

# James E. Doyle (1915-1987)

Senior Judge, U.S. District Court,  
W. District of Wisconsin

*When Jim Doyle died, the University of Wisconsin Law School lost a good friend. This tribute to him may seem unusual since he never attended our School. But we could have had no better alum, no firmer friend than James Doyle.*

*If the Law School was sponsoring some event, or welcoming some dignitary with a dinner, Jim Doyle was there. If we needed someone to talk to law students about judicial clerkships, Jim Doyle was there. Long after his wife, Ruth, had retired as an Assistant to the Dean, Ruth and Jim were as much a part of our Law School family as anyone. Early in his career, Jim even found time to serve us as a lecturer.*

*The reflections of his friends and colleagues collected on the next several pages more than tell his story. It is a story of political idealism, scholarship and inspiration by example. We will miss Jim Doyle, and use these pages to say not only good bye, but also remind ourselves that his memory will be with us forever.*



## Remarks by the Hon. Barbara B. Crabb, U.S. District Court, W. District of Wisconsin

Dear Friends of James Doyle,

Each of you knows what kind of a person he was. You know how difficult it is to describe him other than in superlatives, or worse, becoming mushy—a fate I will try to avoid.

I swear to tell the truth and nothing but the truth. I do not presume to tell the whole truth.

As a witness, I would have greater credibility if I could testify that Judge Doyle had some major fault or character flaw. If he did, I never discovered it. The truth is, the longer I worked with him,

the more I admired him and marveled at his abilities. If he had a bad side, it was never visible. With Judge Doyle, "what you saw was what you got." And what you saw was simply the kindest, brightest, most courageous, principled, and wryly humorous person I ever expect to know.

He relished the intellectual challenge of judging and brought to it a formidable intelligence. I would call him brilliant, but for the possibility that "brilliant" might suggest an arrogant intellect, and arrogance was never any part of Judge Doyle. His intellect was of the probing, speculative, questioning kind. It could never be said of him as it is of many federal judges, "often in error; never in doubt." To the contrary, he was often in doubt—particularly of easy answers or unexamined assumptions.

Many capable people can confront a particular problem and devise a reasonably satisfactory solution to it. Only a few, like Judge Doyle, have a different order of intelligence that impels them to look beyond what appears to be the problem to a different reality, to see the problem in a broader context, with farther reaching implications, and to approach it with an utterly fresh perspective.

This capacity often caused some surprises for lawyers, who had not anticipated the issues that Judge Doyle would discover lurking below the surface of an apparently straight-forward case. More than one bewildered lawyer has found him or herself in Chicago urging the court of appeals to affirm a favorable decision of Judge Doyle's on a ground the lawyer never asserted—or necessarily understood in full.

For Judge Doyle, there was no such thing as an unimportant case; there was no such thing as an unimportant person. To him, the purpose of the Constitution of the United States, expressed in the preamble, "to form a more perfect union" meant to form a more perfect union of every person, whatever his or her situation. In a speech he gave in 1973, he expressed this view, saying, "In significant measure, the patients in mental hospitals, the inmates of prisons, the students in the public schools, the soldiers and sailors and marines and air corps personnel, have not been afforded full membership in the constitutional community. It is time that they and others become full members. It is time that there be a sense that the majestic phrases of the constitution—due process of law, the equal protection of the laws—have real meaning for every person within our borders. It is time to form a more perfect constitutional union."

It was a fundamental proposition with him that women and minorities were as capable and as deserving of opportunities as white males and he recruited them and appointed them to positions within the court. In this, surely he was spurred by Ruth Bachhuber Doyle, who by her own example destroyed any myth of female inferiority.

He extended his unimaginable courtesy and kindness to everyone with whom he dealt. He had an empathy for people and their circumstances that was remarkable.

Indeed, his empathy was legendary. It was displayed most publicly in the courtroom when lawyers struggling with their arguments might hear the judge articulate the issue for them, more cogently than they would ever have achieved. The same phenomenon occurred with all of us who worked with him; we'd start talking to him about some problem and find that he had grasped it and could respond before we'd even given shape to it. Unlike most people, and particularly unlike most people in public life, Judge Doyle preserved a calm inner center, and the ability to focus all his energies on the issue, or the task, or the person before him.

