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JUDGE RICHARD GADBOIS: A GREAT TEACHER AND FRIEND

*Daniel S. York**

It was a great honor to serve as an extern for U.S. District Judge Richard A. Gadbois, Jr. during my last semester of law school in 1987. Although I worked with Judge Gadbois for only five months, we remained friends and kept in contact during my years at Gibson, Dunn & Crutcher in Southern California, Seattle, and Dallas. Judge Gadbois had a lasting impact on my career and my life.

The Judge was a big, imposing man who could stare right through you and be very tough on attorneys. Yet he was one of the kindest, most caring men I ever met. And funny. I was in Judge Gadbois's chambers during a crucial time—I was finishing law school, taking the bar exam, embarking on a judicial clerkship, evaluating my chosen career track, and my wife and I were expecting our first baby. I discussed these and other important, personal matters with the Judge; he gave me sound, learned advice which I followed. He called me "young man," and I always called him "Judge."

Many times during our serious conversations, Judge Gadbois would say, "The name is Dick." There was no way in the world, however, that I could make myself address this man that I idolized by his first name. Usually, I just sheepishly responded, "Yes, sir." Finally, after coming by Judge Gadbois's chambers to visit shortly after starting at GD&C, I decided it would be okay. As usual, he said, "Hello, young man, thanks for stopping by." Despite my best intentions, the best I could muster was a sheepish "Hi . . . Dick," with his name hardly audible.

Judge Gadbois cared about his legal staff and treated them with kindness and respect. He wanted them to learn from their experience while still enjoying themselves. The Judge treated externs like assistant clerks rather than clerk's assistants. When a difficult issue arose, I could talk to Judge Gadbois directly to con-

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firm my understanding rather than going in the wrong direction. I have followed his example in supervising junior lawyers and legal staff. People learn more and become more effective this way.

Judge Gadbois trusted all of his staff and valued their judgment. I remember a preliminary injunction motion before the court that sought to invalidate a public employer's new random, mandatory alcohol and drug testing program. Because the motion presented numerous constitutional and state law challenges, a clerk and I divided the arguments. I got to research and write a memo on search and seizure, due process, and privacy issues that in 1987 were cutting edge. The two clerks and I met with Judge Gadbois and had a spirited discussion about the case. In the end, the Judge said he was granting the preliminary injunction and, pointing to me, stated: "We're on the same wave length. I'm going to publish an opinion and you're going to help me." It was a thrill and honor that I always will remember.

Besides learning a lot from Judge Gadbois, I had a lot of fun. His gruff exterior hid a wonderful sense of humor. One of his favorite tricks was to pick up telephone calls to his office late in the day. I recall sitting in chambers when Judge Gadbois answered on the first ring and said, "NO, he is not here. This is his personal secretary and I would be happy to leave him a message." He then handed me the phone, and I heard my wife ask, "Was that the Judge?!" Friends of the Judge's staff frequently got that treatment.

Another time, I got a call that Judge Gadbois needed to see me immediately. Wondering what I might have done wrong, the Judge instead asked whether I would have a problem with him giving the lawyers at a hearing a copy of my bench memo. I reminded the Judge that I had sarcastically chided plaintiff's counsel in the memo for neglecting to raise—let alone show—three of the five elements required for the relief sought. Judge Gadbois chuckled and said that he already had distributed the memo and besides, this particular counsel wouldn't mind and probably would appreciate the help. I walked into the courtroom and cringed as I saw plaintiff's counsel sitting on a table reading my memo. To my amazement, he smiled as I approached, looked at defense counsel and said, "See? This memo says that all I have to do is show these three things to state a case." Judge Gadbois roared when I told him the story.

Following my externship, I was privileged to have Judge Gad-

bois swear me in to the California State Bar and the bar of the U.S. District Court, Central District of California in a private ceremony in his courtroom along with co-extern Alan Friedman and the law clerks with whom I had worked, Kyle Kawakami and Mary Drago. Although I soon left the area, I kept in touch with the Judge and stopped by his chambers whenever I could. He always had time to see me.

In 1993, I began working on a case in Houston and needed to be admitted to the bar of the U.S. District Court for the Southern District of Texas. The court's rules allowed lawyers to be sworn in by any U.S. District Judge. I immediately had an idea—rather than walk down the street in Dallas or travel to Houston, I called Judge Gadbois. Although he had never done it before, the Judge agreed to swear me in over the phone.

I mailed Judge Gadbois the original oath form prior to the call in which he swore me in to the Southern District of Texas bar. In my cover letter, I wrote: "Each week, something comes up that reminds me of you. I always will be grateful for your teaching, your kind words, and your friendship." In that sense, nothing has changed. I still think of Judge Gadbois often and appreciate the positive impact he had on my life.

I miss you, Dick.

