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TRIBUTE TO JUDGE SANDERS

*Nancy Strehlow**

JUDGE Sanders, in his career on the bench, decided a slew of truly ground-breaking cases—cases that changed the face of our state, as well as the fates of individuals. But the memories of the Judge that remain etched most indelibly in my mind, decades later, are of his character. Yes, the Judge was a shining example of how to be an exceptional judge, an exceptional lawyer, and an exceptional public servant. But he was also an example of how to be an exceptional person.

Judge Sanders was always fully present, truly tuned in to the people around him. When I first became a Sanders clerk, I answered all of his non-legal inquiries in monosyllables. I felt certain that the Judge's questions about me and my life were merely evidence of a polite civility. This man, I told myself, had been the confidant of Presidents, a facilitator of great legislation, a major player in epic events. There was no way he could care about the mundane life of my family and me. But he did.

Every day at lunch, the Judge would pull up a chair at the plain wooden table in his chambers' kitchen, pull out a tuna sandwich, and ask us about our families, our pets, and our ordinary lives. And he would ask our opinions—about politics and history and all the day's events—and listen to those opinions intently. He seemed to genuinely consider every remark we made, and to remember. We clerks were fresh out of school, still treated as children by our parents, and soon to be treated like serfs by future law firms, but for a year—one special clerkship year—we each felt insightful and significant and capable of great things because a great man treated us like we were.

Judge Sanders conveyed pride in his achievements without any trace of pompousness or superiority. He seemed convinced that each of could someday match, or even eclipse, those achievements. He had a sense of the possibilities that a full life could hold, if its time was truly well spent.

Judge Sanders held deep convictions, both political and moral, but he was able to follow them without demonizing those who disagreed. In discussing the views held by those of other political persuasions, he never made personal attacks, ranted, raved, or cussed. Instead, he just raised questions—simple sounding questions, laced with humor, and sometimes delivered with a seemingly perplexed, I'm-just-a-simple-country-boy mien, which flayed open erroneous opinions like an expert chef flays

* Sanders Clerk, 1982-1983.

trout, leaving them limp and boneless. But the dissection process was always executed with courtesy and class.

The Judge also had strong views on the importance of a strong work ethic; he had no tolerance for unprepared slackers. The attorneys who viewed federal court as a long-term parking facility, happy to churn away at cases indefinitely without ever coming to trial, must have shaken their ceilings with curses when they ended up in the Judge's court. He firmly believed that justice delayed was justice denied, and took pride in the best "clear rate" in the courthouse. Woe to the lawyers who showed up unprepared. The Judge was keenly aware of the value of time—his own and everyone else's—and he had no patience for those who wasted it. He fully earned the right to demand a strong work ethic in his courtroom, because his own was legendary. Long before the lawyers began showing up in their suits, the Judge was heading up to his chambers for a few extra hours of work, chomping on a cigar as he climbed up extra flights of stairs, until his back got too sore for that kind of exercise. No matter who his clerks were, he was the first to arrive and the last to leave.

Judge Sanders, however, was tolerant of human failings and foibles in other areas. In one case, a Prosecutor dragged an errant parolee before the Judge. The man had been released on parole with strict behavioral restrictions, and his parole officer, in paying him an unexpected visit, had discovered that the man had been drinking. The prosecution put on clear evidence that the man, in fact, had imbibed a large quantity of alcohol. The defendant didn't deny it; he just described, instead, the pitiful circumstances that had led to his slippage. The Prosecutor pressed for imprisonment, citing the clear parole violation, but the Judge declined, deciding to give the man another chance. The Prosecutor sputtered, "But Your Honor! This man consumed a **WHOLE QUART** of alcohol." The Judge just shrugged. "Some days," he replied, banging down his gavel as he dismissed the case, "are just whole quart days."

The Judge's compassion, consideration for others, and work ethic will always be an inspiration to me. When I am tempted to give up on an endeavor, whether in law or in some other field, I glance up at the program from the November 6, 2006 Bar Association dinner honoring Judge Sanders, which is pinned above my desk. On the front of it is a picture of the Judge, staring out with a classic, "I am expecting great things from you" expression. When I look back at him and consider how small my task is compared to all that he accomplished, it helps me dig back into my work. But when I feel incompetent due to error or slips, I can look at that same picture and give myself permission to let it go and move on, because the Judge, for all his greatness, would understand that some days are just "whole quart days."

I miss him greatly, but he lives on in the people he inspired.