

The Historical Society of the Tenth Judicial Circuit

www.10thcircuithistory.org

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CHAIRMAN'S STATE OF THE SOCIETY BY ANDY LESTER



SPECIAL POINTS OF INTEREST:

- Chairman's Update
- State Project updates
- Courthouses of the 10th Circuit
- Recent Biographies



The goal of The Historical Society of the Tenth Judicial Circuit is to preserve and promote the history of the federal courts of the six states of our Circuit, the judges who preside there, and the lawyers who practice in them.

We continue to gather historical documents and artifacts. The Byron White Memorial, hosted by the Circuit in Denver, is a wonderful collection of memorabilia from the life and multiple careers of Justice White. If you can't go to Denver, you can still view much of the collection on our website: <http://www.10thcircuithistory.org>. Simply click on the "Byron White Memorial" tab on the left hand side of the page.

Also on our website are biographies and other materials about several of the judges and lawyers of the Circuit. For those who don't have access to the landmark 1992 book, *The Federal Courts of the Tenth Circuit: A History*, it is becoming available on line, as well. Just click on the "Events and Projects" tab.

Starting with a reception in Norman, Oklahoma, immediately following the Investiture Ceremony for Chief Judge Robert Henry, we've had a busy year. In September, in conjunction with the Circuit's Bench and Bar Conference, the Society again hosted the Fireside Chat, a casual interview of Supreme Court Justice Stephen Breyer. C-SPAN broadcast the event, allowing a nationwide audience to enjoy what over 500 saw live at the Broadmoor.

The Society sponsored programs of statewide interest. "Cases and Consequences" featured important cases in Utah history. Colorado honored former District Court Chief Judge Alfred Arraj. Kansas ended the year by presenting an historical perspective on *Brown v. Board of Education*.

We've accomplished much. But the Society has much to do. This newsletter, a new feature, is one step. We also hope to update the 1992 Circuit history. And we're in the final stages of putting together a program to educate high school students about our federal court system.

The Society always needs volunteers to work on each state's annual program, to write or edit biographies of prominent judges and lawyers, and even to photograph courthouses. To help, please contact any of our officers or simply email the Historical Society at info@10thcircuithistory.org.

Finally, we were all saddened to learn of Lavon Irlbeck's recent death. Her years of voluntary service to the Society, as well as her knowledge and charm, enriched us all. She will be missed, but her contributions remembered. The Tenth Circuit Historical Society dedicates this inaugural newsletter to her memory.

Honorary Lifetime Members of the Society can be found on the website at:
http://www.10thcircuithistory.org/lifetime_members.htm

C O U R T H O U S E S O F T H E 1 0 T H C I R C U I T

Byron R. White Courthouse, Denver, Colorado

By Paul Hickey

Construction of the Byron R. White Courthouse began in 1910 and was completed six years later. It is constructed in the grand Neo-Classical design, which brought popular eastern United States design elements to the West. The Treasury Department, under the Tarsney Act, commissioned New York architects Tracy, Swartwout, and Litchfield to design this grand building to be Denver's new Post Office and Courthouse. The original cost of the building was approximately \$1,900,000.00.

In 1973 the building was listed on the National Register of Historic Places and in 1994, following extensive renovation, the building was renamed in honor of U.S. Supreme Court Justice Byron R. White.

It is built with Colorado Yule marble, the same material used for the exterior of the Lincoln Memorial and the Tomb of the Unknown Soldier in Washington D.C.



*Information courtesy of U.S. General Services Administration:

http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=19978&noc=T

**Photos courtesy of Greg Kerwin.

State Project Updates

Colorado: considering program about the McVeigh criminal prosecution and trial for the April 1995 bombing of the Murrah Federal Building in Oklahoma City.

Kansas: just completed program in Topeka memorializing the *Brown v. Board of Education* of Topeka landmark desegregation case.

Oklahoma: considering program on Machine Gun Kelly, or the Karen Silkwood case.

Utah: April 2009 program will focus on the Olympics bribery prosecution in Salt Lake City.

Wyoming: Gerry Spence, noted Trial Lawyer and Author will speak at the College of Law this Fall on his life as a Trial Lawyer.



D I S T I N G U I S H E D J U D G E S ' B I O G R A P H I E S

Justice Byron R. White

By Paul Hickey



The life of Justice Byron White is an inspirational story.

His humble beginnings in Wellington, Colorado, have bonded him to many in this Circuit who share his Rocky Mountain background.