His empathy and compassion made him an outstanding judge, but I don't think they made it easy for him to be a judge. Many of the aspects of the job were terribly difficult for him. I think in particular of the early 1970s when so many of the defendants who came before the judge for sentencing were highly moral, young men, full of promise, who chose to resist the draft.

However difficult the task, Judge Doyle never flinched from carrying out the duties imposed upon him by the law. He never viewed himself as having been appointed to the bench to "do good," whatever that might mean. He observed the rule of law with that absolute integrity that governed everything about his life. He was incapable of ignoring an inconvenient fact in a case or a contrary legal precedent. He might disagree with the views of a higher court, but he would never disregard those views. He never hesitated to exercise the authority of his office when it was necessary, but no one knew better than he the limits of that authority, or was more careful not to exercise it except when he was certain of its justification. He operated on the principle that, as arbiters of the legal obligations of others in our society, the courts must be particularly fastidious about the propriety of their own actions.

I have been telling you about James Doyle as a judge. Let me tell you briefly about him as a friend, and about the quality of his friendships.

As anomalous as it may sound to say about a judge, he was the least judgmental of persons. There were no preconditions to his friendship or any obligations placed upon it. Dozens of people sought him out for help, for comfort, for moral support. He never failed to respond, but he almost never gave advice.

He trusted others to make their own decisions. He might help with the process of deciding, articulating the problem, listening with that focused, calm concentration to what was said, and sensing much of what was left unsaid, but he would not impose his own views on his friends. If at times the course of action taken disappointed him, and I'm sure sometimes it did, he never let the dis-

appointment show or let it affect his friendship.

By friends, I include his children and their spouses. Never have I known anyone who treated his children with such respect for their own abilities and individuality. He was proud of each of them for their accomplishments, but his pride was entirely for them and not for himself.

Judge Doyle cared deeply about his friends and cherished them particularly after he became a judge and had to remove himself from the active, more sociable life of politics and private practice.

There is much more to say—about Judge Doyle's gift of expression and love of language that made his speeches and his writings so eloquent, his courage in the lonely years of judging and the lonelier years of his illness, his self-deprecating humor, and his sharp appreciation of the absurdities of life. But time runs out.

Having established myself a hopelessly biased witness, I will cease with the statement of a more impartial observer: a letter to Judge Doyle written on March 2, 1987, from a United States Attorney appointed by President Nixon:

*Dear Judge Doyle:*

*For a long time, I have had some thoughts that I wanted to express to you. I regret that I did not share these thoughts with you at a time prior to learning of your continuing illness. No matter how clumsy the timing of this letter may be, I could not let my thoughts go unstated.*

*It would not be truthful on my part to suggest that I agreed (or now agree) with some of your more controversial decisions. What is totally truthful is the fact that during the time I had an opportunity to work in your presence, I knew then that I was in the presence of greatness. It may be that I cannot define "greatness," but I like to think that I know it when I see it. What I saw in you was a magnificent human being and jurist. I can truthfully say that I have never had an opportunity to know another person who I considered to measure up to the qualities that you display.*

*I will always cherish my brief association with you.*

SO SAY WE ALL.

## Remarks by the Hon. John Reynolds, U.S. District Court, E. District of Wisconsin

James E. Doyle played a central role in shaping Wisconsin's political and legal history for four decades. Jim was the conscience and intellectual leader of the Wisconsin Democratic party in the twenty years immediately following World War II. His dedication towards protecting and nurturing the policies of the Progressives, and extending those principles into the areas of civil rights and individual liberties, is his lasting contribution to our society.

Jim was born and raised in Oshkosh, received his undergraduate education at the University of Wisconsin-Madison and his law degree from Columbia. He immediately commenced his public service by becoming a law clerk for Justice James F. "Jimmy" Byrnes of the U.S. Supreme Court. Service in the U.S. Navy during the war interrupted his legal career. He left the navy when Jimmy Byrnes, who was then "Deputy President," asked him to serve as his aide. He went with Byrnes to the state department and attended the peace conference at Potsdam as an aide to Secretary of State Byrnes.

