

# The Historical Society of the Tenth Judicial Circuit

www.10thcircuithistory.org

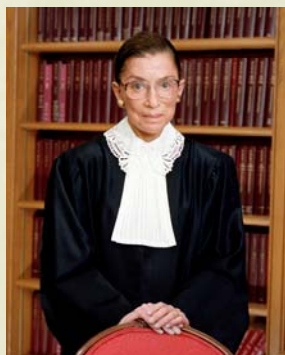
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## CHAIR'S NOTES BY GREG KERWIN



### SPECIAL POINTS OF INTEREST:

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



Justice Ruth Bader Ginsburg

Photo Compliments of Steve Pette-way, Collection of the Supreme Court of the United States

### Exciting things are happening.

- **2010 Fireside Chat:** On Friday, August 27, 2010, Supreme Court Justice **Ruth Bader Ginsburg** and her husband Marty will speak at the Society's signature "Fireside Chat" event, as part of the Tenth Circuit Bench/Bar Conference. Special seats will be reserved for Historical Society members. Be sure to arrive early; more than five hundred people attended the 2008 Fireside Chat with Justice Breyer.
  - The conference will be at the Broadmoor Hotel in Colorado Springs on August 26-28, 2010. To register beginning in May 2010, go to the Tenth Circuit court's website: [www.ck10.uscourts.gov/](http://www.ck10.uscourts.gov/) under Judicial Conference.
  - **Justice Ginsburg** will offer her perspective and experiences in a conversation about her 17 years on the Supreme Court and 13 years on the D.C. Circuit. **Marty Ginsburg**, a distinguished tax lawyer, promises not to punish the audience with remarks about tax law, but instead will talk about "Why the 10<sup>th</sup> Circuit is responsible for my wife's current job."
  - We are also planning to organize a separate reception for Historical Society members at the Bench/Bar conference.
- **New exhibit space planned for Tenth Circuit Courthouse:** The Historical Society is working with the Tenth Circuit to develop exhibits about famous cases, courthouses, judges, lawyers, and the role of the courts to fill a large new exhibit space on the main floor of the Byron White courthouse in Denver.
  - We would welcome ideas and volunteer help from Society members about **cases to feature** from the courts of the Circuit. We are already planning displays on *Brown v. Board of Education* (Kansas) and *US v. McVeigh* (Colorado). Please send me your ideas for cases to present, or offers to volunteer. Extra credit if you can guide us to rare photos or other artifacts to display as part of an exhibit.
  - Please send me copies of interesting or unique **courthouse photos or articles** about any of the courthouses in this region. We would be delighted to post that information on the Society website.
- **Circuit history update:** For history buffs, the full text of the **1992 Tenth Circuit history** book is now posted on the Society's website. Did you know that some of the early territorial judges in this area worked both as trial judges and also as part of an appellate panel that reviewed their own decisions? (Ch. 1, p. 10).
  - Under Jim Logan's leadership, the Society is close to completing an update on the Circuit history with chapters on developments in all of the states.
- **Thanks.**
  - Special thanks to our life members who made contributions in 2009 as **sustaining life members**. The Society has many life members and their continued support makes a big difference.
  - We are always looking for **new members**. Please tell your friends and colleagues about us.

Lifetime Members of the Society can be found on the website at:  
[http://www.10thcircuithistory.org/lifetime\\_members.htm](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

## Oklahoma City Courthouse

By Andy Lester



The United States Courthouse in Oklahoma City actually consists of two buildings, one relatively old, the other relatively new. The U.S. Post Office and Courthouse, completed only five years after Oklahoma's 1907 admission to the Union as the 46<sup>th</sup> state, was the first monumental structure in Oklahoma City. Designed in the Beaux Arts Classicism style, an Art Deco tower was added in the early 1930s. The lobby, which runs the full city block length of the building, contains a barrel-vaulted ceiling with arched openings, a patterned tile floor, brass chandeliers, and bronze elevators.

Perhaps the most famous trial held in the old courthouse was the 1933 prosecution of Machine Gun Kelly for kidnapping Oklahoma City oilman, Charles Urschel. It was the first federal kidnapping trial after passage of the so-called Lindbergh Law, and led to the convict's life sentence in Alcatraz and Leavenworth. The limestone building, which now houses the Bankruptcy Court, has been listed in the National Register of Historic Places since 1974.