My former partner, John Rooney, who subsequently became a Chief Justice of the Wyoming Supreme Court, played football with Justice White. Justice White humbly told me on more than one occasion, "If John Rooney had not been opening the holes for me, I never would have been an All American." Justice White was an outstanding running back not only at CU but also in the NFL where he was an All-Pro. He was also a distinguished combat veteran of World War II. His tenure on the U.S. Supreme Court established him as an outstanding jurist and a revered public figure.

Robert Harry, Past President of the Historical Society, has written about Justice White's storied Career in an article re-published in 2004 in the *University of Colorado Law Review*, "Byron White: The Practicing Lawyer". You will find Bob's delightful article on the Society Webpage at www.10thcircuithistory.org.

In addition, we invite all of you to visit the Justice White exhibit in the lobby of the Byron R. White Courthouse at 19th and Stout in Denver. It is a wonderful collection of personal items and memorabilia reflective of Justice White's accomplishments.

The following excerpt from Bob Harry's article reflecting on their days together in the practice of law, captures the depth and humility of this great man:

Byron was the hardest working lawyer in the firm. He continued his habit of performing at the highest level as he had previously done in high school, college, law school, professional football, the Navy, and all of his endeavors. As a lawyer practicing in the firm, Byron embodied everything a firm could want. He was loyal, unselfish, good-spirited, dependable, appreciative, and enormously competent, while at the same time retaining his humility. Byron's research was legendary, he was a superb negotiator, and his sense of humor was delightful. He was always willing to help when asked and his work was unfailingly helpful. In a word, Byron White became the consummate practicing attorney while working at the Davis firm. He always displayed complete professionalism.

I hope you will read the balance of Bob Harry's article on the Society's web page.

Chief Judge Robert H. Henry

By Andy Lester

When Chief Judge Robert H. Henry joined the Tenth Circuit 15 years ago, he had already reached the top of his profession several times over. Born in 1953, Judge Henry grew up in Shawnee, Oklahoma. He received his B.A. in 1974 and his J.D. in 1976, both from the University of Oklahoma. Shortly after his law school graduation, he commenced a decade long career in the Oklahoma House of Representatives, where he chaired the Judiciary and Education Committees, while also practicing law in Shawnee.

In 1986, Henry was elected Attorney General of Oklahoma. He was so successful that, in 1990, he became the first candidate for that office to run unopposed.

Academia called in 1991. Henry became Dean of the Oklahoma City University School of Law, and immediately embarked on a successful fundraising campaign culminating in the construction of a new building to house the law school.

In 1994, President Bill Clinton nominated Henry to the bench. He was easily confirmed with bipartisan support and praise.

Judge Henry has traveled worldwide promoting the rule of law. In 2005, Chief Justice William Rehnquist named Judge Henry Chair of the International Judicial Relations Committee. Justice Sandra Day O'Connor selected him to serve on the Advisory Board for the Judicial Outreach Program of the American Society of International Law. He sits on the Board of the ABA Rule of Law Initiative and is currently Chair of the ABA's Middle East/North Africa Council. He has been honored by the State Department's Bureau of International Information Programs and by the Russian Council of Judges.

Those who know Judge Henry well think of him as a true "renaissance man." His interests are diverse, ranging from cooking and gardening to history and art. An avid author, Judge Henry's writings have been featured in numerous books, law reviews, magazines, and newspapers. He has received Oklahoma Nature Conservancy's Conservationist of the Year, the Oklahoma Human Rights Commission Award, the National Conference of Christians and Jews Humanitarian of the Year. Last November, Justice O'Connor presented him for induction into the Oklahoma Hall of Fame.



†More detailed biographies can be found on the website under "Projects" at <http://www.10thcircuithistory.org/events.htm>
Photos compliments of the White Collection and Andy Lester

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Recognition Of Founding Members

The Society intended to honor the many of you who were 'founding' members by placing your name on a permanent plaque to be posted in the Byron White U.S. Courthouse in Denver. That was never done because of an ethics ruling by the U.S. Judicial Conference's Ethics Committee whose permission we sought. It ruled against our request, issuing an opinion holding that such a plaque would suggest to those viewing it that the listed individuals and law firms might be given advantageous treatment by the Court. We were not happy with that ruling but must abide by it. Instead, we will honor specially the founding members by listing their names with an acknowledgement of their status on the life member page of the Society's website.



Our new year has just begun and it's time to pay your dues for 2009.

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