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

Proceedings

Honoring

Honorable
William J. Holloway, Jr.

On Thirty Years' Service
as Judge of the
United States Court of Appeals
for the Tenth Circuit, 1968–1998

5:00 p.m.
September 25, 1998
Ceremonial Courtroom
Third Floor
United States Courthouse
Fourth and Robinson
Oklahoma City, Oklahoma

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Oklahoma City, Oklahoma

Top: 30th Anniversary Proceeding with Chief Judge Stephanie Seymour, presiding. Bottom: Gift from Oklahoma City University to express the great admiration held for Judge Holloway as a distinguished jurist and the University's deep affection for Judge Holloway and his faithful friendship.

Proceedings

CHIEF JUDGE SEYMOUR: Good afternoon, ladies and gentlemen. Welcome to this extraordinary session of the 10th Circuit Court of Appeals. We are here today to celebrate the 30th anniversary of the appointment of Judge William J. Holloway to our court, who until about two minutes ago thought he was coming to an administrative meeting.

We are honoring the affection and respect of our colleague and friend, for whom we have the highest regard. I first want to introduce you to members of our court, and they are, sitting to my right, going this way, Judge Holloway, of course, whom all of you know or you wouldn't be here. Next to him is Judge John Porfilio from Denver, Colorado; Judge Bobby Baldock from Roswell, New Mexico; and Judge David Ebel from Denver. Going this way, Judge Monroe McKay from Salt Lake City; Judge Stephen Anderson from Salt Lake City; Judge Wade Brorby from Cheyenne, Wyoming; and Judge Robert Henry from Oklahoma City. And down below me we have Judge Carlos Lucero from Denver; Judge Mary Briscoe from Kansas; and Judge Michael Murphy, also from Salt Lake City.

And I'd like to ask Judge Russell, chief judge of the Western District of Oklahoma, to introduce for you the other federal judicial officers who are here sitting with us.

Judge Russell.

CHIEF JUDGE RUSSELL: We have a lot of judges from throughout Oklahoma here today. From Muskogee is Judge Burrage; from Tulsa, Judge Brett, Judge Holmes, and Magistrate Judge Eagan. And the district judges from Oklahoma City are Judge Lee West and Judge Ralph Thompson, Judge Robin Cauthron, Judge Tim Leonard, Judge Vicki Miles-LaGrange. And the magistrate judges, Bana Roberts, Doyle Argo, Pat Irwin. And bankruptcy judges, Mike Weaver and John TeSelle.

CHIEF JUDGE SEYMOUR: Thank you.

I would first like to introduce some very special guests. First and foremost among them, Helen Holloway, Bill's wife, and the most special woman in his life; and his two children, in whom he takes immense pride and joy, Gentry and Bill, Jr.

Also, I'd like to introduce you to other family members here, which include Bill's cousin, Margaret, and Bill Wells; Helen's nephew, Bill Hoehn, and his wife Melissa and their two children, Hunter and Betsy, are with us.

And one other very special guest whom I would like to ask to stand is Bill's law school classmate and the best man at his wedding, Burton Wood, who came from afar.

Many, many of the judge's former law clerks are here to honor him today, along with some of Judge Murrah's law clerks, who knew Judge Holloway well because they officed near each other, who were especially close to Judge Holloway. I would like all of them to stand, along with the secretaries and anyone else who worked over the years for Judge Holloway. (applause)

I know that the judge appreciates all that all of you did for him throughout his distinguished career.

I want to give special recognition to Professor Von Creel, who orchestrated much of this event today, as did his secretary, Sandy Cowden, and Judge Holloway's secretary, Betty Pate, who assisted Professor Creel with numerous arrangements. If they would stand separately, please. (applause)

We are also honored here today to have many state court justices and state court judges and I would like all of them to stand. (applause)

We are delighted that you came to share this occasion with us.

And now I am very pleased to introduce the governor of our state, the Honorable Frank Keating, who will present a very special proclamation to Judge Holloway.

Governor.

GOVERNOR KEATING: Judge Seymour, if any of us wished justice, we certainly can get it today. (laughter)

I was a near-circuit judge and I smelled the salty air, but never caught a fish. (laughter)

But it is really a wonderful pleasure for me, representing our Oklahoma family, to take this moment to honor Judge Holloway, truly a gifted, magnificent human being, who brought great credit and brings great credit, not only to the bench, but to his fellow lawyers and fellow citizens, and we Oklahomans are very proud of him.

I have a special proclamation. I will not read all the whereases. I'm sure you will hear a lot of whereases, but I would like to share with you, because this proclamation does have some facts, the facts of Judge Holloway's life that are so truly splendid and impressive.

William J. Holloway, Jr., is a native Oklahoman and the son of the late Governor and Mrs. William J. Holloway, Sr. Judge Holloway attended Oklahoma City schools, graduating as an outstanding scholar and star debater from Classen High School, where he was a member of

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the team which won the National Forensic League National Debate Competition.

Judge Holloway served his country with courage and distinction as an infantry officer during World War II. Judge Holloway graduated Phi Beta Kappa from the University of Oklahoma following his military service.

Judge Holloway then earned his law degree from Harvard Law School and was a highly successful and well-respected practicing attorney for more than two decades with his father and uncle in the firm of Holloway & Holloway, with the United States Department of Justice, and for many years with the outstanding Oklahoma City firm of Crowe & Dunlevy.

Judge Holloway was appointed in 1968 by President Lyndon Johnson to the United States Court of Appeals for the 10th Circuit, being the fifteenth judge and fourth Oklahoman to serve on the 10th Circuit. Judge Holloway served as chief judge of the 10th Circuit from September 15, 1984, until September 15, 1991.

Judge Holloway was for many years a member of the Judicial Conference of the United States, the policy-making body of the federal judiciary. Judge Holloway, by many opinions that he has written for the 10th Circuit, has contributed significantly to the development of American jurisprudence.