Across the alley to the north is the new courthouse, built in 1959 for \$7 million. Designed in the then-prevalent modernist style, the front of the building has three parts. The center is faced in granite, with vertical limestone dividers. On either side, the façade is smooth limestone. The interior of the building features courtrooms with American walnut veneers and lobbies on each floor with marble veneers.

The most significant event in the history of the new courthouse was the April 19, 1995, terrorist attack that killed 168 people and destroyed the Alfred P. Murrah Federal Building that stood across the street to the north. The blast left a scar on Oklahoma City that remains to this day. The Oklahoma City National Memorial – a park with trees, chairs for each of the individuals who died, and a reflecting pool – now exists on the site of the Murrah Building. Its backdrop? The front of the federal courthouse, seemingly providing the strength of our federal judiciary as protection for the hallowed ground.

## Distinguished Lawyers and Program Updates

By Greg Kerwin &amp; Paul Hickey

*We intend to include short biographies of Distinguished Lawyers of the Tenth Circuit in our newsletter. Two recent programs also highlight notable lawyers of the Circuit. Please see our website for more lawyer biographies.*

Chief Judge Robert Henry shared his special talent as a storyteller with a tribute to Moman Pruiett, a successful but much despised Oklahoma criminal defense lawyer who began practice in the late 1800s. Judge Henry spoke to a packed audience in the Tenth Circuit's ceremonial courtroom at the Byron White Courthouse in Denver on November 18, 2009. Judge Henry brought to life this colorful character from 100 years ago and his spirited and successful defense of Senator Thomas Gore of Oklahoma. Gore had to stand trial in a civil case on politically motivated accusations of rape after a campaign in 1914 that was one of the dirtiest in American history. An audiotape of Judge Henry's talk will be posted on the Society website.

Gerry Spence, the legendary trial lawyer from Jackson Hole, Wyoming, famous for his successful jury verdicts in many cases including those involving Imelda Marcos, Karen Silkwood, and Miss Wyoming, spoke to a packed ballroom of lawyers and law students on September 25, 2009, in Laramie at the University of Wyoming. Spence talked about why he chose to become a trial lawyer and his hopes and vision for the legal profession. In reviewing his storied career, Spence demonstrated to everyone in the room his ability to captivate an audience. The Historical Society co-sponsored this event with the University of Wyoming Potter Law Club and will be posting excerpts from the video of his talk on its website.

State Project Updates

**Colorado:** A Fireside Chat with Justice Ruth Bader Ginsburg is scheduled for August in Colorado Springs at the Tenth Circuit Bench Bar Conference.

**Kansas:** A Fireside Chat with Judge Wesley Brown was held in October. The Judge talked at length, with his customary wit and acumen, about his many years on the bench, the state of the law today, and moments in his history. The event was taped and can be found on the Society website. The 2010 program is yet to be determined.

**Utah:** Plans are being made for three or four "grand old lawyers" to discuss their experiences and also for a program spotlighting Utah's four senior judges.





## DISTINGUISHED JUDGES' BIOGRAPHIES



## Judge Richard D. Matsch

By Paul Hickey

Judge Richard P. Matsch grew up in Burlington, Iowa, where his father operated a grocery store. Judge Matsch was the youngest of four sons, all of whom worked in the family grocery store. He graduated from the University of Michigan College of Law in 1953. Following service in a counter intelligence unit of the United States Army, Judge Matsch moved to Denver and entered private practice. Prior to becoming a federal district court judge in 1974, he had a distinguished career as a federal prosecutor, deputy city attorney and bankruptcy judge.

At a time in the late '90's when public opinion of the judiciary and the legal system was particularly low, the highest profile criminal trial in the Country was assigned to Judge Matsch. As one news article at the time stated:

Yet if any one trial can be expected to restore confidence in the fairness of the judicial process, surely it has to be a case of truly historic moment, a case that tests the limits of the system's commitment to fairness, and tests those limits in a way that's only possible when the defendant is universally presumed guilty. And, if the process is to work in such a case, it requires a judge with the intelligence, and the confidence, to give it an opportunity to work. United States of America v. Timothy James McVeigh, set to begin on March 31 in Denver, presents that opportunity. This looks like the right case, at the right time, with the right Judge.\*

Judge Matsch presided with distinction, fairness, intelligence, and discipline over the Oklahoma City bombing trials of Timothy McVeigh and Terry Nichols. No judge had a greater impact on changing public perceptions of the criminal justice system than Judge Matsch, as a result of his ability to accept the challenge of presiding over the trials of these two high profile cases.

