

JRB

LACKLAND H. BLOOM, JR.*

JRB (as always identified on internal routing sheets) (pronounced "Jerb," by the way) will be dearly missed by the legal community, by his many friends, and by the nation at large to which he contributed so much. One could assess the legal contributions of JRB over his long and significant career at great length. Someday, I hope to be part of such an effort. Now, however, I simply intend to add what I can to this memorialization of the person and the judge we knew and loved. I have previously published a more extended reminiscence of JRB in this journal.¹ Here, I will recount a few anecdotes and characteristics which did not make it into that earlier tribute.

JRB had a great love for and striking rapport with children. Children found his natural sense of mischievous humor irresistible. He once told me how he had taken one of his granddaughters to Washington with him for a Judicial Conference meeting. In giving her a tour of the Supreme Court chambers, he couldn't resist letting her sit in Chief Justice Burger's chair on the bench, knowing full well that the Chief Justice probably wouldn't approve. Predictably enough, the Chief Justice happened to walk by and glance into the chambers at this very moment, but failed to notice who was then presiding over the Court. I could never quite tell whether JRB was delighted or disappointed that the Chief Justice didn't get a better look at the proceeding in session. Of course JRB knew "the Supremes," as he invariably referred to them, quite well through the Judicial Conference and treated them with respectful irreverence.

JRB was as brilliant and imaginative as anyone I've ever known. It was truly astounding how quickly he could dictate a cogent opinion or complete a detailed substantive edit of a draft. It quickly became obvious to me that you cannot develop such a soaring intellect or incisive style

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1. Lackland H. Bloom, Jr., *Learning From The Judge: A Student's Appreciation*, 29 S. TEX. L. REV. 1-10 (1987).

through practice. Unfortunately for the rest of us, it was a gift. JRB did show us, however, that we could best utilize the talents we had by bringing them to bear in an organized and disciplined manner. At the outset of our clerkship, he told my co-clerks and me that we should organize our files and projects so that if we died during the night, one of our colleagues could carry on with our work the next morning without missing a beat. If I'm not mistaken, the same advice had been imparted to JRB as a young attorney. At the time this struck me as a bit harsh and morbid, not unlike some of the admonitory verses encountered on the walls of medieval churches. I must say, however, that it was good advice, and I know that I would have accomplished much more if I had followed it more faithfully. We law clerks failed to meet JRB's standards of organization, however. As much as we tried, we never managed to keep the Home Baked Digest up to date. Consequently, we could never find half of the clever quotations that he "just knew" were in there somewhere.

For the most part, JRB was a man of great and indeed, eccentric style. Others have commented on his wardrobe. Only the law clerks encountered it in bulk, however. He always traveled by train when Mrs. Brown accompanied him. One of the duties of the law clerks was to take JRB and Mrs. Brown to the station and pick them up when they returned. It wouldn't surprise me if the national touring company of *Les Miserables* gets around the country with less luggage. I could be wrong, but I always assumed that we hauled most of those heavy trunks down to the railroad platform to ensure that JRB would have a sport coat for any occasion that might arise.

JRB chose the books for his office based on the color of their bindings rather than their content. One set of state reports, Florida I believe, was prominently displayed due to its attractive yellow covers rather than its jurisprudential insight. At the time, I found this unusual. While recently reading a book about eighteenth century London, however, I discovered that in those days, most learned individuals had their books personally bound to match the decor of their homes or offices. JRB simply settled for a contemporary alternative.

JRB had a lifelong appreciation of fine lawyering. I believe that he admired great lawyers above almost all else. He frequently told us of excellent lawyers with whom he had practiced or whom he had encountered as a judge. He was especially delighted when lawyers whom he held in great esteem were appointed to the Fifth Circuit or the federal district bench. When it came time to decide cases and write opinions, JRB had little use for academics, however. Straight out of law school, I regularly looked for answers to hard legal questions in the latest law re-

views. JRB believed I was wasting my time and his time, and I suppose I was since I don't remember ever finding anything very helpful there. Contrary to the contemporary campaign by many judges, including Judges Posner and Mikva, to minimize if not eliminate footnotes, JRB loved footnotes. He referred to himself as "the footnote king of the Fifth Circuit." He encouraged us to drop citations and extraneous material into footnotes. He would not have relinquished his crown readily.

Despite his well-deserved reputation as one of the heroic "Four Horsemen" during the Civil Rights era, JRB was not an ideologically driven judge. But he was highly sensitive to the context and potential impact of the court's decisions. He well understood the importance of predictability, stability, and neutrality in law. He didn't do what he couldn't do honestly. He knew that courts could do more harm than good by distorting the law to meet the needs of the particular facts of the case. At the same time, however, in deciding cases, he tried to the extent possible, to reconcile the law as it stood with the intuitively just result. Sometimes it was easy. Sometimes it was difficult. Sometimes it was impossible. But however the case was decided, JRB was never insensitive to its real human dimension.

As he noted in discussing the civil rights litigation of the fifties and sixties that came before the Fifth Circuit, the plaintiffs in those cases "were people without hope [W]e were all they had." JRB and several of his colleagues tried to provide at least some hope. For that, they will always be remembered.