During his years as a United States circuit judge, he's demonstrated unswerving fidelity to his oath to administer justice without respect to persons and to do equal right to the poor and the rich.

Whereas William J. Holloway, Jr., has been an outstanding citizen of the Sooner state, receiving many awards and honors, including the Oklahoma Bar Association's President's Award in 1988, the Humanitarian Award of the Oklahoma City Chapter of the National Conference of Christians and Jews in 1991, and the honorary degree of Doctor of Laws from Oklahoma City University.

And whereas William J. Holloway this month completes 30 years of illustrious service as judge of the United States Court of Appeals for the 10th Circuit, now, therefore, I, Frank Keating, Governor of the State of Oklahoma, do hereby proclaim September 25, 1998, and I do it with pride and admiration, William J. Holloway, Jr. Day in the State of Oklahoma. (applause)

CHIEF JUDGE SEYMOUR: Thank you very much, Governor. I think it's Judge Carlos Lucero that appreciates your being governor instead of being on our Court. (laughter)

We have greetings from a number of friends of the court and friends of yours and we begin with Chief Justice Yvonne Kauger.

CHIEF JUSTICE KAUGER: Thank you, Chief Judge Seymour.

I am delighted to be here to bring greetings from the Oklahoma judiciary to a man that we hold in such high esteem, and it's not only his legal expertise and his brilliance, but Judge Holloway is a gentle man and he is the ultimate gentleman. He is the most gracious, courteous man I have ever known. And Ned told me to echo that to you, Judge Holloway.

When my husband started law school at age 40, he met Judge Holloway; a first-year law student, and Judge Holloway never forgot his name, and the last name is different. (laughter)

Judge Holloway was there when we needed him for the Sovereignty Symposium and we honored him for that work there. But the best thing he did was to inculcate Chief Judge Monroe McKay, Chief Judge Seymour, and Robert Henry, to continue to participate with us, and we hope it spreads like a virus through the 10th Circuit.

All of us hold Judge Holloway in such honor and esteem. And, Helen, I've always wanted to pin him, and so I brought him one today, but I'll let you do it for him.

I am going to ask my colleagues, Vice Chief Justice Hardy Summers, and the junior justice, to bring forward a token of our esteem from the Supreme Court.

God bless you, Judge Holloway. We love you. (applause)

(Presentation to Judge Holloway)

CHIEF JUDGE SEYMOUR: It's an acknowledgment from the Oklahoma Supreme Court of Judge Holloway's services to the judiciary. (applause)

Next we will hear from John Shipp, who is the executive director of the Oklahoma Bar Association.

MR. SHIPP: On behalf of the Oklahoma Bar Association, I want to extend my congratulations to Judge Holloway on this special occasion remembering the many, many contributions that he has made, not just to our association, nor just to our state, but to our nation.

Judge Holloway, you represent all that is laudatory in our profession. Your honor and your integrity are the highest imaginable. Your character is such that we all aspire to be spoken of in the same breath.

Your commitment to the highest levels of legal principles, your willingness to serve us in a myriad of different capacities to make our state and our country a better place, the esteem that you have brought to

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the legal profession, but most of all, Judge, just for being one of the nicest people that I've ever met, those are the kind of traits that you possess that make the rest of us proud to be a part of the profession that you represent.

You are, without a doubt, one of the brightest examples of why I, along with the other 14,500 members of the Oklahoma Bar Association, are so very proud to call you one of our own.

Congratulations on this special day, Judge. (applause)

CHIEF JUDGE SEYMOUR: The president of the William J. Holloway, Jr., Inn of Court is here, Clark Musser.

MR. MUSSER: Thank you, Chief Judge Seymour.

It's indeed an honor to be here today as a representative of the William Holloway American Inn of Court, which is affiliated with the OCU Law School.

If you will allow me to share a few thoughts with respect to the National American Inns of Court movement, and after that, I think it will be quite obvious why we chose to name our inn after Judge Holloway.

The seeds for the American Inn of Court movement were planted back in 1980, when then-chief justice of the U.S. Supreme Court, Warren Burger, and two other very distinguished justices, were lamenting this problem about what's happened to our professionalism. Where's the civility? Where's the collegiality? Where is our adherence to both the letter and the spirit of the ethics to which we were sworn to adhere?

What they decided was to develop an institution that had a framework patterned after the Inns of Court in England. And then five years later, in 1985, the American Inns of Court Foundation was actually chartered. That very first year, there were 12 inns, most of which were in the Washington, D.C., area. Now there are about 330-some inns throughout the entire United States, in every state, save only one, which is Wyoming.

How many members are there nationwide in the Inns of Court? There are about 20,000 active members, and if we count the alumni, there are about 50,000.

Let's come back to Oklahoma. In Oklahoma, we have six Inns of Court. There are three in Tulsa and there are three in Oklahoma City. With respect to the William Holloway Inn, we were chartered in 1990. We have about 350 members, if you include all of our alumni.

U.S. Supreme Court Justices Anthony Kennedy and Ruth Bader Ginsburg said that the American Inn of Court movement was the most

important advancement to our profession in modern times. Chief Justice Burger said it would be his most important legacy.

So if we go back to 1990 for a moment, when several of us were contemplating these lofty ideals of the American Inns of Court, the professionalism, civility, collegiality, adherence to these ideals, it seemed only natural that we name our inn after the distinguished William Holloway.

Judge Holloway, as we all know, epitomizes, he personifies those lofty ideals of the American Inn of Court. And, Judge Holloway, all 350 of us here in Oklahoma City are proud to be a member of your inn. (applause)

I'd like to welcome the dean of the OCU School of Law, Dean Larry Hellman.

DEAN HELLMAN: Thank you, Clark. Judge Seymour, members of the Court.

Just a few years ago, Oklahoma City University was delighted to bestow upon Judge Holloway the honorary degree Doctor of Laws. Today, I bring with me a small gift to reflect the great admiration that we have for you as a distinguished jurist, and more importantly, our deep affection for you as a faithful friend of Oklahoma City University.