Jim returned to Wisconsin in 1946 as an Assistant U.S. Attorney for the Western District of Wisconsin. At that time, the liberals were in disarray. Senator Robert M. La Follette, Jr., had just been defeated by Joe McCarthy, and the Democratic party was an empty shell. After he left the U.S. Attorney's Office, he joined the law firm headed up by former Governor Phillip F. La Follette.

Jim and his wife Ruth became active in Wisconsin politics. They helped organize the "Democratic Organizing Committee" ("DOC"); the vehicle used to turn the then-conservative Democratic Party of Wisconsin into a liberal movement. Jim drafted the original constitution of the DOC in 1948, and he, along with several other young persons, set about to organize a DOC chapter in each country in the state.

Jim and his fellow DOC state co-chairmen, Carl Thompson and Gaylord Nelson, proceeded to travel to every county in the state, including some where there were almost no Democrats. Jim once said "There are places around the state where it takes courage to be a Democrat. The few professed Democrats are like the early Christians—they feel as though they should hold their meetings in the cata-

combs." With his extraordinary wit and dry sense of humor, Jim would make friends and gain supporters wherever he traveled for the cause.

The first statewide convention of the Democratic Organizing Committee was held in Green Bay in 1949, and Jim Doyle of Madison was elected party treasurer. Joe McCarthy started his national campaign against the "communists" in the state department about then. Jim saw the challenge and rededicated himself to the rebuilding of the Democratic party as an effective vehicle against Joe McCarthy. His speech attacking Joe McCarthy at the 1950 Democratic state convention in Eau Claire was electrifying. It inspired those present to go home and work incessantly for the defeat of what was then considered to be one of the most evil forces in America, led by a relatively innocuous, almost comical, figure. Jim later stated that he regarded the whole effort of rebuilding the Democratic party worthwhile if it slowed down or stopped Joe McCarthy. The opposition to Senator McCarthy at home was, in no small part, due to the efforts of Jim Doyle.

Jim was elected chairman of the Democratic party of Wisconsin in 1951 and set upon preparing for the campaign against Joe McCarthy. He released the organizational director of the Democratic party, Pat Lucey, to manage Tom Fairchild's senatorial campaign. He then hired John Gronouski, who later served as Postmaster General and Ambassador to Poland, as the party organizer. Despite the non-endorsement position of the Democratic party, Jim was pleased to see his old friend, Tom Fairchild, win the party's nomination to run against Joe McCarthy. Jim and other Fairchild supporters worked tirelessly because they were driven by a feeling, rarely experienced in a political campaign, that it truly was a battle between good and evil.

All through the 1950s, he took an active role in the Wisconsin Democratic party, going from county meeting to county meeting. Particularly memorable was a speech he gave to a county meeting in Green Bay in 1957. He discussed John Kenneth Galbraith's then-new book, *The Affluent Society*. Jim thoughtfully explained to the Green Bay Democrats the difficulties of maintaining a high level of governmental services, the support for which came from the unpopular progressive income tax. He was one of the first Democrats to support the sales tax as a means to pay for the services the voters desired.

Jim's defeat by William Proxmire in the primary race for Governor in 1954 was a keen disappointment to him. It was especially so because he had such

a devoted and loyal following, many of whom adored him. In fact, his following at times was referred to as a cult. It wasn't though, because you can't have a cult without a cult leader; a role that Jim would never accept. Jim was truly loved and admired deeply by his friends, and they showed their feelings by the hard work they did for him.

As the intellectual leader and conscience of the Democratic party in Wisconsin from 1945 until he assumed the bench in 1965, James E. Doyle had great influence. Jim's individual support for a candidate translated into a statewide network of workers. He gave to the party to which he dedicated himself not only intellectual leadership, but a form of pragmatic liberalism. He recognized that compromise was often times the price of political support for government action or inaction.

Jim brought to the DOC and later to the Democratic party its first and, for a while, only national contacts. His time at Columbia, and as a Supreme Court clerk and assistant to the Secretary of State, gave him contacts with the eastern establishment that few of the homegrown liberals in Wisconsin had. During those crucial post New Deal years, Jim led the DOC, and later the state Democratic party, towards the Americans for Democratic Action's support of Truman's Fair Deal, and away from Henry Wallace's Progressive Party.

