Judge Thompson, distinguished jurists, and guests.

I do begin on a personal note. Forty-three years ago this month, on the campus of the University of Oklahoma, I came to know a young man who was on his way to Cambridge to begin his junior year at the Harvard Law School. I adopted him as my role model because I thought he was one of the finest human beings I had ever met or would likely ever meet. It comes as no surprise to you that his name was William J. Holloway, Jr.

Twenty years later, in 1968, in this building, I believe in this room, he took the oath as Judge of the United States Court of Appeals for the Tenth Circuit. I was in attendance among his then law partners, very sad about this great loss to the firm, but rejoicing at the much greater societal gain which would result from his presence on the bench.

I'd like to share with you a humorous line I remember from that event 23 years ago. The leader of our firm, V.P. Crowe, was asked to make comments when Bill was sworn in, and did, and included in his comments he said, "Bill, just one more thing before you take that oath

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and get up there on that bench; I want you to know we're going to remember you as you were in life."

Now today, Judge Thompson has accorded me the privilege, on behalf of the bar, to say "thank you" to that same young man for all he has done for the cause of justice thus far in his rich life and especially in the 23 years on the bench.

If there could be but one word used to chronicle the professional life of this great man, it would be "service." In everything he has ever touched, Bill Holloway has given more than he has taken. Wherever he has been, that place is a better place because he was there.

If there could be but five words to describe the man, I believe those five words would be "integrity, ability, diligence, morality, and loyalty."

So today, we do say "thank you," Judge Holloway, because of the vital significance of your life and of your service. The foundation on which our free society rests is itself rooted in our courts and in the independent bar. You have given your life to these institutions and, as is true of most judges, it has not been without personal sacrifices. Your life of service is an inspiration, and you are our role model. You make us feel a little guilty at times because we may not measure up to the standards which you have set.

It should also be said that rich lives bring rich blessings. Personally, you've been blessed with a wonderful family: loving parents who molded you into what you became; your wonderful life partner, Helen; and two great children, Bill and Gentry, to whom, by your life's example, you are leaving a great legacy.

In addition, I would like to think that along the way you were blessed with some fine law partners, and I know you have been blessed with associates on the bench who are also great judges, blessed with countless friends, and blessed because you're a member of one of the finest bars in the country, the Oklahoma Bar Association.

So we thank you for the way in which you have served the cause of justice. And you're not through. You're just through being Chief Judge. So we expect more out of you.

Now, I want to compound the error with which I began, that was by starting on a personal note, and end on a personal note, by saying that 43 years ago I thought you were one of the finest persons I had ever known. Now I would say that the years have tempered that judgment in one respect only. You're not one of the finest, you are the finest.

Thank you.

JUDGE THOMPSON: This is something that is not often said from this bench to lawyers when they leave the podium, but may I say to you, Mr. Paul, "Perfect." Absolutely perfect. And thank you, our distinguished friend.

To present the portrait of Judge Holloway, to unveil it, we'd ask Helen and his aunt, Mrs. Stephen Holloway, Virginia, to please do the honors.

(The portrait was unveiled.)

If you like it, I think you should show it. (applause)

Chief Judge Holloway, may we hear from you.

JUDGE HOLLOWAY: Chief Judge Thompson, my fellow judges and lawyer friends, and all who have come.

I am overwhelmed. That so many of you come today, some from so far, for this ceremony is a very humbling experience. This is heady stuff for a boy from Hugo.

Judge Cauthron, thinking of you and your Idabel ties, I remember, too, that you and I were reminded by Judge Alley when you were sworn in—you know it's coming—that with respect to those from Southeastern Oklahoma, "It's remarkable they get anywhere."

When I was in the chambers of Judge Thompson a little while ago, I saw so many friends that have been here and were very kind to come last weekend for one ceremony, and they've done double duty and come here today, and so I told them, "They promise us there'll be a graveside service soon."

It was 23 years ago this month that Judge Murrah swore me in in this courthouse and then packed me off to court the next day to Wichita. There I'm sure that Judge Theis and Judge Brown were frowning and shaking their heads and wondering.

All the years that have since gone by have been busy, as Bill Paul, my dear friend, has mentioned, with dramatic changes as to our case load, which have been enormous; and our responsibilities have broadened into new fields that would have amazed but not daunted Judge Murrah.

And the court has grown, and when I say "the court," I mean, of course, the whole circuit, because I feel so close to all the district judges, magistrate judges, bankruptcy judges, and my judges, the associates on the Court of Appeals.

We come from different backgrounds and with different perspectives, but the remarkable thing is what judges from all the circuits

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tell me constantly about all of our judges here. We have the most congenial and the most harmonious circuit in all this country, and I know that is true. That is what makes our judicial system work.

In these last seven years I have had this job, I have never asked any judge, busy trial judge or bankruptcy judge or magistrate judge or a circuit judge, to take on an added task that they have ever refused. That makes the system work.

And it is also working because the public and the litigants, despite criticisms which I think are unjust, the public is served by the finest bar and the finest attorneys and counselors that you can imagine in this circuit.

All of this has made these years a delight. The friendships with all of you and the judges of the Court of Appeals, with the remarkable attorneys of this circuit, you have brought great joy to Helen and me. These years and this day we will always treasure.

We thank you for making this portrait and this happy day possible.

Thank you.

(A standing ovation)

JUDGE THOMPSON: Characteristically, the Holloways have insisted on hosting the reception to follow this event. We tried to do it. They wouldn't permit it. And they have invited all of you as their guests to a reception next door in Judge Russell's courtroom, immediately next door, which can be entered either through this door or its front door. You're all cordially invited.

And again, many thanks to all for coming.

We are adjourned.