Dozens of our students have been inspired by your example through their participation in the William J. Holloway American Inns of Court. This gift is on behalf of them and the entire community of the Oklahoma City University School of Law. (applause)

(Presentation to Judge Holloway.)

CHIEF JUDGE SEYMOUR: We'll need to wait a minute to see what it is.

JUDGE HOLLOWAY: Oh, my goodness. Oh, beautiful. It's a picture of the university, OCU Law School. Thank you so very much. (applause)

CHIEF JUDGE SEYMOUR: And we have with us the president of the Choctaw County Bar Association, Vester Songer, Jr.

MR. SONGER: Thank you, Chief Judge Seymour.

I know why all of the rest of these distinguished people are here: it's because of their importance. I'm here through accident of birth. (laughter)

I didn't know really what this was all about, but I know I kept getting these letters about a conspiracy. One thing I knew, in federal court, all you have to say is "conspiracy" and you've got one. (laughter)

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Anyway, Judge Holloway, people down at Hugo remember Governor Holloway better than they did you. They took you away too early. (laughter)

You know, the 17th Judicial District consists of three counties, total population of 50,000 people. They have spawned Judge West, Judge Cauthron, Judge Mike Burrage, and, of course, Judge Holloway. If the entire state had done as well, we would have over 250 federal judges at this time. (laughter)

But, you know, Judge Holloway is not the only person that might have been misjudged because of the small town from which he came. In the gospel of John, we find the following:

“The next day Jesus decided to leave for Galilee. Finding Philip, he said to him, ‘Follow me.’ Philip found Nathaniel and told him, ‘We have found the one Moses wrote about in the law and about whom the prophets also spoke. His name is Jesus of Nazareth.’ Nathaniel responded, ‘Nazareth? Can any good thing come out of there?’” (laughter)

“And Philip replied, ‘Come and see.’”

We came and saw. Thank you. (laughter and applause)

CHIEF JUDGE SEYMOUR: As you can tell, Judge Holloway has wonderful origins. (laughter)

We’re going to hear some remarks, beginning with Jim Gibbens, of counsel with Crowe & Dunlevy.

MR. GIBBENS: Members of the court and friends. I’m truly honored to be here today, Bill, on this occasion. It gives me the greatest of personal satisfaction.

I guess I was chosen to speak because I’ve known the judge for 63 years. Two other people in this room, Burton Wood and Sidney Upsher, have also known him that long.

And I first met him in my class at Harding Junior High School in Oklahoma City. The year after we were in that class, Franklin Delano Roosevelt proposed the court-packing legislation to increase the Supreme Court by a number of members to get away from the five-to-four decisions which he had had against his various programs, and our teacher invited discussion of that subject, and Bill and I were impromptu debaters at that time. Bill, with his strong democratic background and so on, was to uphold the president’s action, and I was against it. My father was a Roosevelt man, but he liked Theodore Roosevelt. (laughter)

I don't have the slightest recollection of what either one of us said, but I've always remembered it. I imagine Bill emphasized the fact that the president needed this in order that his programs—to relieve the effects of the depression, that it was just necessary.

We went on to high school together. I will add here that all during my experience with him, he's always been kind, thoughtful, and extremely intelligent. And I will share with you a few reminiscences that don't necessarily bear on anything, other than they are just memories.

He did play a pretty good game of left-handed tennis, and he and I played now and then. And I think on one occasion, after we both graduated from the university, from different universities, we discussed where we were going to law school. Bill had been admitted to Harvard and probably others, and I had been admitted to about three, but he talked me into going to Harvard Law School, and I think that was after tennis, Bill.

In high school, you already heard that he was a national champion debater. He also won many tournaments, debate tournaments, on extemporaneous speaking. I don't know whether they still do that anymore, but if you were due to come up on that, they would give you a subject that was—that you didn't know about before the meeting and you had to speak, I believe, for ten minutes on it. And Bill was very good at that.

As seniors, we dated the same attractive girl for some period of time, without conflict of any kind. (laughter)

We went our separate ways in university and World War II, then we were at Harvard Law School together in the same class, with Burton Wood, who is here.

And one of the best things about Holloway going to law school is his dad had just given him a new car, a 1947 Ford V-8. And as a matter of fact, when we were driving from Oklahoma City to Boston, on old 66, which was a winding, two-lane road, he turned the wheel over to me—I don't know why—but after I had been driving a little while, the whole hood popped up in front of me, which was a little bit on the alarming side, but we survived.

One other—of course, Bill, then, we made several trips to and from Boston or whatever, and he was our transportation while we were in Boston, more or less.

The other—I think all my stories relate to his car. (laughter)

One evening, he and Burton and I had been to dinner down in the Boston wharf area and Bill was driving back home and he turned down a

street that had some barricades on it, but didn't pay any attention. They didn't really block the street and whatever, and so we went right by the streets and made a short distance, and then we thought we ought to stop. Bill had turned onto the unfinished Mystic River Bridge and there was nothing in front of the car except air. (laughter)

Bill and I worked together in law school, in that we were in the moot court competition for appellate courts, and we were in the finals together. I hate to add that we lost, but we were in the finals. On the panel of judges that heard our presentation was Mr. Justice Hugo Black, which was one of the great experiences of my life. We met and talked with him after that.

I think that I've finished the reminiscences and I'd like to make a couple of comments. I believe that in his service as judge of the Court of Appeals, he has exhibited and continues to exhibit at least three principal characteristics in carrying out his work.

The first characteristic is his intellectual brilliance, reflected in his analysis of cases and writing opinions of the court, and in his influence on the other judges of the court in the decision-making process.

His opinions have been said to be a model of clarity. One of the federal district judges that I spoke with said, "You may not necessarily agree with one of Bill Holloway's opinions, but you know what he said."