Following his term as state chairman in 1952, he was elected national co-chairman of the Americans for Democratic Action with Arthur Schlesinger. Eleanor Roosevelt was honorary chairman. Jim continued his interest in national politics and supported Adlai Stevenson in 1952 and 1956. In the 1960 campaign, he was the national chairman of the "Stevenson for President" committee.

Jim was blessed not only with an amazing political and legal life, but also by a remarkable family. Throughout his career, his wife Ruth was equally involved in the organization of the Democratic party; and in fact one time, Jim wondered out loud, "Wasn't it remarkable how we men just all assumed that those Dane County women should do all that hard work while we would go out and give the speeches?" Ruth always worked very hard in her own right—in party activities, as a candidate for state treasurer, as a two-term member of the legislature, and as a member of the Madison school board.

Jim was also a remarkable and patient father. If he ever gave his children direction, I never noticed it, but he certainly inspired them. They were free to do what they wanted to do, but it so happens they

all wound up being lawyers. Mary is the Dean of the Law School at University of Miami; Jim, Jr., is practicing law in Madison; Kate is practicing law in Milwaukee; and Ann just graduated from Georgetown Law School in Washington.

Jim was a true friend in that he stuck with you even when he thought you were wrong. Anyone can stand by you when you're right, but a man like Jim is very

rare in political life. Others will write, I trust, of his great legal career, but his work and dedication to shaping the public policy of the State of Wisconsin was even more important and profound than his contributions on the bench; and this is not because he wasn't an outstanding judge. His life is a shining example to our young lawyers who will shape the political future; they can become politically

active and still retain their intellectual honesty.

James E. Doyle had a great and full life, and for those of us who had the opportunity to work with him, we were inspired by his example. We are, even those who never met him, better for the fact that Jim has lived amongst us.

## Remarks by the Hon. Nathan Heffernan, Chief Justice, Wisconsin Supreme Court

Because I knew Judge Doyle well in his two separate careers—first as a partisan politician and then as a non-partisan judge, it is tempting to dwell on the former at the expense of the latter. I will try not to do so and instead will attempt, I hope, a balanced remembrance of Jim Doyle's completely separate, but nevertheless related personae. I believe the relationship is important, for Jim Doyle's career as a politician foreshadowed his qualities as a judge.

Jim, a Wisconsin native and graduate of the University of Wisconsin, received his legal training at Columbia University. From the beginning, his career was spectacular. He was president of his senior class at Wisconsin; and after his graduation from the Columbia Law School, he was clerk to United States Supreme Court Justice James Byrnes and assistant to the Solicitor General of the United States and, as assistant to the Secretary of State, one of the principal organizers of the San Francisco Conference which formed the United Nations.

But he left this brilliant career in Washington to return to Wisconsin for the avowed purpose of revitalizing the state's Democratic Party, which had fallen into difficult days when the La Follette branch of the Republican Party preempted—or so it seemed—the liberal point of view in Wisconsin.

Jim Doyle, more than anyone else, I believe, was the healer who brought a degree of harmony between the bickering branches of those who would be Wisconsin Democrats. He worked unceasingly on the difficult organizational problems of the new party. He travelled from one end of the state to the other to encourage

persons he considered worthy to be candidates in each county. Additionally, he was the philosopher of the party, articulating in carefully researched speeches the reasons why there should be a vigorous Democratic Party in Wisconsin. He was also the principal speechwriter for numerous candidates on the state Democratic ticket. I think it is clear that he, more than anyone else in the early days of the party's struggles and up to the breakthrough election of 1958 when Gaylord Nelson was elected governor was the spokesman for the party's reason for existence.

In addition, Jim Doyle was the state party's principal liaison with the National Democratic Party and such national organizations as the Americans for Democratic Action, which he co-chaired with Mrs. Eleanor Roosevelt. In 1960, he was first the State Chairman and then the National Chairman of Adlai Stevenson's attempt to secure the Democratic Party nomination for the presidency.

His services as a partisan Democratic were idealistic, unselfish, and committed. While so engaged, he also was developing his skills as a lawyer, and he soon was recognized as one of the leading lawyers in the state.