Judge Matsch has earned the respect of both his peers in the judiciary and the lawyers who have appeared in his court, because of his commitment to core values of integrity, courage, loyalty, and professionalism. It has been noted over the years that Judge Matsch looked to Atticus Finch as his hero. According to a *Time* magazine article, Judge Matsch has described Finch as "the opponent of oppression, the paradigm of propriety, the dean of decent citizens and the core of his community." Judge Matsch has shown these same values in his years of service to the federal judiciary.

When you are in the Byron White Courthouse, please stop by and see Judge Matsch's historic district courtroom on the second floor. It provides an intimate classic setting to try cases and argue motions.

\**American Lawyer* Vol. XIX, No. 2, March 1997, "The Oklahoma City Bombing Trial, CAN ONE JUDGE SAVE THE SYSTEM," by Timothy Sullivan

## Judge Deanell Tacha

By James Logan

In early 1968 a bright and attractive coed came to the Dean's office at the University of Kansas Law School seeking advice. She wanted to become a lawyer but her father believed strongly that such a career was inappropriate for a woman, and particularly for his daughter. I encouraged her to pursue her dream. And the rest, as they say, is history.

Deanell Reece (later Tacha after her marriage to John) graduated from the University of Michigan Law School and immediately became a White House Fellow, followed by a short stint in law practice. She then became a professor at the Kansas University Law School, also running the Douglas County Legal Aid Clinic. With an extraordinarily quick mind, boundless energy, and a personality that makes her an immediate friend of almost everyone with whom she comes into contact, she quickly rose through the ranks to become Associate Dean of the law school and ultimately Vice-Chancellor of the University for Academic Affairs.

Appointed to the U.S. Court of Appeals for the Tenth Circuit in 1986 shortly before her 40<sup>th</sup> birthday, Judge Tacha is currently serving her 25<sup>th</sup> year as an active judge, after completing seven years as Chief Judge. A natural administrator, she was appreciated as Chief by her colleagues and has always done her full share of the work of the Court. But what really distinguishes is her "outside" activities serving the judiciary and the legal profession. Judge Tacha served on the United States Sentencing Commission, and on the executive committee of the Judicial Conference of the United States, including two four-year terms as Chair of the Judicial Branch Committee representing the federal judiciary before Congress. Among other significant legal and civic activities too numerous to mention in the space allotted here, she has served as Chair of the Judicial Division of the American Bar Association, as Chair of its Appellate Judges Conference, and as National President of the American Inns of Court. Judge Tacha's long and distinguished service was recognized recently in her selection for the American Judicature Society's most prestigious Edward J. Devitt Distinguished Service to Justice Award where she was acknowledged as "a superior jurist whose devotion to the federal judiciary, public service, and the rule of law is unsurpassed."

Deanell says her father, now deceased, always somewhat grumpily referred to her as his "lawyer daughter," but I am sure he was extremely proud of her career.



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## "Notes" of Interest:

- The Historical Society of the Tenth Judicial Circuit is looking for volunteers for our committees. If you would like to serve with our Directors, on membership, website, or biography and publications committees, please send an email to phickey@hickeyevans.com. You will enjoy being a part of this important Historical Society.
- The Society thanks the following outgoing directors for their dedicated service on our Board: Judge Lew Babcock (CO), Judge Harris Hartz (NM), Professor Jim Holbrook (UT), and Judge Deanell Tacha (KS). The incoming directors who will replace them are: Judge Philip Brimmer (CO), Judge James Browning (NM), Judge James O'Hara (KS), and Jonathan Dibble (UT). In addition, the Society is pleased to welcome Professor Michael Hoefflich of the University of Kansas School of Law as our new Historian, replacing Professor Rick Tepker of the University of Oklahoma College of Law.

The Historical Society of the Tenth Judicial Circuit  
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