Judge Holloway's second main characteristic in my mind is his complete and utter dedication to his work. The continual consideration, review and analysis, in reaching decisions on the cases before him resulted in many, many hours—long hours of hard work.

His dedication is such that his work week included not only the usual working days of Monday through Friday, but many of the weekends during the year.

In considering and analyzing and reaching a decision in a case, he investigates every aspect of a case, leaves no stone which involves a question of fact or law unturned. He reviews every point in a case as far as he deems necessary in reaching his decision.

One of the judges commented, "No one could ever get anything by Bill Holloway."

Judge Holloway's third main characteristic is his humanity. This is exhibited in several ways. In considering and deciding a case, the actual people involved are important to him. He's always highly interested in how the parties to a case will be affected by the decision of the court. The decisions are to be governed by legal principles, but, nevertheless, their human application is of the highest importance to him. For him, the

process of deciding a case is not just a legal exercise, but a process involving actual people.

His humanity is also reflected in his dealing with the other members of the Court of Appeals. And during his term as chief judge, this was an important part in facilitating the reaching of decisions by that court.

In each case, he considers the views of the judges with the greatest of respect, regardless of whether he agrees with them or not. I think that's sort of the story of his life.

I'm honored to be here. Thank you. (applause)

CHIEF JUDGE SEYMOUR: It appears to me these are all friends of Bill. (laughter)

Another long-time friend, former colleague at Crowe & Dunlevy, now president-elect of the American Bar Association, he's going to bring honor on all of [us] in Oklahoma, Bill Paul.

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

It is a privilege to have a role in these proceedings because we mark a milestone in the career of a wonderful man.

Now, I use the word "man" advisedly, not "judge," because there are many more facets to Bill Holloway than just being a great judge, which he is. I want to share some of those with you.

I'm going to talk about Bill Holloway, the early years. I'm going to talk about more than 30 years ago. And, Bill, I want to tell you, there are five people over there who said, "If we talk about that, I want to be called to testify." (laughter)

But Bill Holloway is a fun-loving person. I want to share with you a story of—a 1962 story. Bill and I went to the American Bar Association meeting together in San Francisco and we roomed together, and one night Bill said, "I'm going out to dinner with my—some of my Harvard classmates." Right away I knew it was a mistake. He'd fallen in with a bad crowd. (laughter)

And very late that evening, there was a rap on the door, and the voice said, "Bill."

I said, "Yes."

The voice said, again, "Bill."

I said, "Yes."

And then the voice said, "Bill, is this our room?" (laughter)

And I responded, "Yes, this is our room."

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And the key was inserted in the door and in he came. I've always wondered what would have happened if I'd said, "No, this is not our room." (laughter)

Now, Helen, he was single then, but he became more fun after you married him, even more fun. (laughter)

Now, Bill Holloway is a man with a rye sense of humor. When I had been in the firm two or three years, around Christmas time, I consulted him on a matter. A client had given me a fifth of Scotch, and I got it just because I was a lawyer doing work, so I went in to Bill and said, "Bill, the client gave me this fifth of Scotch, what should I do with it?"

He said, "Well, you give it to Mr. Tolbert, the managing partner, so he can put it in there with the other liquid assets of the firm." (laughter)

Now, the rye sense of humor is two-pronged. I thought, you know, the Scotch and the liquid assets are pretty good, but Mr. Tolbert, our managing partner, was not ambivalent about his stand on alcohol, and his stand was there's no place for it anywhere, and had I given him that bottle of Scotch, I would have been fired. (laughter)

Bill Holloway is compassionate, but I want to tell you a story about compassion with an interesting twist to it. Both Bill and I worked under the tutelage of a great lawyer, one of the founders of our firm, Vip Crowe, and Bill was more senior than I. Bill was my mentor, along with Mr. Crowe. But I had worked very, very hard on a draft of a brief, took it in to Mr. Crowe, and the session was brutal, just brutal. I just left feeling terrible about the way he ripped up my brief.

So I went in to cry on Bill's shoulder and told him the story. And he said, "Would you like to feel better?"

I said, "I sure would. I'm feeling pretty low right now."

He said, "Come in and sit down when I take in a brief to him." (laughter)

He was compassionate. He assured me that he was just as tough on him as he was on me.

Bill Holloway in the firm, and I know it never changed: such a hard worker. He never stopped. Perfection and excellence were his goals. He worked long hours. He probed every issue. He had to keep working until it hurt, literally. And those of us who worked on his team had to keep working until it hurt.

If he were as hard on law clerks as he was on the young lawyers who worked with him, there wouldn't be near that many of you sitting over there. (laughter)

A very hard worker.

He was, always has been, a great teacher and mentor. That was one of the wonderful things about working with Bill as a younger lawyer. He took the time to help you. He took the time to teach you. He was not a believer in just the school of hard knocks or sink or swim. He always taught and always mentored.

And, finally, he is the most unselfish person I've ever known. He always gave more than he took. And I've known him more than 50 years. He always enriched every group, every person, every organization with whom he's been associated.

And, finally, and what I say is the real hallmark of Bill Holloway, his integrity. As a lawyer, practicing lawyer, he never cut a corner. Never. Never any sharp practice. He was the essence of what an officer of the Court should be and was a role model for us all.

So I close with this brief saying, Judge Holloway: May the good Lord multiply your kind.

Thank you. (applause)

CHIEF JUDGE SEYMOUR: Next we have speaking for himself and probably for his colleagues, the Honorable Ralph G. Thompson.

JUDGE THOMPSON: May it please the Court, and especially you, Judge Holloway. Members of his family, friends, distinguished guests.