In 1965, Jim Doyle volunteered to manage my campaign for the Supreme Court. He put his talents as a political organizer and as a fundraiser unstintingly at the disposal of my campaign committee. His wise counsel and abundant experience were undoubtedly the difference that meant success in a hotly contested and narrowly won election.

Shortly after that election in 1965, President Johnson appointed Jim Doyle to be the United States District Judge here in Madison. He was immediately confirmed by the Senate.

He was a natural for the job. His past career had proved that he was a brilliant scholar and a person who understood how the government operated and how the political and legal systems really ran.

While there are those who would contend that judges should spring fullblown from the head of Zeus—or a judicial qualifications commission—it is my belief that the best judges are those who have had experiences in the struggles and passions of their time and have had some contact with the political world.

Additionally, Jim Doyle possessed—beyond mere technical competence and qualifying experience—the cardinal virtues which are the prerequisite to being a great judge. He was independent within the limits of the litigation before him. He strove and succeeded in being free of all partisan influence and the influence of any factors save those that he conceived to be a part of the law and the cause of justice. He was a courteous and patient man. When a lesser person would have been rankled by vexatious situations, Jim Doyle, painstakingly and with consummate patience, gave every litigant and lawyer his day—and then some—in court. He also was a judge of great dignity in the sense that he manifested the noblest and most honorable attributes of high office. He was a person to be trusted with great powers vested in a United States District Judge. Yet, although he took his duties seriously, he was far from being a lugubrious or overly solemn person. He did not take himself too seriously. He was, in fact, one of the funniest and best humored persons I have ever met. It was his good humor that kept Jim Doyle from being a stuffed shirt. He was dignified but never pompous.

Despite his partisan past, open-mindedness and careful attention to contending parties' points of view were the hallmarks of his craft as a judge. Never did he issue an opinion that failed to demonstrate that he had carefully considered the conflicting points of view of the litigants.

He had the great literary aptitude of being able to express his views in a way that his consideration of the fine points of law and the point of view of the par-

ties was demonstrated and expressed with unmistakable clarity.

A corollary to his open-mindedness was his impartiality. Although he was a person of intense personal predilections and beliefs, in his judicial work those personal preferences, no matter how clearly cherished, were put aside and the cases before him were decided with impartiality on the basis of the facts and in accordance with the applicable law.

While these attributes stated above are indicia of deliberativeness, his judgments were decisive for the very reasons that the ratio decedendi of each decision was so framed that the results were the logical and inexorable outcome of his deliberations. Yet, if I were to rest my appraisal of Jim Doyle on only the above qualities—all of which are qualities that make a great judge—I would miss the characteristics that made him more than just an extraordinarily fine judge. I refer to his oft demonstrated characteristic of an understanding and compassionate heart. He was not a mechanical jurisprudent. He was concerned with each litigant as a human being entitled to justice under our system of law. While this is

not the time to digress and to restate his concern about those who had come before him and had been convicted of crimes, I mention in passing his interest in seeing to it that our prison system not contribute to man's inhumanity to man.

Also, while all these attributes—independence, courtesy and patience, dignity with a sense of humor, open-mindedness, impartiality, thoroughness and decisiveness, and an understanding heart—made Jim Doyle a great judge, we should not forget the characteristic that made him a great man before he became a great judge—the characteristic that made him a great and respected political leader—an acute and sensitive social consciousness. I have no doubt that Jim Doyle was impelled to be a judge for the same reason that he was impelled to be a political leader. His motivating force was to improve the lot of his fellowman—as a partisan through a revised and more sensitive political order, and as a judge by assuring that each person before him was afforded equal justice under our Anglo-American system of law.

It has been my good fortune that Jim Doyle's career and mine occasionally

crossed—first in the political world and then as judges. Judge Doyle was acutely aware of the role of the state courts in our American system of justice and was always ready to cooperate and to lead in the efforts to smooth the occasional differences that cropped up between the courts of Wisconsin and the courts of the United States. He actively participated in the programs of the Wisconsin Judicial Conference. He was the understanding friend of every Wisconsin judge.

