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Tribute to Justice John Paul Stevens

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TRIBUTE TO
JUSTICE JOHN PAUL STEVENS

Justice Stevens served on our court from October 1970 to December 1975. Like myself and Judges Hastings and Pell, Justice Stevens had been an active litigator prior to that time but had not previously served in a judicial capacity. The great success he enjoyed during his service on the Seventh Circuit and since proves the correctness of Justice Frankfurter's frequent exhortations that prior judicial service is not a *sine qua non* for a United States Supreme Court Justice or a United States circuit judge.¹ However, Justice Stevens' many active years as a barrister gave him a fine practical bent and made him sympathize with the problems of trial and appellate lawyers. In fact, one of his pet notions was to make our unpublished orders citable as a benefit to the bar despite Circuit Rule 35.²

Justice Stevens and I had become fast friends from our many years in private practice. We often worked on briefs to be filed for common clients and participated in the subsequent oral arguments, so that I became an early admirer of his quick wit and ability to pierce tangled problems almost at a glance. Perhaps my only disappointment occurred in a corporate matter when one of his clients insisted on my changing what had been carefully set up as a stock purchase of my client into a purchase of its assets after we had both spent many hours on the former papers!

On our bench, then Judge Stevens and I were usually in agreement. But in one case involving the rule against married stewardesses, he was disappointed that *certiorari* was not granted in favor of his dissent in *Sprogis v. United Air Lines, Inc.*³ Justice Stevens' magnanimity was later demonstrated when he favorably cited the case in one or more of his United States Supreme Court opinions.

Another of Justice Stevens' fine attributes is his insistence on doing the bulk of his own work, thus lessening his prior staff of three law clerks to two. While on the Seventh Circuit, Justice Stevens chose the novelty of serving as a trial judge for a fortnight in the United States Court for the Northern District of Indiana to help that beleaguered

1. See, e.g., Frankfurter, *The Supreme Court in the Mirror of Justices*, 105 U. PA. L. REV. 781 (1957).

2. 7TH CIR. R. 35.

3. 444 F.2d 1194 (7th Cir.), *cert. denied*, 404 U.S. 991 (1971).

tribunal reduce its civil backlog. Justice Stevens remains as unassuming and friendly today as when he was elevated to the United States Supreme Court. His sunny attitude must stand all in good stead at that Court's lengthy Friday conferences where, as the junior member, Justice Stevens cheerfully serves as the doorkeeper.

While not giving away private information from his Court, Justice Stevens helps us annually at our May judicial conference by giving us tactful critiques of our opinions reviewed during that United States Supreme Court term. Justice Stevens is also one of our court's best "p.r." men, always going out of his way to tout his former circuit. His known ability and nice sense of humor made him so popular with our local bar association that he was slated to be its next president before his appointment to the Seventh Circuit.

To those of us who served with him on the Seventh Circuit, Justice Stevens' rugged independence on the United States Supreme Court comes as no surprise. His courage, so important for an independent judiciary, was recently shown by his refusing to stay District Judge Grady's decision holding the so-called Hyde Amendment unconstitutional.⁴ As a result, Illinois, for the present, must fund at least all medically necessary Medicaid abortions. This decision, of course, aroused bitterness in anti-abortion ranks.

Justice Stevens is doggedly intellectual and proud of the views he holds. To that extent, he resembles his predecessor, Justice Douglas. Students of the United States Supreme Court will often be unable to predict where he stands on an argued case until it is finally released. Although one may not always agree with his views, they are forcefully expressed in easily understood prose. More cannot be asked. Justice Stevens has indeed been a splendid addition to our high court, just as his brethren had confidently predicted.

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4. *Williams v. Zbaraz*, 99 S. Ct. 2095 (1979), *refusing stay*, *Zbaraz v. Quern*, 469 F. Supp. 1212 (N.D. Ill. 1979).