Chief Judge Seymour is a very good friend of mine, so why does she make me speak just before the Honorable Lee R. West? (laughter)

I've thought about that a lot. She told me, "Well, it's better than speaking after him." (laughter)

But I'm not sure. I told her, I said, "I feel like Calvin Coolidge, told to warm up the crowd for Will Rogers." (laughter)

Thirty years ago, thirty years ago, I remember it like yesterday, I raced out of my office to seek out my friend, Governor William J. Holloway, Sr., on the floor we shared in the First National Building in Oklahoma City, to tell him how thrilled and delighted all of us were, all of the community, on the announcement that President Johnson had nominated his son, Bill, to be a circuit judge on the 10th Circuit.

Governor Holloway thanked me, and with misty eyes said it was the proudest day of his life, prouder than when he was governor of Oklahoma, and he meant it. And then leaning forward on his cane, kind of looking left and right, he confided in me by saying, "You know, Ralph, there's only one court higher." (laughter)

Well, the pride we all felt then, we have continued to feel every day of these 30 years, Your Honor. This very outpouring of family and colleagues and friends, and particularly of devoted former law clerks,

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says it better than any of us with all of these words could possibly say. It says that you have been the very epitome of judicial dignity and fairness, civility, dedication to duty and conscientious service to our country, and all this with never, never an unkind word.

You and your wonderful wife Helen have represented all of us with great charm and distinction at the highest levels of the federal judiciary. And so with warm memories of that wonderfully proud father with tears of pride in his eyes, I am privileged to be among those to say congratulations and many thanks to everyone's best example of a gentleman and a scholar. (applause)

CHIEF JUDGE SEYMOUR: Judge Thompson got to go first because we know we can rely on him to honorably represent his colleague. (laughter)

Now with respect to our next speaker, we know that his colleagues never want him to represent them because they never quite know what he's going to say. (laughter)

The Honorable Lee R. West. (applause)

JUDGE WEST: Well, it's a great pleasure for me to be here, Judge Seymour and Judge Holloway, but I was surprised to find this morning that our checks did arrive in the mail this morning, so that's the main reason I'm here. (laughter)

We've all heard definitions of appellate judges, one being that appellate judges are those who come onto the field of battle after the fighting is over to shoot the wounded. (laughter)

And my favorite is that appellate judges are like dogs: they're very friendly and easy to get along with one on one, but mean and dangerous in packs. (laughter)

Looks like a pack to me, doesn't it? (laughter)

You know, we're here today to honor William J. Holloway for his distinguished service as judge of the United States Court of Appeals for the 10th Circuit.*

Bill Holloway was blessed with parents who loved and respected him and who inspired him to outstanding academic and professional achievement.

* Winston Churchill once said: "To do justice to a great man, discriminating criticism is always necessary. Gush, however quenching, is always insipid."

I can say of Judge Holloway that he has withstood forty years of service on the appellate bench better than anyone I know. Although he sometimes speaks in unknown tongues, it is never with a forked tongue, unlike some of his colleagues.

He was born in 1923 in Hugo, Vester, which is a great place to be from. The further from, the better, I'd say, ordinarily. (laughter)

He graduated from the University of Oklahoma and Harvard Law School. And as H.L. Mencken once said: "Confidence goes with respectability. It may be true that one learns nothing worth knowing at Harvard, but one, in any event, gets a certain assurance." (laughter)

He served in 1951 and 1952 in the Department of Justice in Washington, D.C., and then returned to Oklahoma City to engage in a prominent law practice. He was further blessed by his marriage to the lovely Helen, and with a son and a daughter of whom he is rightfully very proud.

In 1968, President Lyndon Johnson had the wisdom to appoint Bill to the 10th Circuit Court of Appeals. In 1984, Bill was named chief judge of the 10th Circuit, a position he held for seven years. Since that time, he has continued as a judge of the 10th Circuit and continued to set the standard for both dedicated scholarship to the law and cheerful kindness to his friends and colleagues. Though he may eventually leave the federal bench, that standard, like Cal Ripken's, will long remain.

Now, I will be the first to concede that William J. Holloway does not bring to his position that same excitement and charisma that William J. Clinton does to his— (laughter)

And one would expect that Helen, at least, appreciates that. (laughter)

But he does bring the same kind of dogged determination to get on with the job that the president has demonstrated. (laughter)

From somewhere, Judge Holloway acquired a most unusual work ethic, one that is so different from mine, for instance, that it's almost foreign. (laughter)

I have never been around a man more dedicated to performing his job as a judge than is Judge Holloway. It is reported to me that his car is still regularly in the basement parking lot on Saturdays, but I have not personally verified that. (laughter)

And I doubt that many of my reporting colleagues have firsthand frequent information with regard to that matter.

When asked what he does for a living, he invariably replies, "I seek error." (laughter)

And then he usually adds, "In Judge West's cases, it's never very hard to find." (laughter)

You will note that I am leaving to others to note the many, many outstanding opinions and decisions that he has contributed during the 30

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years he has served. The main reason for this is that the opinions I am most familiar with are those reversing me. (laughter)

And humble as I ordinarily tend to be, I'm not about to cite those as monuments of jurisprudential literature. (laughter)

Now, despite this great record of achievement which has been noted, I think Bill Holloway's greatest ability is that of a friend and a loyalist, and I think his father was instrumental in teaching him those characteristics.

So with apologies to Baxter Black, I want to close with a poem that I have reconstructed, the title to which is simply, "A Friend."

I've known Bill Holloway forever,
and have respected him more every year.
He's a wise, warm, and generous friend,
that I feel close to even when we're not near.

We lunch together quite regular
to assess the national scene.
And on most matters we concur,
but in reversing me on the record,
he seems just a little too serene. (laughter)

By combining our hours in the office,
we average a work week that's fair. (laughter)

We've got each other covered and
between us almost one full head of hair. (laughter)

For all of these years of our friendship,
he hasn't changed one bit.
And him and me, we both mark time
by the bad habits we've quit.

As I stand blowing smoke rings from
the pipe dreams that we've shared,
I'm wondering if I've told him how many
times it's made me glad
just to know that he's out there,
somewhere,

like a dollar in my shoe,
and how much it would please me
if he felt the same way, too.