By the passing of Jim Doyle, I have lost a great friend, who has been an inspiration to my career and for whose help I will be forever grateful. But more significantly, Wisconsin and the nation have lost a great man and a great judge. But the fact that he, for more than forty years, contributed to the political and judicial life of Wisconsin is cause for gratitude. Wisconsin and the nation are better places to live because Jim Doyle has been among us. This enhancement of the cause of justice overshadows our momentary loss. I am sure Judge Doyle would want us to view his career in no other way.

## Remarks by the Hon. Thomas Fairchild, 7th Circuit Court of Appeals

More than 50 years ago, while I was a law student at Madison, I became aware of the stature of Jim Doyle as a forceful and eloquent leader among independents in campus politics. Two other university students, Ruth Bachuber, later Doyle, and Eleanor Dahl, later Fairchild, had become friends, and Jim and I got to know each other as a result.

I recall a visit with Jim after the war, shortly before he returned to Madison to practice law. He had been a law clerk for Justice Byrnes, and an aide when Byrnes was Secretary of State. Byrnes had advised him not to return to Wisconsin, a solidly Republican state. Jim had said Democratic strength could be built up. Byrnes replied with a prediction: "You will work hard. Every election you will take satisfaction in increasing the Democratic vote a tiny fraction of a per cent. And about the end of your career, maybe you can say, 'Yesterday, we got close to 49%.' " In the late '40s and early '50s, Jim had to be happy with the little frac-

tions, but by 1958, the party began to elect Governors.

Starting in 1948, Jim played a significant role, along with Carl Thompson, Bob Tehan, Horace Wilkie, Jerry Fox, Gaylord Nelson, Miles McMillin, and others in the revitalization of the Wisconsin Democratic Party. The objective was to spark up long-time Democrats, win over former La Follette Progressives, and appeal to other unaligned people. Jim profoundly affected my life with a telephone call early one Sunday morning in July, 1948. He told me a state ticket was being put together, not with any expectation of winning, but as a start in building an effective Party. He persuaded me within a day or two to be a candidate for Attorney General. During my political efforts for the next four years, and in the years to come, I often received his valued advice and help. He was a wonderful person, and great fun to know.

Jim worked to create an effective political instrument to express the will of the many. He had an ideal of a government capable of making rational choices in the search for peace, protection of individual well-being, and broadening opportunities. Any thoughts he had of holding political office himself did not

work out, but bringing government toward his ideal was always the main goal. He said his activity in Americans for Democratic Action and his support for Adlai Stevenson, continuing into 1960, as furthering this purpose.

We know now, of course, of the great individual contribution of public service he was to make as United States District Judge from 1965 to 1987. His task was unusually arduous. He was the only judge in the Western District of Wisconsin. Comparing the per judge case load figures in all Districts, his were for many years consistently near the top. He carried the burden magnificently, without sacrificing his standard of objective, even-tempered consideration of every person who came before him.

He believed in his duty to uphold First Amendment freedoms and gave judicial protection to types of expression distasteful to the majority and probably to himself. He was devoted to the University as an intellectual institution, but in the troubled times of protest, firmly insisted on due process in its regulation of student conduct. He was not in awe of shibboleths and would carefully test a newly advanced proposition in any type of case until convinced it had no merit.

After Congress authorized a second judge for the district, and after Jim became a senior judge, he was free to accept designations to courts of appeals around the country. His work won the

respect of his colleagues on those courts.

Objective, impartial, analytical, learned, and considerate. All those adjectives were characteristic of Jim Doyle as a judge. Partisan politics were wholly for-

eign to his judicial work. The political and judicial stages of his career had in common, however, his service of lofty ideals with ability, integrity, and respect for every individual.

## Remarks by Prof. Frank Tuerkheimer, University of Wisconsin Law School

In my first appearance before Judge Doyle, I represented the Sierra Club in an effort to enjoin construction of a dam on the Kickapoo River. I had heard that Judge Doyle was a great "liberal" judge and, feeling that my case was correct and solid, was quite sure that with this combination I would prevail. When I lost the case I learned that "liberals" growing up during the New Deal do not necessarily view public works projects with the same misgivings as latter-day liberals.

