

## THE UNITED STATES DISTRICT JUDGE

The Honorable Lyle E. Strom,  
United States District Judge for the District of Nebraska

I have been requested to write on my views and my experiences as a federal judge. Earlier this year, ten years after retiring as Chief Judge of the District of Minnesota and on the occasion of his eightieth birthday, Judge Edward Devitt said "Being a trial judge in the federal system is just about the best job there is. The really important work is in the trial court." This view may not be shared in its entirety by members of the Courts of Appeals or the United States Supreme Court. However, I believe they would all agree that the privilege of serving as a judge in our federal judicial system is a great job and a great privilege.

I don't think that the privilege of serving as a federal judge can be put any more succinctly. More formally, it is contained in the oath of office which all federal judges are required to take. We take an oath that we will administer justice without respect to persons, and do equal right to the poor and to the rich; that we will support and defend the Constitution of the United States against all enemies; and that we will bear true faith and allegiance to the same.

No one took that oath more solemnly than Judge Richard E. Robinson, and so it is to his memory that I dedicate these few thoughts on the privilege of serving as a United States District Judge.

Our first and most important obligation is to do justice equally to the poor and to the rich. Justice is a much-banded term these days. To the litigants and to their lawyers, justice usually means that they prevail in their claim or their defense. That is understandably so, as we all believe in the justice of our respective views. However, as a judge, doing justice has a different aspect. As judges we are removed from the self-interest of the litigants and their lawyers, and I don't mean that in a derogatory sense in any way. This concept of self-interest is an inherent part of the advocate, and advocacy is the heart of our adversarial system. It is the judge whose duty it is to do justice — that is to render to every person that which is that person's due.

Aristotle in his writings on politics underscores the importance of justice when he said: "But justice is the bond of men in states, for the administration of justice, which is the determination of what is

just, is the principle of order in political society.”<sup>1</sup>

In the Appellate Courts Building in New York City, there is a mural painting, “The Wisdom of the Law,” showing in personification form Wisdom attended by Learning, Experience, Humility, Love, Faith, Patience, Doubt and Inspiration. These are the qualities or attributes which a judge should have, and the measure of a judge’s success is the extent to which he or she develops and nurtures these qualities.

This is not accomplished by sitting back on one’s laurels. While the appointment is in effect a lifetime appointment, it is not a form of retirement. It requires hard work — the same dedication which is necessary to being a successful practitioner. A good judge must continue to read and study. He must be innovative, have a healthy doubt about the way things are done, and hopefully have some inspirational insights into ways that will improve his primary goal — to do justice.

I never leave the bench after a sentencing hearing fully comfortable that I have done justice to the defendant, to society, or the judicial system. In no other area of the responsibility I have as a judge do I have more doubt as to whether I have done justice. I have never talked with any judge who hasn’t expressed the same doubts about whether a sentence truly represents justice. These observations are not intended to detract from the importance of our decisions in civil cases. A good judge must recognize that every case, criminal or civil, is an important case not only to the parties and their lawyers, but to our whole justice system. Often the most important cases we hear involve matters which may be of small economic value but which establish the scope of the rights of citizens or interpret those invaluable rights defined in our Constitution — and it is in these areas that a judge’s greatest satisfaction is realized. The opportunity and the privilege to address and decide such issues makes this “the best job there is.”

Judge Robinson certainly exemplified these qualities, but the ones he exemplified best for me were his kindness, his patience and his humility. Nothing makes a judge feel more humble than the realization that his or her decisions may have a dramatic impact on the lives of the parties to the case, whether it be a civil or criminal case. I know that it is this realization that continually compels me to study and to understand the issues and the law and to realize how important it is that I treat everyone who appears before me with kindness and, more importantly, with patience.

Does this make the life of a judge a hard one — certainly not. It

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1. *The Basic Works of Aristotle, Politica*, Book I, Ch. 2, p. 1130.

is a life filled with challenge and with satisfaction. It requires hard work, but this is true of every occupation that is worthwhile. It has its moments of laughter and joy, and, you know, it has moments which create great sadness and which result in deep reflection — did I render to everyone his or her just due? The privilege of presiding over a naturalization ceremony, where persons are admitted to citizenship, is hard to describe. The pride, the sense of accomplishment, the obvious joy of everyone involved brings great satisfaction and pleasure to a judge.

I have to comment on one fringe benefit: frequently I remark to others about how nice it is to be able to set your own schedule. I've learned that nothing starts in my courtroom without me.

Judge Robinson was a trial judge who held a great respect for the federal judiciary and who was determined that he do nothing to tarnish its image or that respect which he believed all federal judges should receive. I hope that these few remarks begin to convey my feelings and some of my experiences as a United States District Judge and why I believe, as did Judge Devitt, that "this is just about the best job there is."