When I add up all my assets,
he's the one thing I can't appraise.
What's a boost or a handshake
from a friend worth these days?

It's a credit with no limit,
a debt that never ends,
and I'll owe him 'til forever,
'cause you can't be more than a friend. (applause)

CHIEF JUDGE SEYMOUR: Like I said. (laughter)

Last speaker, but obviously not least, our former Senator, now president of the University of Oklahoma, David Boren.

PRESIDENT BOREN: Thank you very much, Chief Judge Seymour. I feel like Judge Thompson. I don't know whether it's worse to come before Judge West or after. And I was wondering why I might have been put in this position on the program, but I thought it's probably because there would be some who would wonder whether or not I would forthrightly assume some responsibility in the case of Judge West's appointment. (laughter)

Or, whether, I would hope that through memory's haze, many might have forgotten that fact. (laughter)

But I do proudly assume that responsibility and would point out to Vester Songer that I take responsibility for at least half of those statistics that you quoted in terms of the impact of Choctaw County on the judiciary.

I thought I might also be asked to be here today to say a few words on behalf of the University of Oklahoma, the alma mater of Judge Holloway, where, of course, he graduated Phi Beta Kappa, and is known to be one of our most loyal Sooner football fans. In fact, it's known that even on those Saturdays, Judge West, when he was here, if there was a game going on, that the sounds of the OU Sooner football game on the radio could be heard coming from his chambers.

And, Judge, I just want to express to you today my appreciation for your following the philosophy of judicial restraint. You're, in fact, the

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only active Sooner football fan that I know that has not yet rendered your advice to me on our coaching situation. (laughter)

And I want to express my personal appreciation for that. (laughter)

This is a very special occasion, the day in which we mark 30 years of service on this court. Only five other persons in the history of this court, Judge Phillips, Judge Bratton, Judge Murrah, Judge Pickett, and Judge Oliver Seth, have achieved or matched this record achieved by Judge Holloway this month.

Many of you were privileged to know Judge Holloway as law clerks, to have had him as a legal mentor, to have been classmates, and to have formed your own friendships with him. I was privileged, in a way, to have an inherited friendship with him, which in many ways makes it all the more special.

Judge Thompson mentioned Governor Holloway, a person I knew from as long as I can remember from childhood, and a person who was still around, thankfully, when I first became governor to share his advice with me, and I would go downtown to receive it over lunch, and it was always wise.

And our fathers passed on to us, as part of our heritage and inheritance, a friendship with each other. They had a warm friendship going back to their young days, and, in fact, had an ongoing joke with each other. When my father was a young teacher in his early twenties teaching Oklahoma history, he would ask on every examination each year the question: How long has Governor Holloway been dead? Of course, Governor Holloway was very much alive at the time.

He would then bundle up all the guesses of the students, which ranged from one to 50 years, and send them to Governor Holloway. (laughter)

When I was a little-known candidate for governor, in fact, in the news articles announcing that I had become a candidate for governor, one of the reporters who had not researched the files said that I was the son of the late Congressman Lyle H. Boren. The next day, not one, but 500 copies of *The Daily Oklahoman*, carried by truck, courtesy of Governor Holloway, arrived at my father's home. (laughter)

That was the kind of friendship that our families shared. It's been a wonderful friendship, indeed.

And so it's an honor, a great honor, to be here to say just a few words in conclusion among the guest speakers today about the one we honor.

First, I would say to you, Judge Holloway, that with every passing year, I have greater and greater respect for what you have contributed to our society. I was thinking during the last few weeks about the events that have been going on in our country, and I worry as a teacher of political science about polling data that shows that our students, for example, and young people in this country indicate that they don't have trust and confidence in our elected officials to always do what is right, whether it's the president, whether it's members of Congress or others.

People are alarmed by the tides of public opinion and the tides of political opinion that come and go. And those are very serious problems. It is a serious problem when people say that they do not necessarily trust their elected officials or have high expectations of them.

But think about the seriousness and the concern that we should have if polling data indicated to us that the people of this country had doubt when they came before a court of law in this country that they could get a fair trial or that their rights would be protected. That is when the glue that holds us all together would indeed fail.

You have been a trustee of perhaps the most important, sacred part of the political process, the law, that holds all of it together. And you've wisely taught us that rather than being self-absorbed, one should invest one's life in something more important than oneself, and you've done it with great cheerfulness and great faithfulness.

I asked one of the law clerks to describe his vision of you, and he said, "My vision of the judge is seeing him seated with a legal pad in hand at the end of a long table, and before him were the briefs, all of the statutes cited, and the full record of the court proceedings, because everyone knew that he had read every single one of each of those documents before ever entering into a discussion or an attempt to make a decision."

And he said, "The other thing was I would look to see whether his shirt button was buttoned or unbuttoned, and if it was unbuttoned, how far his tie was pulled down, and I could judge the difficulty of the case by how far the tie had slipped."

You also have taught us another important lesson, and that is the importance of keeping separate one's role in society from oneself, one's role as a judge from one's personhood, and you have never lost your sense of humanity and your sense of fun.

Another clerk told me the story of your watching the judge—the clerks to Judge Murrah, who he insisted always should wear a coat and tie while working, because in his Seminole days, he said there were so

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many lawyers and so few potential clients, that if one saw an accident in process, one wouldn't have time to put on one's coat before getting out to perhaps get the client. (laughter)

And so one day, when it was known that Judge Murrah was hundreds of miles away, and, in fact, the clerks had him on the train, you rushed in, because they had all taken off their coats and ties, to say, "Judge Murrah is coming down the hall." (laughter)

Even though they had such—even though they knew, because they put him on the train that he wasn't there, they had such confidence in anything that Judge Holloway said, that they immediately put on their coats and ties and broke all records in doing so. (laughter)

It's also said one day at the courthouse, while a maintenance person was fixing some electrical equipment, he mentioned to you that he was going to soon have to have surgery. You asked him when. You noted the date. You visited him faithfully in the hospital and inquired of his family regularly how he was doing.