In my second appearance before Judge Doyle, I represented an indigent in an effort to set aside a judgment of conviction. I had heard that Judge Doyle was a "pro-defendant" judge and, feeling that my case was meritorious, was sure I had a good chance at prevailing. When I lost the case I learned that Judge Doyle, while perhaps "pro-defendant" in the sense that the presumption of innocence meant something to him, in the last analysis, was governed by the facts. In that vein, he was a master at culling a record and combining the product of that search with precedent. There was a weakness in my position, he found it, enlarged it masterfully in his opinion, and the case was lost.

I subsequently appeared before Judge Doyle on numerous occasions while representing the Government. While my

success rate may have improved somewhat—it hardly couldn't—one aspect of the first two experiences remained constant: every time I appeared before him I learned something. Therefore the perspective I developed of Judge Doyle is a rare perspective of a judge: the judge as teacher.

Judge Doyle was clearly that. He made sure that a lawyer swept nothing under the rug in trial preparation for he was certain to lift the rug and find it. He made sure that lawyers, while mired in the complexities of a case, asked the basic and simple questions because if the lawyers didn't, he was sure to do so. Perhaps most important, Judge Doyle was a fantastic barometer of the rhythm of a case. Passion and dispassion are not mutually exclusive courtroom demeanors; there is a time for each. I learned that by watching him, I could gauge by his reactions whether he thought either was out of place or wanting. His involvement in a trial was total and it created an exciting dimension to the trial of cases in front of him.

Because he had so much to offer trial attorneys, I encouraged new Assistant United States Attorneys to talk to him about their appearances in front of him once the case was over. Their initial reaction of "You can't be serious" amused me because implicit in it was an aura of unapproachability about Judge Doyle which was just plain wrong. The Assistants, after building up their courage, would see him and perhaps an hour later would return with comments such as "I just learned more about trial practice

than I had in my whole life up to an hour ago." For any attorney wanting to learn, Judge Doyle was there to teach.

All of the above, however, only yields a partial picture of Judge Doyle. There were yearly notes on the anniversary of my appointment as United States Attorney containing some personal sentiments of his. There were yearly notes to my secretary on her birthday, written in a tone of appreciation and affinity with just a touch of appropriate distance. There was his inevitable presence at courthouse functions, usually co-mingling with non-legal staff—open, but still, at times, shy.

It is here that Jim Doyle emerges from the pack. There are other brilliant judges, judges who inspire reverence, if not awe from those regularly appearing before them. Perhaps some of these are even more brilliant than Jim Doyle—he certainly would be the first to say they were. But very few judges evoke both a sense of reverence and a sense of warmth. Jim Doyle is one of the very few who does. His extraordinary abilities set him apart from the many; his warmth sets apart from this select few.

From a professional point of view, every litigator's dream is the triad of an interesting and complex case, a masterful judge, and a skillful opponent. With Jim Doyle as judge in the Western District of Wisconsin, we who were fortunate enough to practice here, knew that we always began with a third of that triad as a given. How lucky we were! He was a giant of a judge and a giant of a human being and we will miss him.



## Remarks by Atty. John Greene, Legal Action of Wisconsin

I had the great fortune of spending one year at the elbow of a most remarkable human being, Judge James Doyle. From my law clerk's perch inside the Judge's chambers, I offer a few observations of the Judge, as pitifully inadequate as mere words are in such an endeavor.

To me Judge Doyle was and always will be a man of mystery and contradiction: a consummate lawyer and legal scholar, yet utterly lacking in the arrogance and self-importance which so often are appendages to superior traits; a master politician, yet without the capacity for guile and self-promotion; physically frail, in his last years, yet possessed of granite strength. And he was a magnificent judge in all respects, marvelous to behold in the courtroom, yet his character was non judgmental to the core.

On the bench, Judge Doyle was a straight arrow, unbending and undaunted in his pursuit of the right decision. He never flinched when faced with tough decisions, and he never hesitated to apply the rule of law. Those who practiced in his court know well his insistence on adherence to the rules of procedure, and his intolerance of sloppy thinking and careless practice. The many lucky enough to practice before him also know well the excitement and rigors of the Doyle School of Law, which convened in the federal courthouse.

