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James P. Walsh Jr.

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JUDGE RICHARD A. GADBOIS, JR.: MY PATIENT TEACHER

*James P. Walsh, Jr.**

I came to my job as a federal prosecutor years before I met Judge Gadbois. I had done the job in Chicago and for several years in the Los Angeles United States Attorney's Office before he was appointed to the federal bench. And I was pretty sure that I knew my way around a criminal prosecution. I came to learn that there were things that I still needed to work on, and I needed a good teacher. We all have room for one more "patient teacher" on our list of friends and associates; he was mine, and I already miss his counsel.

I came out of law school thinking that the hard part of lawyering was doing the trial work—preparation, case making, witness examination, objections, and the like. But I learned over a career that the hardest part of all is sentencing. It really does not matter what else gets done if that part does not get done right. And getting it done right is hard; it requires wisdom and an ability—and willingness—to try to look into a person's innermost being, past the sometimes ugly and scarred surface, to the place where the judgment will be printed and lived. That is what my patient teacher taught me, in a lot of little lessons—mainly lessons of the heart.

Judge Richard Gadbois was awfully good at doing the hard work of fashioning, and then explaining, a sentence in a criminal case. I watched him do it on many occasions, sometimes—usually—in my own cases, sometimes in someone else's. At the start of our association I thought him too soft a sentencer—a typical reaction from a prosecutor, I suppose. After all, if the case was worth my time, the defendant must be a bad person, and any sentence should be a lengthy one.

Judge Gadbois's "teaching" technique, at least with me, was not to *tell* me directly what his view was, or why he thought I was

* Assistant United States Attorney. Mr. Walsh is the chief of the Organized Crime Strike Force and has been a federal prosecutor for 23 years.

wrong in my own view, but to show me the possibilities that I really had not fully considered. I came to understand, over a period of many years, that he really did what the law of sentencing criminal defendants requires. That is, he really took each one and subjected him or her to the most penetrating scrutiny in an effort to come as close as he could to the ideal sentence to fit both the crime and the criminal. That is the task of any sentencing judge. But I have always thought that he was something of a craftsman in that respect and that the time he spent crafting a sentence to just exactly what he believed it should be was very much an art. Like any good art, it took something out of the artist each time. It also added something to the observer, and I like to think that the continuing process has made me a better lawyer. I hope that it has; my patient teacher deserves that for all of the time that he spent on my education.

I have learned a lot from almost all of the judges before whom I have practiced. Why do the lessons learned in Judge Gadbois's courtroom seem the freshest and most long lived? I think that the answer lies in the kind of man who labored on his most stubborn and resistant student. Endlessly patient, well-read and witty, intelligent, and compassionate, Judge Richard Gadbois provided me with an example of the kind of judge, and man, I would want to be. When he grew ill, nothing changed, and he always had time for a nice word when I saw him in the courthouse. We certainly did not agree about everything, including the sentences he sometimes handed down, but I never believed that I got anything other than the best that he had to give. You really cannot ask for much more than that. I am going to miss him.