So many people, when given a position, don't grow in it, they just swell in it. So many people confuse their positions with their personhood. You never made that mistake. Nor have you ever made the mistake of confusing power with service.

Public service is about service. Power is not an end in itself. And you have keenly understood that it is only when power is used to serve, that it has real validity and real meaning and lasting impact.

I was talking with Mary Ellen Monroney, the widow of Senator Monroney, shortly before her death. We had a long conversation about a lot of things. And in the last long conversation I had with her, we talked about you. She talked to me about you.

And as we all know, she was not a person given to giving out compliments that she didn't mean. I remember calling her one day and telling her about one of her contemporaries in Oklahoma City who had passed away. I said, "Did you know it?" She said, "No, I didn't, but it's quite all right with me." (laughter)

On another occasion, after several things had been said about a woman not present, another person said, "Well, poor thing, she is her own worst enemy," to which Mrs. Monroney declared, "Not when I'm around, she isn't." (laughter)

And so she was not given to giving compliments lightly.

She said, "You know, Bill Holloway is a person I really admire. He's a true gentleman," as it's been said, "in every respect. He's kind. He's

been a mentor to so many young people. He's been a real credit to the bench."

And then she said, "You know, when Mike and I used to talk, some of the things—some of the actions he took in public life he was sorry about and in some he took great pride."

She said, "He told me several times that he never took greater pride in anything than in having played a role in Judge Holloway's appointment to this court. He said that he was grateful that he had had that opportunity."

And today all of us say we are grateful, too. We salute you as a great judge. We salute you as a man.

Thank you very much. (laughter)

CHIEF JUDGE SEYMOUR: Thank you very much.

We invited and sent special invitations to our former circuit justices and to the chief justice because they all have a special connection with Judge Holloway. They regretted they could not come, but they all sent letters, and I'm going to read those letters, the first one from the chief justice.

"Dear Bill,

"I am sorry that I can't attend the celebration of your 30th anniversary as a judge of the Court of Appeals for the 10th Circuit, but I don't want to let slip the opportunity to congratulate you on your outstanding service to the federal judiciary. When you and I knew one another as bachelors in Washington in the early fifties, I remember you were dating the daughter of one of the federal judges in Baltimore, so perhaps a judicial career was foreordained for you. It has been a fine career. You not only served as a judge of the Court of Appeals, but as its chief judge, and as its representative to the Judicial Conference of the United States. I am delighted to join Stephanie Seymour and Ralph Thompson, your law clerks and other friends, in congratulating you on this auspicious occasion. Best wishes for more years of service to the federal judiciary and to your country.

"Sincerely, Bill Rehnquist."

The second letter is from Justice White, who actually thought he was going to be able to join us, but some of you may know he is chair of a

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commission on structural alternatives to the court, which is discussing whether the 9th Circuit should be split, and they are—it has been a very busy commission and they are in the process of writing the report. He sent this letter.

“Dear Bill,

“You have been a very hard worker all these 30 years, chief judge, and a fine servant of the judiciary and the public. Furthermore, you are patient and steady as a rock.

“You have always been the most considerate person that I know of, friendly, helpful, and very nice. Marion and I have always been very fond of you and Helen.

“We wish both of you a happy time and much pleasure at your mountain cabin.

“Cheers, Byron.”

Ruth Bader Ginsburg was our circuit justice for one year when she replaced Justice White of the Supreme Court and before the chief justice assigned her to the 2nd Circuit, and she also had a prior association with Bill Holloway. She writes this:

“Cheers to a great judge and grand human on this celebration of his 30 years’ service to the federal judiciary and nation.

“Bill Holloway has rendered decisions galore during his tenure, but none dearer to my heart than an opinion he wrote his fourth year on the circuit’s bench, in a case titled *Charles E. Moritz vs. Commissioner of Internal Revenue*. That was in 1972.

“Charles Moritz took great care of his mother, though she was at the time of the argument in Denver nearly 93. Had Charles been a dutiful daughter, the Internal Revenue Code would have allowed a deduction for some of that care. As Charles was, instead, a dutiful son, the Code shed no grace on him. In a pathmarking decision, Judge Holloway explained why quote, ‘A special discrimination premised on sex alone . . . cannot stand.’ My husband and I thought so, too. We were co-counsel to the vindicated taxpayer in that case.

“I must confess that three years later, as the circuit judge on a three-judge district court, Judge Holloway strayed from the path he marked in *Moritz*. In *Walker vs. Hall*, he turned away thirsty

boys from Stillwater who sought to purchase 3.2 beer at age 18, the age Oklahoma let girls buy the weak brew. Never mind that step back, for the case made Supreme Court history under the name of *Craig vs. Boren*. More sympathetic to the thirsty boys' plea, or perhaps to the enterprising 3.2 beer seller, Carolyn Whitener (owner of the Honk and Holler),"—(laughter)—"the Supreme Court overturned Judge Holloway's decision. In the process, the Court set a heightened review standard for gender-based classifications. Judge Holloway may have been clairvoyant. He may have wanted the Supreme Court to resolve the matter and make then Governor Boren named defendant in a leading case. (laughter)

"At any rate, I will remember Charles Moritz all the days of my life, and the kind judge who attended to that novel appeal. For Judge Holloway's service past, may I say Bravo, and for his continuing tenure, a resounding encore.

"Ruth Bader Ginsburg." (applause)

And finally a note from Justice Breyer, who is our current circuit justice.

"Dear Bill,

"My congratulations. I know the 30 years seems like a day, but what a major contribution you have made. Your colleagues and friends are very proud of you and I add my best wishes.

"Yours Sincerely, Steve."