While many lawyers and litigants were able to observe Judge Doyle in his courtroom, perhaps what a former law clerk can best offer is a view of the Judge from behind the bench. I must report that his fabled courtroom demeanor and approach to cases were not ruses to conceal his true persona; he was consistent through and through in his public and private faces.

Judge Doyle savored the intellectual challenge of judging, and he had a great gift of analysis. He would spend long hours mentally dissecting and reconstructing conceptual problems, and he relished his contemplative tasks. The Judge's agile mind and his mental creativity were astounding, not to mention his remarkable memory (which despite the fact that it had been used over forty years longer than mine, was in much better working order). For all those attorneys

who wondered what the Judge did with the motions "under advisement," I can say that from the beginning of the day to the end he would twist and turn problems in his mind, examining them from all sides and creating his own conceptual context. A major part of his job was to make law clerks feel inadequate by demolishing and recreating within minutes what had taken days or weeks to accomplish. Without fail the Judge's analysis was more creative, more insightful, and accomplished in much less time. When he had completed his deliberations, the Judge would march impatiently to his writing table where he would stand and with great gusto and precision pour out his inventive, smooth prose.

Every attorney and litigant in Judge Doyle's court was treated with great respect. The Judge was acutely sensitive to the unequal distribution of power in society, and was loath to perpetuate that inequality in his courtroom. Thus the Judge went to great lengths to give persons, particularly unrepresented ones, the chance to speak their mind. The patient and careful attention which he lavished upon even the most exasperating, unpolished, pro se litigants reflected the fact that Judge Doyle's federal court belonged as much to the poor, ordinary citizen as to the wealthiest and most well-heeled.

No case or legal question was too minor or mundane to engage the full, attention of the Judge. He approached every decision with intellectual freshness and open-mindedness, and in his approach he did not distinguish between the important and the unimportant, the sexy and the routine, the momentous and the trivial. During my period with the Judge, however, there were some cases which he considered so deserving of the utmost care that he shielded them from any tampering by law clerks. These were pro se prisoner cases. To me there is nothing more telling about the Judge's compassion for the powerless in society than in his agonizing over lawsuits brought by inmates and other pro se plaintiffs.

I once asked Judge Doyle what he would most like to be doing if he were not on the bench. I will never forget the Judge's response—so poignant and revealing. After a deep sigh and his usual reflective pause, he replied that he thought he would like to represent

inmates pro bono. Such was the inner soul of James Doyle, and such is the picture of him that I will carry always.

The Judge's great gift to the legal world was to demonstrate that a court is a place where grace, dignity, compassion, and high intellect could unfailingly prevail. In the world of mortals in which we travel most of the time, perpetual frustration is the natural result of the Judge's demonstration. Yet as he always tried to transform negative into positive, the Judge would have us strive to erase our discontent by elevating our standards, by always reaching for the higher path, by not sacrificing our values for unworthy short-term ends. To have inspired something good that otherwise would not have been would have given Judge Doyle his highest pleasure.

Apart from his attributes as a Judge, however, what really defined James Doyle were his intangible personal qualities—his genuine love of others, his unflagging kindness and generosity, his sharp wit and warm humor, his absolute devotion to open inquiry and honest answers, his compassion for persons scorned by society, his genuine modesty, and his simple lifestyle and indifference to the trappings of wealth and luxury. Those around him could not escape the spell cast by his qualities, and he in turn could not escape the universal admiration and love for him that exuded from those whose lives had intersected his—from former law clerks, from attorneys, from the courthouse staff, from friends.

I hold out little hope of ever meeting another Judge Doyle. Although I look for him in every courtroom and on every corner, I am resigned to the futility of my search. Yet the Judge would not be pleased with such a negative perspective. The eternal optimist, the Judge would want us all to strive for the better, to think of the brighter side, to struggle to create in ourselves what we admire in others.

Judge Doyle left a legacy far more important than his legal decisions, a legacy found in the lives of all those he touched and who inexorably came under his spell. It is to the great fortune of the legal profession that James Doyle brought his extraordinary intellectual gifts and wisdom to bear on the legal issues brought before him. It is, too, the undying benefit of us all that he graced our lives with his magical human qualities.