Last but not least, I speak, on behalf of my colleagues, those present and those few of us who regrettably couldn't be here today. Because there are so many of us, instead of us each saying something about our association with Bill, we have each written a letter to him, which will be included along with the letters of the justices of the Supreme Court, and many others who have written, in a special album that the judge's law clerks will be presenting to the judge.

For all of Bill's colleagues on this court, let me say just a few words about our years together, although one cannot capture the judicial career of Bill Holloway in a few words.

Judge Holloway has authored hundreds of opinions for this court in his 30 years, and has participated in thousands more, because as you

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know, we sit in three-judge panels. Each case received from the judge the careful scholarship and attention which are his hallmarks.

As a judge, Bill Holloway has been as concerned about the lowliest prisoner or the poorest plaintiff as with the most prominent citizen or the wealthiest corporation. That is what justice is all about.

For seven years, as many have mentioned, from 1984 to 1991, Bill was our chief. When he began his leadership, we had 1500 cases a year filed in the Court of Appeals and we had eight active judges on the court. During his tenure as our chief, we got down to five active judges because of some of our judges taking senior status. And our caseload grew to 2400 cases per year. Keep in mind that three of us have to consider each one of those cases.

We were eventually authorized two additional positions to make us a court of ten active judges, and we acquired, over a four-year period, five new judges, all of whom were appointed by a president of, let's say, a different political persuasion than many of us then serving.

Judge Holloway's wisdom and judgment as our chief guided us through those years, which could have been troublesome as a result of our rapidly expanding caseload and the addition of so many new faces to a small court.

Bill's leadership and amazing ability to be fair and dignified in all circumstances, as well as his willingness to change in the face of rapidly changing circumstances, gave our court a stability as an institution and enabled us to flourish harmoniously in the face of these many challenges.

It will come as no surprise to those of you who know Bill that he was primarily responsible during those years for our reputation as the most civil and collegial of all the circuit courts.

Because of the great increase in our caseload and the vacancies we carried for several years, our backlog grew tremendously, and our average time of disposition of cases lengthened to 18.7 months from the time of appeal.

Under Judge Holloway's leadership, we instituted a new method of screening and disposing of cases which resulted, in just two years, in a reduction in our average disposition to ten months. We went from being one of the slowest circuits in the nation to virtually current.

We also instituted, under his leadership, an appellate settlement program which has been very successful, and reclaimed and restored the 10th Circuit historic courthouse, which won a presidential award for its architectural significance.

We salute you, Bill, as a terrific chief of our court.

Finally, I want to read just a few of the things some of Bill's colleagues on this court said to him in the letters they wrote.

“When I think of Bill Holloway, I think that you define the words ‘gentleman’ and ‘scholar.’ I remember so well all of the kindnesses that you extended to me when I first came on the court and you were chief judge. Your warmth, sensitivity, and knowledge of the court made my first few years extremely easy. As I have come to know you better and work with you, my respect for you has continually escalated. The thoroughness and precise analysis that you bring to opinion writing and consideration of the case is exemplary for all of us. While you are painstakingly careful about every detail in a case, you also bring a depth of human understanding to each case that no doubt adds to the exceptional quality of your work. I am continually amazed at the extent to which you are able to recall details about cases decided by the court, some of them many years ago. For me, you have been a walking encyclopedia of our precedent.”

And here's another one.

“You have brought great honor upon this court during your many years of service. More importantly, you have engendered great confidence in the wisdom, fairness, and accuracy of the judicial process among all the citizenry within the 10th Circuit and indeed throughout the entire country. These are fragile but essential assets of the judiciary and you have been a good and faithful steward of these assets during your long tenure on the court.”

And I'll do just one more.

“I learned from you that disagreement should never be synonymous with disagreeable. Ever gracious and courteous, you have shaped the culture of the court into one of friendly concern for the welfare of each judge and staff member and a respectful audience for divergent views.”

This is my favorite line.

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“I do not think a gang of thugs could force you to say a bad word about anyone.” (laughter)

“Your lovely, tender soul makes us all want to be better and to reach a higher—and to reach higher than habit would otherwise lead us.”

Needless to say, we are delighted you are our colleague, Bill, and we congratulate you on this 30th anniversary of your appointment to the court and we look forward to many more. (applause)

There’s a space on this program for your response. Would you like to say something, even though we surprised you with this event?

JUDGE HOLLOWAY: I will. (laughter)

Chief Judge Seymour, President Boren, Chief Justice Kauger, I would like to name every one of you many friends. You have come from far and near and I am overwhelmed by the surprise of the day and the honor you do me.

Of course, I remember Judge Hickey of our court, who was always asked at banquets by Judge Lewis, so he would get the same good, humorous response: “How did you get appointed, Joe?”

And he says, “Well, I don’t know how about the rest of you all, but I got it on the merits.” (laughter)

He said, “All I did was nominate Lyndon Johnson for president at the convention.” (laughter)

Well, I can say all I did was have some very good friends; two of whom happened to be Speaker Carl Albert and Senator Monroney, but I am very grateful they were able to recommend me and that many of you supported me, and I appreciate all the friendship through the years of all of you.

I do want to confess that it is impossible to thank you enough for coming so very far and being here in such large numbers. I’m overwhelmed and grateful to all of you, and especially to my marvelous colleagues on the court. You are my life, beyond that of my family, who I am so proud are here.

Thank you for all the blessings of this day, which I will always remember.

Thank you. (applause)

CHIEF JUDGE SEYMOUR: And thank you for providing us this opportunity to talk about you. Actually, tomorrow—I think tomorrow is the actual date of the 30-year anniversary of your appointment.

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We want to thank all of you for coming and joining us here today and we hope that you will join us at the reception, which is at the Oklahoma Heritage House. The address is at the bottom of your program.

And with that, the Court is in recess.

(Court adjourned.)



Judge Holloway with law clerks





*Top: University of Oklahoma President David L. Boren
Bottom: Former Oklahoma Governor Frank Keating*